

TRANSFORMING GPO FOR THE 21ST CENTURY AND BEYOND: PART 4

HEARING BEFORE THE COMMITTEE ON HOUSE ADMINISTRATION HOUSE OF REPRESENTATIVES ONE HUNDRED FIFTEENTH CONGRESS FIRST SESSION

OCTOBER 11, 2017

Printed for the use of the Committee on House Administration



Available on the Internet:
<http://www.govinfo.gov>

U.S. GOVERNMENT PUBLISHING OFFICE

29-544

WASHINGTON : 2018

For sale by the Superintendent of Documents, U.S. Government Publishing Office
Internet: bookstore.gpo.gov Phone: toll free (866) 512-1800; DC area (202) 512-1800
Fax: (202) 512-2104 Mail: Stop IDCC, Washington, DC 20402-0001

COMMITTEE ON HOUSE ADMINISTRATION

GREGG HARPER, Mississippi, *Chairman*

RODNEY DAVIS, Illinois, *Vice Chairman*

BARBARA COMSTOCK, Virginia

MARK WALKER, North Carolina

ADRIAN SMITH, Nebraska

BARRY LOUDERMILK, Georgia

ROBERT A. BRADY, Pennsylvania,

Ranking Member

ZOE LOFGREN, California

JAMIE RASKIN, Maryland

TRANSFORMING GPO FOR THE 21ST CENTURY AND BEYOND: PART 4

WEDNESDAY, OCTOBER 11, 2017

HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOUSE ADMINISTRATION,
Washington, DC.

The Committee met, pursuant to call, at 10:31 a.m., in Room 1310, Longworth House Office Building, Hon. Gregg Harper [Chairman of the Committee] presiding.

Present: Representatives Harper, Comstock, Smith, and Raskin.

Staff Present: Sean Moran, Staff Director; Kim Betz, Deputy Staff Director/Policy and Oversight; Cole Felder, Deputy General Counsel; Dan Jarrell, Legislative Clerk; Bob Tapella, Professional Staff; Erin McCracken, Communications Director; Jamie Fleet, Minority Staff Director; Khalil Abboud, Minority Deputy Staff Director; and Eddie Flaherty, Minority Chief Clerk.

The CHAIRMAN. I now call to order the Committee on House Administration for purposes of today's hearing, "Transforming the Government Publishing Office for the 21st Century and Beyond," part 4 of our hearing series examining Title 44, the U.S. Government Publishing Office, and the Federal Depository Library Program. The hearing record will remain open for 5 legislative days so Members may submit any additional materials they wish to include.

A quorum is present, so we may proceed.

Before I get into the substance of today's hearing, I would like to begin by thanking all of the stakeholders of GPO and the FDLP who have been engaged in this process over the past several months. I know that this has been a long process as the Committee, through regular order, has worked to review Title 44 as it relates to the U.S. Government Publishing Office and the Federal Depository Library Program.

I would like to give special thanks to GPO Director Davita Vance-Cooks, who has appeared twice before this Committee and has answered nearly a hundred detailed questions for the record, and I thank her for her cooperation and her openness in this effort.

I also want to thank a number of the associations, such as the American Library Association, the Association of Law Libraries, the Medical Library Association, the Association of Research Libraries, the Association of Southeastern Research Libraries, and the Digital Library Federation, who have all provided both formal and informal input into the Committee's research.

Across the countless individual librarians from all types of libraries across the country, including public, law, and academic, who have taken the time to share insights, provide testimony, attend meet-

ings, and open their doors for tours, I would like to say thank you for your dedication and service to our communities.

Today's hearing will cover a myriad of topics in which this Committee would like further information or clarification. As we have learned through this review process, much of Title 44 dates to the Printing Act of 1895. This act codified the public printing laws of the Federal Government, specifying the details of public documents, centralized all Federal printing at GPO, and established the Superintendent of Documents.

Additionally, GPO and its stakeholders are asking for new authorities. We will be looking at five unrelated areas of Title 44 reform: first, the role GPO plays in the legislative process; second, congressional oversight of GPO as an agency in the legislative branch; third, constitutional principles of separation of powers as it relates to Congress' control of Federal printing and executive branch agencies; fourth, allowing GPO grant-making authority; and, fifth, permanent retention and preservation of both tangible and digital materials in the FDLDP.

I want to thank all the witnesses for being here, and we look forward to hearing from them.

I would like to now recognize my colleague, Democratic member on the Committee, Jamie Raskin, for the purpose of providing an opening statement. Before he proceeds, I would also like to thank him for his joint efforts in this endeavor.

Mr. Raskin.

Mr. RASKIN. Mr. Chairman, thank you so much for calling this hearing. And I want to thank the witnesses, also, for appearing today to offer testimony. It is an honor, as the newest member of the Committee, to get to make an opening statement on this important occasion.

The input of the witnesses today is critical as we examine best how to support GPO in the process of modernizing its operations and adapting for the 21st century. Maintaining the official records of a constitutional democracy like ours is a sacred public duty. In authoritarian societies, it is essential to extinguish public memory and alter public records. But in democracy, it is essential to protect public memory and to maintain our records.

The preservation of public records is a core service the government provides and is providing today. Whether online through the Federal Digital System or in person at one of the 1,200 Federal Depository Library locations across the country, GPO keeps our citizens informed and actively engaged in government.

Mr. Chairman, as a newly installed member of the Joint Committee on Printing, I had the great pleasure yesterday of touring GPO, where I saw firsthand how seriously the staff and the employees are taking this responsibility. I met with staff members at GPO who work late into the night every day waiting for Congress to wrap up our daily sessions in order to receive the Congressional Record for preparation for printing the next morning. I met with copy editors in GPO's print shop who pore through the Congressional Record looking for spelling and grammatical errors. I think I offered a couple of them jobs in my office.

I toured the ID card manufacturing area where GPO staff is taking painstaking care to design and manufacture counterfeit-proof

ID cards for highly secure events, including the most recent Presidential inauguration. I visited the printing floor, where reams of paper, including congressional publications and the Federal Register, are printed and sorted with amazing speed.

And I got to see firsthand some of America's last few remaining artisans schooled in the arts of bookbinding and marbling, which is a dazzling process which only a handful of people still know today. But marbling is the process that allows for the pages to have these kinds of colorful designs on them.

I learned during my tour that behind the creation of the documents that record the story of American Government are early rising and passionate public servants, many of them my constituents in Maryland, Mr. Chairman. There are multiple shifts who are working over there at GPO. But it is a 24-hour-a-day operation, sometimes 7 days a week.

And the people there, most importantly, take extraordinary pride and honor in their work. One of them is my constituent John Crawford, a native Washingtonian and proud Marylander who has been with GPO for 51 years and says he has no interest in retiring because he loves the work that he is doing. He started as a journeyman bookbinder on the night shift in 1966 and is today the Managing Director of Plant Operations.

So public servants like John deserve, obviously, not just good wages and job security, but our respect and admiration for the job that they are doing for us. And I know that our efforts to reform Title 44 will honor their service and commitment to America.

I am eager to learn more about GPO's operations from this panel's perspective today as customers and as participants in the Federal Depository Library Program. In thinking about changes, we must listen carefully to the libraries. Not all of them have large endowments or active boards. Many of them rely on shrinking local budgets. And we need to give real consideration to a grant program that could empower them with the tools that make these documents available.

So thanks, again, to the witnesses for their time and their candor. And thank you, again, Mr. Chairman, for convening us in this hearing. I yield back.

The CHAIRMAN. The gentleman yields back.

I would now like to introduce our first panel's witness. The Honorable Karen Haas serves as the Clerk of the U.S. House of Representatives. Ms. Haas was sworn in as Clerk of the House of Representatives for the 115th Congress on January 3, 2017. She is the 34th individual to serve as Clerk and previously served through the 109th, 110th, 112th, 113th, and 114th Congresses.

As Clerk of the House, Ms. Haas plays a central role in the daily operations and legislative activities of the House and is the point of contact for many functions of the Government Publishing Office.

Madam Clerk, the Committee has received your written testimony. You will have 5 minutes to present a summary of this submission. You know how the timing device works. So there will be a green light for the first 4 minutes, and then a yellow light for the last minute, and then red when the time has expired.

The Chair now recognizes Ms. Haas for purposes of an opening statement.

Welcome.

**STATEMENT OF THE HONORABLE KAREN L. HAAS, CLERK OF
THE HOUSE, U.S. HOUSE OF REPRESENTATIVES**

Ms. HAAS. Thank you.

Chairman Harper, Members of the Committee, thank you for the opportunity to appear before the Committee today to discuss our partnership with the Government Publishing Office and the future legislative support needs of the House.

The responsibility of the Office of the Clerk is to support the legislative requirements of the U.S. House of Representatives. The professional men and women of our organization accomplish this each day by working closely with our business partners.

One of the most important partners is the Government Publishing Office. On a daily basis, we work with GPO to compile and print the complete record of the daily business of the House, process bills and reports, and make legislative data available electronically to Members, staff, and the public in a timely and accurate manner.

In addition, GPO also supplies the House with letterhead and envelopes, publishes congressionally mandated books, prints special event programs and invitations, and binds official publications.

However, GPO provides far more than print services. It supplies and maintains the printers we use to enroll measures and produce the Journal used at the start of each legislative day, as well as the parchment paper and presentation cases for presenting enrollments to the President. We also require GPO's proofreading expertise for large enrollments and many official documents.

GPO employees are often detailed to House committees and other institutional offices to lend expert support for processing legislative documents and compiling legislative history. They also provide the databases to make our data electronically available to Members, staff, and the public.

This list is not exhaustive, but as you can see, the products and services GPO provides are extensive and critical to our daily operations.

As the primary liaison to GPO for the House, my team interacts with the organization daily, often beginning before dawn to coordinate the arrival of the Congressional Record and measures for floor consideration, continuing throughout the day and into the night with the processing of the day's bills and reports, and finalizing the Record for the day.

Today, GPO plays an important role in the efforts to make the legislative process more transparent. In June of 2016, GPO was tasked with managing the "more documents in USLM" project to publish enrolled bills, Public Laws, and Statutes at Large in a machine-readable format. When this project is complete in late spring of 2018, it will represent a big step forward in how we access and use legislative data while also opening the door to convert additional documents.

As the Committee looks to modernize the legislative process and GPO's work, we believe there are several key points to consider.

One, previous mandates on the number of printed copies are not necessary, but some number of copies is required for legislative operations.

Flexibility is important. The round-the-clock services provided by GPO are critical to the legislative process of the House of Representatives and must remain.

GPO is an indispensable part of the evolving effort to modernize how we prepare, distribute, authenticate, and archive legislative data. The ongoing standardization efforts should continue.

Support beyond print and technological expertise is needed. The ability to enlist additional proofreaders or detailees to help committees or offices with their documentation process is essential.

Mr. Chairman, thank you for the opportunity to come before the Committee today, and I am happy to answer any questions that you may have.

[The statement of Ms. Haas follows:]



OFFICE OF THE CLERK
UNITED STATES HOUSE OF REPRESENTATIVES

THE HONORABLE KAREN L. HAAS
CLERK OF THE HOUSE OF REPRESENTATIVES

**STATEMENT BEFORE THE COMMITTEE ON HOUSE ADMINISTRATION
ON THE OFFICE OF THE CLERK'S PARTNERSHIP WITH THE
GOVERNMENT PUBLISHING OFFICE**

OCTOBER 11, 2017

Chairman Harper, Ranking Member Brady, and members of the Committee, thank you for the invitation to appear before the Committee today to discuss our partnership with the Government Publishing Office (GPO) and the future legislative support needs of the House.

PARTNERSHIP WITH THE GOVERNMENT PUBLISHING OFFICE

The responsibility of the Office of the Clerk is to support the legislative requirements of the U.S. House of Representatives. The professional men and women of our organization accomplish this each day by working closely with our business partners. One of our most important partners is the Government Publishing Office. On a daily basis, we work with GPO to compile and print the complete record of the daily business of the House. That work includes compiling the *Congressional Record*, processing bills and reports, and making legislative data available electronically to Members, staff, and the public in a timely and accurate manner. In addition, GPO also supplies the House with letterhead and envelopes, publishes congressionally mandated books, prints special event programs and invitations, and binds official publications.

However, GPO provides far more than print services. It supplies and maintains the printers we use to enroll bills and produce the *Journal* used at the start of each legislative day as well as the parchment paper and presentation cases for presenting enrollments to the President. We require GPO's proofreading expertise for large enrollments and many official documents, including introduced legislation, and their publishing support for the production of the *House Journal*. GPO also provides technical support for TextPad and XMetal, which are desktop applications used throughout the House to edit documents. GPO employees are often "detailed" to House Committees and other institutional offices to lend expert support for processing legislative documents and compiling legislative history. GPO also provides other items to the House, including Office Supply Cards that Member offices use; ink stamps our office uses daily to efficiently process legislative documents; and the aye, no, and quorum voting cards Members use to vote in the Well. This list is not exhaustive, but as you can see, the products and services GPO provides are extensive and critical to our daily operations.

As the primary liaison to GPO for the House, my team interacts with the organization daily, often beginning before dawn to coordinate the arrival of the *Congressional Record*, continuing throughout the day and into the night with the processing of the day's bills and reports, and finalizing the *Record* for the day. Paper copies of the *Congressional Record*, House Calendar, and bills under consideration are necessary to conduct legislative business in the House Chamber each day. GPO and the Office of the Clerk work together to make sure those documents are available. Our coordination with GPO is constant and we could not provide the House the services it needs to legislate without it.

As you know, the work of Congress continues to be driven by paper. When we submit items to GPO for processing, we transmit both paper and electronic versions. If a discrepancy arises, we defer to the official papers of the House. There is currently no requirement that introduced measures be drafted by the Office of Legislative Counsel. There are very recent examples of Members introducing measures in a Microsoft Word instead of XML. When this occurs the clerks reach out to the sponsor's office to obtain an electronic copy of the document to send to GPO. GPO takes the extra step to convert the Word document into XML to maintain consistency and meet transparency requirements.



LEGISLATIVE DATA STANDARDIZATION

Over the last several years, there have been many significant improvements to how we prepare, distribute, authenticate, and archive legislative data. Many deserve credit for these improvements: House leadership and the leadership of this Committee, House Officers, Members of Congress, and our legislative partners. However, our internal and external customers have driven much of the demand for greater transparency and digital access. Today, staff across the legislative branch work together to ensure that both the official document of record, along with its paper and digital representations, are accurate and available in a timely manner.

As your Committee looks toward GPO modernization, we believe it is important to understand how we arrived where we are today, be aware of current improvement efforts that are already underway, and anticipate and meet the future needs of Members, staff, and the public.

In 1996, the chairs of this Committee and the Senate Committee on Rules and Administration directed the Clerk of the House and the Secretary of the Senate to establish common data standards for the exchange of legislative information. Following this directive, Congress embarked upon an initiative to establish standards for the transformation, creation, and exchange of legislative documents in XML format. The Legislative Branch XML Working Group was established to coordinate and manage these efforts. The Working Group consists of nonpartisan support staff from the House, Senate, GPO, Library of Congress, and other legislative organizations. The original directive included an initiative to customize XML editors to create House and Senate bills and resolutions.

In 2000, the Clerk of the House and the Secretary of the Senate presented the SGML/XML Feasibility Study Final Report to the House Committees on Rules and Administration, and in 2001, the House Office of Legislative Counsel began to use an XML editor to draft legislation. The proliferation of congressional XML continued with House votes in 2003, House and Senate bills in 2004, and Senate votes in 2009. This early work has been characterized as “First Generation” XML, with the focus on a document’s visual characteristics. In 2013, the Office of Law Revision Counsel, with assistance from the XML Working Group, launched congressional XML into its “Second Generation” with the release of United States Code in XML using the United States Legislative Markup (USLM) schema. The USLM schema, which is interoperable with the OASIS LegalDocML international standard, describes not only a document’s presentation but also its structure, organization, and semantics—what it means. Among other benefits, this structure enables richer search capabilities and document and data linking.

In 2011, the Rules of the U.S. House of Representatives for the 112th Congress called for greater legislative document transparency and accessibility. The change’s intent was to place electronic distribution on par with traditional printing. On June 1, 2012, House Report 112-511 that accompanied H.R. 5882—Legislative Branch Appropriations Act of 2013 directed the establishment of the House Bulk Data Task Force (BDTF) to expedite the process of providing bulk access to legislative information. The Task Force is a partnership of legislative branch agencies, including the House of Representatives (Office of the Clerk, Office of General Counsel, Office of Law Revision Counsel, Office



of the Parliamentarian, Legislative Branch Subcommittee, Committee on House Administration, Committee on Rules, and House Leadership), Senate, Library of Congress, Government Publishing Office, and Government Accountability Office that collaborate to bring about openness and transparency. One of the group's primary goals is to provide more data and documents online and, over time, in bulk and machine-readable formats using XML standards.

Task Force accomplishments to date include

- Bill to be Considered on the House Floor at docs.house.gov, which provides Members, staff, and the public with access to bills and resolutions at a crucial point in the House legislative process that was not previously available. (2012–2013)
- Bills in bulk on GPO's FDsys repository (2013)
- Bill Summaries in bulk on GPO's FDsys repository (2014)
- Member data in XML on the Clerk's website (2014)
- Bill Status in bulk on GPO's FDsys repository (2015)

In his remarks to the annual Legislative Data and Transparency Conference in June 2016, House Speaker Paul Ryan urged the Task Force and other groups to "keep moving ahead by publishing all legislative measures in a standard format. That means enrolled measures, Public Laws, and Statutes at Large." To achieve greater interoperability across the legislative branch, it would be best if the law and our legislative documents were in the same flavor of XML—the USLM schema. To that end, GPO was tasked with the "documents in USLM" project. From conception and planning, to procurement and day-to-day execution of this project, key Clerk, Secretary, and GPO staff have been working together to publish enrolled measures, Public Laws, and Statutes at Large in a machine-readable format—the USLM XML schema. We expect to complete this project in spring 2018.

Draft Roadmap for Publishing Legislative Documents in USLM XML Format

Completed	U.S. Code
Current Stage	Enrolled bills, Public Laws, and Statutes at Large
A	HOLC/SOLC compilations (non-positive law)
B	Remaining bill/resolution versions (introduced, reported, engrossed, all amendments, et. al.)
C	Committee Reports
D	House portions of the <i>Congressional Record</i> , including the <i>Daily Digest</i>
E	Hearing Record
F	House Calendar
G	<i>Precedents of the U.S. House of Representatives</i>
H	<i>House Journal</i>



ONGOING AND FUTURE SUPPORT NEEDS

As this Committee looks to modernize the legislative processes and GPO's work, we believe there are several things to keep in mind. First, with the technological improvements, we no longer need large quantities of prescribed copies of printed legislative documents. However, House Members and their staff, the Office of the Parliamentarian, and the Office of the Clerk do need some printed copies to conduct legislative business. Copies of bills, reports, calendars, and the *Congressional Record* are some of these critical documents. Although the required quantity of printed copies of documents has decreased, the Office of the Clerk must have the flexibility to coordinate with those documents' customers to determine what is needed.

Second, it is crucial to continue the current "round-the-clock" service provided by GPO. Frequently the legislative clerks work late into the night to process introduced measures and Committee Reports or to compile the day's legislative record that is needed for the next legislative day. Making that information available electronically on FDsys and in printed form is essential.

Third, GPO is an indispensable part of the evolving effort to modernize how Congress makes legislative documents and data available in print and online. The production and exchange of legislative documents occur jointly with the House and Senate transmitting their data to GPO and the Library of Congress. The previously discussed efforts to standardize this data must continue to allow us to meet the current and future needs of our customers.

Fourth, support beyond print and technological expertise must continue. The ability to enlist additional proofreaders or detailees to help Committees and our office with their documentation processes is essential. These experienced professionals ensure that the final products are of the highest quality and accuracy.

I would like to thank the Committee for this opportunity to detail the partnership between the Office of the Clerk and the Government Publishing Office. As GPO works to provide 21st century information products and services, we look forward to continuing and building on this collaboration.



The CHAIRMAN. Thank you, Madam Clerk, for your testimony.

I will now recognize myself for 5 minutes for questions. And, without objection, all members will have 5 legislative days to submit to the chair additional written questions for the witness, which we will then forward and ask the witness to respond as soon as possible so that your answers could be included as a part of the record.

And I thank you for being here and for all of your hard work. And I know in your testimony you state that although the required quantity of printed copies of documents has decreased, the Office of the Clerk must have the flexibility to coordinate with those documents' customers to determine what is needed.

Would it be helpful if Title 44 gave you and the Secretary of the Senate the ability to determine quantities of documents produced by GPO rather than just making it a specification in the law?

Ms. HAAS. I do think it would be helpful to allow us to manage our customers' needs. So providing that flexibility, I think, would be important. But I would leave it up to the Committee as to the best way to accomplish that.

The CHAIRMAN. Sure. But if you had the ability to determine that on a case-by-case basis, you believe your office could accommodate that and that would give you that flexibility?

Ms. HAAS. I do.

The CHAIRMAN. Okay. And if we were coming in with a specification as to a number, that sometimes could be rather arbitrary.

Ms. HAAS. Absolutely. And I think we need to, as you are thinking about this going forward, think about the future and the technology changes we have already seen.

The CHAIRMAN. Sure. And it is always a challenge to anticipate that technology changing.

Ms. HAAS. That is right.

The CHAIRMAN. Also, I know that you certainly strive to provide the transparency and public access to the House's activities. Are there any additional ways in which the House and GPO could work together to increase access?

Ms. HAAS. I would suggest that we continue the efforts with the Bulk Data Task Force. I mentioned in the testimony that we already have a project in the works that GPO is managing. There are several other documents that need to also be translated and moved into the USLM format, and I would suggest that we continue to have GPO partner with us in that effort.

The CHAIRMAN. Great.

You know, the Committee has certainly heard from other customers about GPO's billing practices. As the House's primary point of contact, how would you describe GPO's billing? And is it timely, accurate, understandable? Help us clarify that.

Ms. HAAS. Sure. Several years ago we identified that as an issue, quite honestly, for us in managing the items that were going down to GPO, and we worked closely with GPO to refine the billing practices at the time. We regularly receive the source documents from them so we can compare what is produced through the Clerk's Office and with GPO.

We have also taken it upon ourselves to work on our requisition system, and we have updated and modernized that requisition sys-

tem from the House. What I would suggest is that we would work with GPO going forward on their side of that practice to continue to modernize that practice. But over the last several years we have seen an improvement in how GPO has provided us the data on a regular basis.

The CHAIRMAN. Okay. Thank you.

The House makes audio-visual recordings of Committee meetings and floor proceedings. Are there ways that the House could improve long-term access to these recordings?

Ms. HAAS. I think that is an excellent question. Currently, I am aware of a couple of ways that the videos are made available. They are made available on Congress.Gov through the Library, and I believe that is a system that the Committee put in place. We also have the archived copies of the committee video that is part of their committee archive for the future, and those are placed at the National Archives. And then, in addition, I know Members make their videos available on their YouTube channels.

So, as far as I know at this point, the Library of Congress is working well. But I would really defer to the Committee on how they would like to see that going forward.

The CHAIRMAN. Well, thank you for your input and the great work that your team does.

And the chair will now recognize Mr. Raskin for 5 minutes for any questions he may have.

Mr. RASKIN. Chairman Harper, thank you very much.

I want to follow up on the chairman's first question about the Congressional Record and how many copies need to be made for that and should there be more flexibility to meet what the actual needs are.

Can you give us a sense of where the printed copies go now? You know, I understand that there were Members of Congress and Presidents, I think Lyndon Johnson, maybe Senator Byrd, used to read the Congressional Record every day. I don't know if there are that many people who do that now since we do have our TVs on and we are able to kind of keep track of what people are saying. But are most of them used here on Capitol Hill or are they sent out across the country? Are they in libraries? I mean, where are the actual hard copies going?

Ms. HAAS. Well, I can speak only to the ones that come to Capitol Hill. And so, as you mentioned, the Members' offices are not getting the copies as they used to. A large quantity comes to the Legislative Resource Center to make them available to Members and the public if they are interested in getting a copy. It is available online, as you know.

But they are also very important to our day-to-day operations. We use them on the House floor. We use them in our Legislative Operations team, our Official Reporters, Legislative Counsel. So there are entities within the House that need the Congressional Record to operate each day. We also have copies available on the floor as it is part of our regular proceedings each day to see that that information is out there and available to Members when they are on the floor.

Mr. RASKIN. Gotcha.

Do you think there is a role for the private sector to play in the work of preserving the Congressional Record?

Ms. HAAS. I think that would be open to discussion. I think one of the keys right now is how the information is available currently on FDsys, the authentication process that takes place through GPO, and the key is to continue to archive it. One of the responsibilities of the Clerk is to keep copies of any publication, two copies in our archives, for history purposes and forever. And so we also keep paper copies, as well as electronic, of the Congressional Record.

Mr. RASKIN. Are you working actively with the GPO to figure out ways to improve public access to information about what goes on in the House?

Ms. HAAS. Oh, absolutely.

Mr. RASKIN. Tell me how that process works.

Ms. HAAS. Sure. So, as I mentioned in my testimony, GPO has been a partner for many years with us, most recently with the Bulk Data Task Force that was established. And what was behind that effort was a real desire by our customers, both internal and external, to get legislative data.

So GPO has been able to provide the expertise. They have the databases available where they display our information. And they have taken the lead on different documents that the House produces and putting them in a standardized form, but then outside groups can take that information and use it to their benefit.

Mr. RASKIN. Gotcha.

All right. Well, that is all I have now, Mr. Chairman. I will yield back to you.

The CHAIRMAN. I want to thank you for your appearance today. And I know you would love to answer a lot more questions, but before we close with you on the first panel, is there anything that you would care to add in light of the questions that have been asked?

Ms. HAAS. No, I just appreciate the opportunity.

The CHAIRMAN. Thank you very much for being here. Thank you.

Ms. HAAS. Thank you.

The CHAIRMAN. Thank you, Madam Clerk.

That will conclude our first panel, and we will take just a moment to set the second panel of witnesses on the table.

The CHAIRMAN. I want to thank each of you for being here today to assist us on what has become a very important mission for us this year as we review title 44, talk to the various stakeholders. And I am going to take a moment now to introduce each of you.

Eric Petersen is a specialist in American National Government with the Congressional Research Service, who will discuss the role of the Joint Committee on Printing and the constitutional principles of separation of powers as it relates to Congress' control of Federal printing and executive branch agencies.

Robin Dale is the Deputy Director of Library Services at the Institute of Museum and Library Services, an independent agency in the executive branch, who will discuss Federal grant-making to libraries.

Roger Schonfeld is the Director of Libraries and Scholarly Communications Program at Ithaka S+R, a not-for-profit service that helps academic and cultural communities effectively use digital

technologies, who will discuss preservation of tangible and digital materials.

The Committee has received each of your written testimonies. Each witness will be given 5 minutes to present a summary of that submission. You have seen how it works with the Clerk who just testified. You have a button, obviously, to turn on your microphone, and then the timer clock will work there.

And so the Chair would now recognize our witnesses for the purposes of their opening statements.

And I will begin with you, Dr. Petersen, and you are allowed 5 minutes. Thank you.

STATEMENTS OF DR. ERIC PETERSEN, SPECIALIST IN AMERICAN NATIONAL GOVERNMENT, CONGRESSIONAL RESEARCH SERVICE, LIBRARY OF CONGRESS; MS. ROBIN L. DALE, DEPUTY DIRECTOR FOR LIBRARY SERVICES, INSTITUTE OF MUSEUM AND LIBRARY SERVICES; AND MR. ROGER C. SCHONFELD, DIRECTOR OF LIBRARY AND SCHOLARLY COMMUNICATIONS PROGRAM, ITHAKA S+R

STATEMENT OF ERIC PETERSEN

Mr. PETERSEN. Thank you, Mr. Chairman, Members of the Committee. Thank you for the opportunity to appear before you today.

The Joint Committee on Printing, established in 1846, and GPO, established in 1861, have played central roles in ensuring public access to government information. At the same time, changes in governance and information technology have raised questions about the roles and activities of the Joint Committee and in some cases the capacity of GPO to carry out its missions.

With regard to governance, JCP's authority to oversee and enforce statutory authorities that mandate government printing through GPO have been widely questioned by the executive branch since the 1983 Supreme Court decision in *Immigration and Naturalization Service v. Chadha*.

The Department of Justice's Office of Legal Counsel has twice concluded that many of JCP's authorities, particularly provisions mandating JCP's prior approval before an executive agency can have materials printed outside of GPO, have been invalidated by *Chadha*. And I would hasten to mention that I am not an attorney. In this case I am speaking more to the policy consequences.

From OLC's perspective, executive agencies are able to procure printing services from providers other than GPO. And since then, for the governance reasons, GPO workloads and revenues have declined and agency-controlled printing and publishing efforts have resulted in an unknown number of fugitive documents being created and not getting into GPO's Federal Digital System or into the collections of the Federal Depository Library participants. And what this does is potentially makes them unavailable to policymakers or the general public.

Another concern raised by congressional and other observers arises with regard to the Joint Committee and includes questions as to whether or not its responsibilities might formally be performed by other entities.

With regard to technology, government information and publishing authorities, as the chairman noted in his opening statement, have remained in substantially the same state as they were when they were first enacted in the 19th and 20th centuries, before digital creation and distribution became the norm. The online version of the U.S. Code mentions current JCP authorities in about 60 sections. Thirty-seven of those sections were originally enacted a century or more ago, chiefly in the Printing Act of 1895.

Similarly, GPO is subject to 129 Code sections in Title 44, of which 105 were first enacted during or prior to 1917. Some of these authorities over the past quarter century have been called into question by the Government Accountability Office, the National Academy of Public Administration, and in an earlier session of this hearing, the Director of GPO.

And while there does appear to be broad recognition of the shortcomings of some current authorities in Title 44, the way ahead is complicated by the lack of a stable, robust set of technology and information management practices similar to those that were in place when Congress enacted the bulk of government information policies. By 1895, the written word on a tangible object was a technology that had a 4,000-year track record.

In the fourth or fifth decade of transition from the tangible written word to ubiquitous digital creation and distribution, permanent retention or preservation of those formats is still challenging. And instead of a fixed standard, as is available for tangible printing products, digital preservation and retention efforts have not yet produced a digital equivalent with the preservation capacity of tangible items. And until and unless we get to a point where we have that, any effort to establish standards for the production and retention of digital materials runs the risk of potentially privileging a current standard or denying Congress, the American people, and GPO the opportunity to take advantage of some as-yet-undiscovered sets of technologies.

I think that is a good place to leave it for the moment. Thank you again for inviting me to testify. And I will be happy to address any questions you may have.

[The statement of Mr. Petersen follows:]



Congressional Research Service
Informing the legislative debate since 1914

TESTIMONY

Statement of

R. Eric Petersen

Specialist in American National Government

Before the

Hearing on

**“Transforming GPO for the 21st Century and
Beyond: Part 4”**

October 11, 2017

Congressional Research Service

7-5700

www.crs.gov

Chairman Harper, Ranking Member Brady, and Members of the committee: I am R. Eric Petersen, and I have worked at the Congressional Research Service for 17 years as an analyst studying the Government Publishing Office (GPO) and government information, among other topics. Thank you for the opportunity to appear before you today.

You have asked me to discuss the historical context of government information management and the roles and activities of the Joint Committee on Printing (JCP) and GPO, and to provide information about developing an enduring framework to oversee the development of government information management approaches in the future. In a representative democracy, publicly available information about government activity is seen by many as a vital resource to inform the public, and to ensure accountability and transparency of government action. Since the 19th century, JCP and GPO have played central roles in ensuring public access to government information. Changes in governance and information technology, however, have raised questions about the roles and activities of the joint committee, as well as the capacity of GPO to carry out its mission to keep America informed.

Background

JCP was established in 1846 to oversee the management of private printers who competed to provide printing and publishing services to the government.¹ With the creation of the Government Publishing Office (GPO) in 1861,² JCP was charged with overseeing and regulating government printing in all three branches of the national government, and overseeing the new agency in its efforts to provide government-wide printing services.³

Congress has passed three measures making broad substantive changes to JCP's role and GPO's operations since 1861.⁴ The Printing Act of 1895, sometimes referred to as the Manderson Act,⁵ codified JCP's role to oversee qualifications of "journeymen, apprentices, laborers, and other persons necessary for the work" at GPO.⁶ The 1895 measure also established printing formats for congressional bills, hearings, and documents, and the *Congressional Record* that are still in use today. In 1962, Congress created the Federal Depository Library Program (FDLP) within GPO to provide permanent public access to published federal government information.⁷ In 1993, GPO was directed to maintain an electronic directory of federal digital information, and to provide online access to the *Congressional Record*, and the *Federal Register*.⁸

¹ 9 Stat. 113.

² GPO was established in 1861 as the Government Printing Office, and was renamed as the Government Publishing Office in 2014.

³ 12 Stat. 177.

⁴ Additionally, congressional consideration of GPO operations was undertaken in 1979 and 1998, but no legislation was enacted. In 1979, companion measures, H.R. 4572, and S. 1439, each entitled the Public Printing Reorganization Act of 1979, were introduced in the House and Senate, respectively. The measures would have changed the leadership of GPO by creating a board that would have been charged with overall management responsibility for the agency including the appointment of the Public Printer and labor-management relations. In 1998, S. 2298 (105th Congress), the Wendell H. Ford Government Publications Reform Act of 1998, would have replaced the Public Printer with an administrator given broad authority to manage the creation and dissemination of government's publications and to enhance permanent public access to those publications. The bill would have transferred various functions of JCP to other entities.

⁵ Senator Charles Frederick Manderson of Nebraska chaired the Committee on Printing in the 48th-52nd Congresses (1883-1893), and retired from Congress shortly after the Printing Act of 1895 was enacted.

⁶ 44 U.S.C. 305. The statute sets a minimum rate of pay for journeymen printers, pressmen, and bookbinders employed at GPO "at the rate of 90 cents an hour for the time actually employed."

⁷ 44 U.S.C. Ch. 19.

⁸ 44 U.S.C. Ch. 41.

Current statutory authorities governing the creation, dissemination and long-term retention of government information have been called into question by some due to changes in technology and governance practices. The way ahead is complicated by the lack of a stable, robust set of technology and information management practices similar to those that were in place when Congress enacted the bulk of current government information policies in the 19th century.

Technological Transition

In the past half-century, information creation, distribution, retention, and preservation have transitioned from a tangible, paper-based process to digital processes managed through computerized information technologies. Information, whether a newspaper, government communication, or congressional bill, is most typically created as a word processed document, spreadsheet, database or other digital object which then may be rendered as a text, image, or video file. Those files are then distributed through a myriad of platforms that include particular software applications, websites, or social media platforms. The material may be produced in tangible, printed form, but more typically remains in digital formats.

Government publishing authorities, generally codified in some chapters of Title 44 of the *United States Code*,⁹ have in large part remained in substantially the same state as they were when first enacted in the 19th century, despite governance and technological changes. The current version of the *U.S. Code* available online¹⁰ mentions current JCP authorities in 60 sections; 37 of those sections were originally enacted a century or more ago. Similarly, GPO is subject to 129 *Code* sections in Title 44, of which 105 were first enacted during or prior to 1917.¹¹ As a consequence, the law makes reference to the trades that were necessary to make printed products in the 19th century, but is silent on the contemporary corps of software engineers, data entry technicians, and website designers whose efforts support the creation and distribution of much of the digital material that comprises government information. The law also contains detailed requirements for distribution of paper copies of a variety of documents, including bills under consideration throughout the legislative process and other congressional materials,¹² but little detail on the specifics of digital collection, distribution, retention or preservation. In addition, the current business model under which GPO operates is arguably over-reliant on printing as a means of generating income, and there are no explicit provisions to meet the costs of upgrading technological infrastructure upon which electronic distribution and preservation relies.

The emergence of digital technologies has led some observers to question the capacity of Title 44 and other information dissemination authorities to enable the provision of government information in an effective and efficient manner. In 1994, for example, what was then designated as the General Accounting Office (GAO)¹³ stated that

⁹ These include Chapters 1, 3, 5 and 39, which focus on JCP and GPO organization, authorities, oversight, and the agency's office of inspector general; Chapters 7 and 9, covering congressional printing including production of the *Congressional Record*; Chapters 11 and 13 governing executive and judicial printing and production and distribution of the *Federal Register* and *Code of Federal Regulations*; Chapter 17, governing the GPO sales operation; Chapter 19 establishing the Federal Depository Library Program (FDLP); and Chapter 41, which mandates GPO to provide access to some federal electronic information. Other policy issues addressed in Title 44, in which GPO has no significant role, including federal and presidential records, electronic government, and government advertising, are excluded from consideration in my testimony.

¹⁰ <http://uscode.house.gov/>.

¹¹ The earliest authority affecting GPO is 44 U.S.C. 1908, which requires a copy of the public journals of the Senate and of the House of Representatives, and of the documents published under the orders of the two chambers, respectively, to be transmitted for the use of the American Antiquarian Society of Massachusetts.

¹² 44 U.S.C. 701, 706, 713, 720, 721, and 728.

¹³ GAO is now the Government Accountability Office.

“...for all practical purposes, the framework of laws and regulations used to manage many aspects of government publishing has become outdated...” and that “... [t]he additional technological changes that are expected will only exacerbate this situation.”¹⁴

In 2013, the National Academy of Public Administration (NAPA), noted that “...GPO’s statute is outdated and precedes current technology....”¹⁵ Earlier this year, in testimony before this committee Davita Vance-Cooks, who serves as the Director of GPO, suggested that 44 U.S.C. Ch. 19, governing the operations of FDLP “has been eclipsed in some areas by technology, which today provides for more flexibility and innovation in meeting the public’s needs for access to Government information.”¹⁶

A relevant question that might arise is the extent to which those authorities grounded in industrial technologies and work patterns are sufficiently flexible to enable Congress, GPO, and U.S. Government agencies to meet the challenges of digital information management in the 21st century.

Governance Transitions

JCP’s authority to oversee and enforce statutory authorities that mandate government printing through GPO was essentially unchallenged for more than a century. This began to change in the 1980s and 1990s following a 1983 Supreme Court decision in *Immigration and Naturalization Service v. Chadha*.¹⁷ The Court ruled unconstitutional a one-chamber veto because it deviated from the constitutionally specified lawmaking process of bicameral consideration and presentation of legislation by Congress to the President for signature or veto. Soon thereafter, a number of executive branch entities, including the Department of Justice (DOJ), Department of Defense (DOD), and the Office of Management and Budget (OMB), began to question JCP’s regulatory and statutory authority on the basis of *Chadha* and enduring concerns about separation of powers. Of particular interest to those agencies was the requirement specified in 44 U.S.C. 501 that all printing, binding, and blank-book work for every government entity other than the Supreme Court is to be done at GPO. DOJ’s Office of Legal Counsel (OLC) concluded that many of JCP’s authorities, particularly provisions mandating the joint committee’s prior approval before an executive agency could have materials printed outside of GPO, were invalidated by *Chadha*, and that executive agencies were able to procure printing services from providers other than GPO.¹⁸ With executive agencies free, from the perspective of DOJ and OMB, to fulfill their printing services elsewhere, GPO workloads and revenues declined, and the production and distribution of government

¹⁴ U.S. General Accounting Office, *Government Printing: Legal and Regulatory Framework is Outdated for New Technological Environment*, GAO/NSAID094-157, April 15, 1994, p. 2, www.gao.gov/assets/220/219439.pdf.

¹⁵ National Academy of Public Administration, *Rebooting the Government Printing Office: Keeping America Informed in the Digital Age*, Washington, DC, January 2013, p. 30, www.napawash.org/wp-content/uploads/2013/02/GPO-Final.pdf.

¹⁶ Davita Vance-Cooks “Remarks before the Committee on House Administration,” hearing on Transforming GPO for the 21st Century and Beyond: Part 2, July 18, 2017, docs.house.gov/meetings/ha/ha00/20170718/106258/hlrg-115-ha00-wstate-vance-cooksd-20170718.pdf.

¹⁷ *Immigration and Naturalization Service v. Chadha*, 462 U.S. 919 (1983).

¹⁸ Theodore B. Olson, *Memorandum for William H. Taft, IV, Deputy Secretary of Defense: Effect of INS v. Chadha on 44 U.S.C. 501, “Public Printing and Documents”*, Office of Legal Counsel, Department of Justice, Washington, DC, March 2, 1984, <https://www.justice.gov/olc/page/file/936121/download>; Theodore B. Olson, *Constitutionality of Proposed Regulations of Joint Committee on Printing: Memorandum Opinion for the Counsel to the Director, Office of Management and Budget*, Office of Legal Counsel, Department of Justice, Washington, DC, April 11, 1984, <https://www.justice.gov/file/23606/download>; and Walter Dellinger, *Involvement of the Government Printing Office in Executive Branch Printing and Duplicating: Memorandum Opinion for the General Counsel General Services Administration*, Washington, DC, May 31, 1996, <https://www.justice.gov/file/20026/download>. The positions taken on the OLC memoranda were clarified and reiterated during the George W. Bush Administration in 2002. See Mitchell E. Daniels, *M-02-07, Memorandum for Heads of Executive Departments and Agencies: Procurement of Printing and Duplicating through the Government Printing Office*, Executive Office of the President, Office of Management and Budget, Washington, DC, May 3, 2002, <https://obamawhitehouse.archives.gov/sites/default/files/omb/assets/omb/pubpress/2002-26.pdf>.

information meant to be publicly available departed to some extent from the policies specified in various chapters of 44 of the *U.S. Code*. Among other consequences, the increase in agency-controlled printing and publishing has resulted in an unknown number of “fugitive” government documents and publications that have not gotten into GPO’s Federal Digital System (FDSys) or the collections of FDLP participants, and may not be readily available to policymakers or the general public.

In light of governance and operational challenges to the joint committee’s activities, Congress in 1995 began a process to eliminate staffing and funding for JCP, with the joint committee last receiving an appropriation for its activities in FY1999. According to searches of a variety of databases conducted by my CRS colleague Jennifer Manning, JCP has held organizational meetings for every Congress since the 104th Congress in 1995, and published details of those meetings for the 108th and 113th-115th Congresses. The committee also published the proceedings of one hearing it held in 1997. Today, some of the functions related to government information management for which JCP is responsible appear to be executed by the Committee on House Administration (CHA), or the Senate Rules and Administration Committee (SRA), from which JCP draws its membership.¹⁹

In this context, questions have been raised by congressional and other observers related to the efficiency and effectiveness of JCP, and whether or not its responsibilities might formally be performed by other entities.²⁰ One option could be to maintain existing practices, as they appear to have addressed GPO management and oversight concerns that can be publicly identified. Another option might be to assess the joint committee’s authorities to identify those which may have been rendered impracticable due to separation of powers concerns expressed by the executive branch, or obsolete, following the implementation of newer GPO procurement or other more modern business practices, or due to technological or practical changes in printing and publishing. In light of such an assessment, one option might be to terminate JCP and formally reassign its responsibilities to CHA, SRA, GPO, or other government entities as appropriate.

Government Information Management in the Future

The manner in which Congress has addressed government printing and publishing practices in the past might offer ideas for how it could oversee government information creation, distribution, and retention moving forward. This does not necessarily mean that legislatively enacting a new information management process can be achieved in the same manner as past efforts.

By the time of the enactment of the Printing Act of 1895, the written word, whether on cave walls or papyrus, or from the mechanical printing press, had been a robust communication technology for 4,000 years. It is possible to see primitive drawings and glyphs in the places humankind first appeared, or early examples of printing created with mechanical presses in their original forms. The handwritten and printed versions of *Journals* of the House and Senate dating to the First Congress in 1789 are readily available in tangible (and now digitized) form.

The 1895 act was arguably an expression of the state of the art standard of printing technology, and provided a foundation which supported government information distribution for more than a century. This

¹⁹ 44 U.S.C. 101.

²⁰ For example, in the 104th Congress, Representative Jennifer Dunn introduced H.R.1024, “To improve the dissemination of information and printing procedures of the Government,” which would have eliminated JCP and transferred its functions to CHA and SRA. A similar proposal was suggested by Senate Members of the Joint Committee on the Organization of Congress in 1993, but no legislation was introduced. See U.S. Congress, Joint Committee on the Organization of Congress, *Final Report of the Senate Members of the Joint Committee on the Organization of Congress*, 103rd Cong., 1993 (Washington: GPO, 1993), pp. 10-11. See also Gabriel Kahn, “Thomas, Joint Committee on Printing’s New Chairman Wants to Abolish His Own Panel, *Roll Call*, February 23, 1995.

is due in part to the robust nature of some printed materials. Once created, many paper based documents and records are preserved for centuries because the materials used to create them do not readily deteriorate, assuming resilient materials and environmentally-appropriate storage. The technologies supporting these activities, including writing, printing, bindery, and librarianship, are non-proprietary, and skilled practitioners of those crafts are well distributed across the world. In the event of deterioration, and depending on their value among other variables, tangible materials may be preserved by applying a range of interventions that do not necessarily alter the information they provide.

By contrast, we are in the fourth or fifth decade of transitioning from the tangible written word to ubiquitous digital creation and distribution. Permanent retention or preservation appears to have been an issue for some for perhaps the last two decades, but it is challenging. Instead of a fixed standard as is available for tangible products, digital preservation relies on a combination of risk analysis, differentiated preservation techniques dictated in part by the object or goals of the preservation effort, and a relatively short track record that has not yet had time to produce a digital equivalent with the preservation capacity of tangible items.²¹ Whereas a printed document or book sits on a shelf, digital production and retention relies on three interrelated factors for its creation: hardware, an operating system, and software applications. These separate but interdependent technologies and processes interact to create a “document,” whether it is printed or retained digitally. Over the past half century, all three items have evolved, with some early hardware such as mainframes, or the non-networked personal computer; operating systems and languages, including DOS, or COBOL; and software, including WordStar word processing or Eudora email, having gone from ascendance to obsolescence. In some cases, changes to hardware, operating systems, or software have resulted in the loss of access to the digital output they were used to create.

Whenever there is a hardware, operating system, or software change, it is sometimes necessary to reformat the digital output so it can be accessed by successor systems. Some earlier digitally created materials can be retrieved from previous information technology appliances or storage media, but sometimes the newer technologies are unable to render them in their original forms. In addition to the retention challenges, this also may raise concerns about document authenticity as well as preservation, at least in the manner the term applies to tangible materials, or necessitate investigation of additional technological solutions.

As a consequence, as long as there is no stable digital equivalent to an information distribution model based on words on paper in an official format, any effort to establish standards for the production and retention of digital materials might run the risk of privileging a current standard (e.g., XML or the widespread use of PDF). A potential consequence of such an effort might be to limit the technologies that can be used only to those that conform to a standard enacted into law. This might be seen by some as replacing the current approach to printing and publication management in Title 44 with one that might reasonably be seen as unlikely to last for more than a century in the way the printing standards set in 1895 have. Further, locking in a standard might deny Congress, GPO, the rest of the United States Government and American citizens the potential benefits of further digital innovation that might arise as newer, and potentially more enduring technologies are established or demonstrated to support long-term retention.

²¹ See, for example, Jean-François Blanchette, “A Material History of Bits,” *Journal of the American Society for Information Science and Technology*, vol. 62, no. 6 (June 2011), pp. 1042-1057; Simson Garfinkel and David Cox, “Finding and Archiving the Internet Footprint,” presented at First Digital Lives Research Conference: Personal Digital Archives for the 21st Century, London, February 10, 2009, <https://simson.net/clips/academic/2009.BL.InternetFootprint.pdf>; Caroline Arms and Carl Fleischhauer, “Digital Formats: Factors for Sustainability, Functionality, and Quality,” undated, https://memory.loc.gov/ammem/techdocs/digform/Formats_IST05_paper.pdf; and Library of Congress, *Recommended Formats Statement 2017-2018*, which “identifies hierarchies of the physical and technical characteristics of creative formats, both analog and digital, which will best meet the needs of all concerned, maximizing the chances for survival and continued accessibility of creative content well into the future,” <https://www.loc.gov/preservation/resources/rfs/RFS%202017-2018.pdf>.

Instead of enacting standards, Congress could consider a process by which the potential adoption of newer technologies and approaches reflective of emerging information management practices might be specified in statute. An option to consider might be a manner of assessing the utility and effectiveness of current standards by which government information is produced, distributed and retained as a way of identifying future needs. Current practices could also be assessed against the emergence of future technological refinement, expansion, or change related to government information. These technology and management assessment efforts could be accomplished by a government agency, or by an external panel of individuals who are experts in the fields related to producing, distributing and preserving information in digital environments. If such an approach is chosen, and when a technology determination process is established, it could prove an enduring approach to facilitating the apparent need to regularly update and manage digital information technology processes, since it is unclear when or if they will reach a level of maturity that printing had by 1895.

Thank you again for inviting me to testify. I will be happy to address any questions you may have.

The CHAIRMAN. Thank you, very much, Dr. Petersen.

The Chair will now recognize Ms. Dale for 5 minutes for her testimony.

Thank you, and welcome.

STATEMENT OF ROBIN L. DALE

Ms. DALE. Good morning, Chairman Harper, Congressman Raskin, and of course the other Members of the Committee.

On behalf of the Institute of Museum and Library Services Director, Dr. Kathryn K. Matthew, I want to thank you for this invitation to submit testimony before the House Committee on Administration as you examine the modernization of the Government Publishing Office.

I first would like to take a moment and give you a brief overview of IMLS, where I serve as the Deputy Director for Library Services.

The Institute of Museum and Library Services is the Federal agency with the primary responsibility for ensuring the availability of museum, library, and information services to meet the essential needs of the people of the United States.

IMLS is an independent grant-making agency and the primary source of Federal support for the Nation's approximately 120,000 libraries and 35,000 museums and related organizations. IMLS was created with the passage of the Museum and Library Services Act of 1996, which, as amended, authorizes the agency to award financial assistance, collect data, form strategic partnerships, and advise the President, Congress, and other Federal agencies on museum, library, and information services. The agency consolidates Federal library and information services programs dating back to 1956 and Federal museum programs dating back to 1976.

IMLS ensures critical access to the development of library services throughout the United States, its territories, and Native American tribes pursuant to the Library Services and Technology Act. IMLS supports library initiatives that facilitate innovation and workforce development through competitive grant programs.

Our Grants to States Program is the largest Federal funding support for library services in the United States. It is designed to stimulate the use of State and local funds for library improvement throughout the Nation. It encourages States to implement comprehensive programs to meet library services needs of their residents by establishing State Library Administrative Agencies, or SLAAs, as we call them, and they are charged by laws with the extension and development of library services. Fifty-nine State agencies now ensure that library services reach individuals in every State and territory.

To receive Federal support from IMLS, an SLAA must submit a plan that details library service goals for a 5-year period and describes activities that will be supported with the assistance of Federal funds. Each State is then responsible for leveraging non-Federal, State and local match funds it receives to increase the impact of the investment. In addition, each State must sustain a "Maintenance of Effort" level of State funding on libraries and library programs to ensure that Federal funds enhance and do not supplant State funds.

They may use the funds to support State initiatives and services. They may also distribute the funds through competitive sub-awards or also in cooperative agreements with public, academic, research, school, tribal, and special libraries or consortia, and every year over 1,500 Grants to States projects carry out these statutory purposes, ensuring the availability of library services by providing access to electronic databases, computer instruction, homework centers, digitization of special collections, access to e-books and adaptive technology, and tools supporting workforce development.

A priority of the program is to address the needs of underserved communities and persons having difficulty using libraries. More than 10 percent of our grant funds over the last several years have been used to support library services for individuals who are blind or visually handicapped or have other disabilities.

IMLS funds also support libraries' provision of science, technology, engineering and math, or STEM programs, designed to meet the needs of their communities. Library users receive hands-on instruction in science and technology to which they would normally not have access. This program supports career development as well as robust inquiry and skills essential for all citizens to lead productive and informed lives.

At the end of each 5-year period, SLAAs evaluate their library programs based upon their original 5-year plan. These plans and evaluations are the foundation for improving practice and delivering services, and they must file annual financial and programmatic reports.

Our statutory responsibilities for grant-making also include a range of competitive grant programs, including grants to Native American Tribes, including federally recognized Tribes, as well as Alaska Native villages, regional corporations, village corporations, and organizations that primarily represent and serve Native Hawaiians, to enable access to library services; National Leadership Grants to support innovation, and the Laura Bush 21st Century Librarian Program to help build a diverse and qualified librarian workforce.

We handle all aspects of grant administration, applying proper controls to ensure equity, fairness, and fiscal management and oversight. For example, our peer review process is central to its grant-making function and professionals with experience and expertise in a vast array of library disciplines and practices review all proposals from eligible institutions. Peer reviewers help ensure that financial assistance provided for projects that are appropriate to the applicant's capability and the scale of the overall programs, as well as the defined project goals, and we conduct cost analyses of these projects.

We monitor and oversee grantees, requiring that they maintain fiscal control and employ accounting procedures that ensure the proper disbursement for and accounting of Federal funds, and our agency has been recognized as a model for transparency, results-based goals, and priority setting, as well as for responsiveness and spending discipline.

And we are going up.

So, in conclusion, I would like to thank Chairman Harper and the Committee Members for this opportunity to provide testimony on behalf of IMLS, and I look forward to your questions.
[The statement of Ms. Dale follows:]

**Statement of Robin L. Dale, Deputy Director for Library Services, Institute of Museum
and Library Services
Before the Committee on House Administration**

**Transforming GPO for the 21st Century and Beyond: Part 4 – Federal Depository Library
Program**

October 11, 2017

Good morning Chairman Harper, Ranking Member Brady, and Members of the Committee. On behalf of Institute of Museum and Library Services (IMLS) Director Dr. Kathryn K. Matthew, I want to thank you for this invitation to submit testimony before the House Committee on Administration as you examine the modernization of the Government Publishing Office (GPO).

I first would like to take a moment to give you a brief overview of IMLS, where I serve as Deputy Director for Library Services. The Institute of Museum and Library Services is the Federal agency with primary responsibility for ensuring the availability of museum, library, and information services to meet the essential needs of the people of the United States. IMLS is an independent grant-making agency and the primary source of Federal support for the nation's approximately 120,000 libraries and 35,000 museums and related organizations. Of the \$231 million appropriated to IMLS in Fiscal Year 2017, \$215.3 million was directly awarded to eligible institutions to support museum, library, and information services. The agency carries out its mission through grant-making, research and data collection, and leveraging our investments through strategic Federal, state, and local partnerships.

IMLS was created with the passage of the Museum and Library Services Act of 1996 which, as amended, authorizes the agency to award financial assistance, collect data, form strategic partnerships, and advise the President, Congress, and other Federal agencies on museum, library, and information services. The agency consolidates Federal library and information services programs dating back to 1956, and Federal museum programs dating back to 1976.

IMLS ensures critical access to and development of library services throughout the United States, its territories, and Native American tribes, pursuant to the Library Services and Technology Act (LSTA), 20 U.S.C. 9121 *et seq.* IMLS also supports critical library services initiatives that facilitate innovation and workforce development through competitive grant programs.

Library Grants to States

IMLS's Library Grants to States Program, 20 U.S.C. 9121 *et seq.*, is the largest source of Federal funding support for library services in the United States. It is designed to stimulate the use of state and local funds for library improvement throughout the nation. It encourages states to implement comprehensive programs to meet the library services needs of their residents by establishing "State Library Administrative Agencies" (SLAAs) charged by law with the extension and development of library services. Fifty-nine state agencies now ensure that library services reach individuals in every state and territory.

To receive Federal support from IMLS, an SLAA must submit a plan that details library services goals for a five-year period and describes activities that will be supported with the assistance of Federal funds. Each state is then responsible for leveraging non-Federal, state and local funds to match the Federal funds it receives to increase the impact of the investment. In addition, each state must sustain a “Maintenance of Effort” level of state spending on libraries and library programs to ensure that Federal funds enhance and do not supplant state funds.

SLAAs may use the funds to support statewide initiatives and services, and they may also distribute the funds through competitive sub-awards to, or cooperative agreements with, public, academic, research, school, tribal or special libraries or consortia (for-profit and Federal libraries are not eligible). Each year, over 1,500 Grants to States projects carry out statutory purposes set out in 20 U.S.C. 9141, ensuring the availability of library services by providing access to electronic databases, computer instruction, homework centers, digitization of special collections, access to e-books and adaptive technology, and tools supporting workforce development. A priority of the program is to address the needs of underserved communities and persons having difficulty using a library. More than 10 percent of grant funds in recent years have supported library services for individuals who are blind, visually impaired, or have other disabilities. For example, IMLS grants fund Mississippi’s Talking Books Services and the Libraries for the Blind and Physically-Handicapped.

IMLS funds also support libraries’ provision of science, technology, engineering and math (STEM) programs designed to meet the needs of their communities. Library users receive hands on instruction in science and technology to which they would normally not have access. These program supports career development as well as robust inquiry skills essential for all citizens to lead productive and informed lives. For example, in Pennsylvania, IMLS funds have supported MAKER education.

At the end of each five-year period, SLAAs evaluate their library programs based on their original five-year plan. These plans and evaluations are the foundation for improving practice and delivering services. Each SLAA must file annual financial and programmatic reports.

Library Competitive Grants

IMLS’s statutory responsibilities for grant-making in support of library service also includes a range of competitive grant programs, including:

- **Grants to Native American Tribes, including Federally-recognized tribes, as well as Alaska native villages, regional corporations, and village corporations**, and to organizations that primarily serve and represent Native Hawaiians to enable access and resources to library services pursuant to 20 U.S.C. 9161;
- **National Leadership Grants** National Leadership Grants to enhance the quality of library services nationwide, which includes supporting the innovation and expertise development libraries need for digitizing, archiving, and maintaining necessary informational infrastructure pursuant to 20 U.S.C. 9162; and
- **Laura Bush 21st Century Librarian Grant Program** to develop and enhance the curricula, doctoral education, and professional development to help build a diverse and qualified librarian workforce pursuant to 20 U.S.C. 9165.

One example of these types of grants is a recent award made to the Free Library of Philadelphia, in partnership with nine community agencies, which is developing a model for how public libraries can fully integrate their work with the broader systems of workforce development and adult education. The work of the partners is centered in the Paschalville neighborhood in Southwest Philadelphia, which is characterized by extreme poverty, high unemployment, and low levels of educational attainment.

IMLS Grants Administration

IMLS handles all aspects of the grant administration, applying proper controls to ensure equity, fairness and fiscal management and oversight. For example, IMLS's peer-review process is central to its grant-making function. Professionals with experience and expertise in a vast array of library disciplines and practices review all proposals from eligible institutions. Peer reviewers help to ensure that the financial assistance provided for projects are appropriate to the applicant's capacity and the scale of the overall program, as well as the defined project goals. Prior to the awarding of a grant, IMLS staff also conducts cost analyses of these projects. IMLS monitors and oversees grantees, requiring that they maintain fiscal control and employ accounting procedures that ensure proper disbursement of and accounting for Federal funds. In terms of grants process, management, and oversight, our agency has been recognized as a model for transparency, results-based goals and priority setting, as well as for responsiveness and spending discipline. IMLS's grants programs are also informed by working with the field to understand how to best assess impact and reach; for example, through final reports and the agency's library data collections.

IMLS engages in interagency arrangements that have leveraged our grant-making authority. When establishing the National Museum of African American History and Culture through Public Law 108-184, Congress authorized IMLS to establish grant programs to build the capacity of museums of African American History and Culture in consultation with the Director of the Museum. 20 U.S.C. 80r. The Department of the Interior leverages IMLS's peer review and grant-making expertise to award and manage library and museum-related grants for collections care. 54 U.S.C. 308902. The agency is authorized to engage in interagency coordination and collaboration with agencies and offices throughout the government. 20 U.S.C. 9103.

IMLS initiatives, developed in partnership with non-profit organizations, also help the agency enable libraries to meet the needs of the public. IMLS's *Community Salute Initiative*, for example, augments the capacity of libraries to meet the unique and critical needs of the nation's more than 22 million U.S. veterans and military families. Libraries serve veterans by assisting them in building skills, offering healing resources, and by providing access to employment or training opportunities. Our work to date has examined how libraries are responding to the needs of veterans and their families and identified potential new approaches to provide better and more integrated community-based services for this important constituency. These approaches are grounded in community development and engagement practices as well as insights from community and service providers for veterans and their families.

Conclusion

In conclusion, I would like to again thank Chairman Harper, Ranking Member Brady, and the Committee Members for this opportunity to provide testimony on behalf of IMLS. I look forward to your questions.

The CHAIRMAN. Thank you, Ms. Dale. And it is good to know no trapdoor opens up if you go a few minutes or a little bit over.

Ms. DALE. That is correct. Well, you know, I watched it go down. And then I missed that the numbers would then go up once you were speaking over. So——

The CHAIRMAN. We are good. We are good.

Ms. DALE. Thank you.

The CHAIRMAN. Thank you very much for your testimony.

The Chair will now recognize Mr. Schonfeld for 5 minutes. Thank you. Or 5½ minutes, whichever you prefer.

STATEMENT OF ROGER C. SCHONFELD

Mr. SCHONFELD. Chairman Harper, Mr. Raskin, Members of the Committee, thank you for inviting me to testify here today.

I am a librarian who has led a number of projects examining preservation issues in the transition from print to digital. Nearly a decade ago, I led two projects focused on structural challenges facing the Federal Depository Library Program and how the vital work of that program can be sustained. Today I will focus my remarks on factors I hope you will consider related to the long-term preservation of government publications.

Preservation is an imperative for ensuring permanent public access, and it has several components beyond simply storing and retaining publications. First, there are technical issues, such as physical security, disaster planning, file preservation, and format changes. And second, there are governance issues, including how preservation is organized and funded. I want to focus on organizational issues today both for print and for digital preservation.

At a time of transition from tangible to increasingly digital access for many information resources, it remains essential that at least some print copies be retained. Because of research that I commissioned from a Berkeley operations researcher, we have a framework for determining the number of print copies of a given item that are needed for preservation purposes. Depending on a number of factors, including the condition of the collection and whether the materials are in circulation, we may need fewer than 10 copies to ensure their long-term preservation.

Federal government publications with widely available trusted digital copies are well-suited to this type of analysis. But the FDLDP is not organized to optimize for the preservation of print materials that are increasingly accessed digitally.

Academic libraries today are banding together into what I call trust networks to take collective responsibility for print collections. Each library individually can thereby reduce space and other resources devoted to print collections. Trust networks typically involve a more explicit commitment to retention, and in some cases preservation, than any single library was ever able to make for similar materials on its own.

The Association of Southeastern Research Libraries is a case in point. Participating libraries focus on a certain agency or set of agencies committing to build and maintain a collection more rigorously than the FDLDP itself mandates. This type of distributed but systematic approach is a fantastic model for what the future of the program could look like. Trust networks like this one frequently

cross State boundaries, which is a challenge for the FDLP's State-based model.

Looking ahead, the FDLP should evolve, along with library preservation strategy, to allow a trust network of libraries to serve in the role of the regional repository. GPO should integrate the Preservation Stewards Program and its regional discard policy along these lines and run them more proactively to ensure preservation in modern, yet robust and systematic ways.

As government publications are now typically issued in digital format, it is essential that this format also be preserved. But many Federal publications are not being gathered up into the FDsys, GovInfo platform. It is therefore reasonable to worry if their preservation as a coherent collection is failing.

GPO needs a stronger focus or abilities to enable it to build this coherent collection of Federal publications or an alternative other than GPO must be found for doing so. This issue must be addressed both prospectively and retrospectively to ensure that gaps in the holdings of digital and digitized publications are filled.

Additionally, I would question whether GPO should have sole responsibility for digital preservation. Best practice is for preservation responsibilities to be transferred from the creator and publisher to one or more third parties representing the users of publications. Consequently, there should be a strong third-party role for preservation of Federal publications. The government should have a formal agreement with this third-party and provide stable financial support.

This third party would take custody of publications when they are issued and maintain them in a diversity of political jurisdictions, including, in this case, at least one jurisdiction outside the United States. At any point the publications become unavailable through normal channels, the third party would ensure that public access is not interrupted. The FDLP could be restructured to provide for such a model or GPO could contract with a third party outside of the parameters of the FDLP.

I thank this Committee for your work to ensure preservation and access to government publications. By modernizing the FDLP and aligning it with preservation best practices, you can help to ensure that these vital government publications will remain available for the American public for generations to come.

I look forward to your questions.

[The statement of Mr. Schonfeld follows:]



The Preservation of Government Publications

October 2017

Roger C. Schonfeld | roger.schonfeld@ithaka.org

Chairman Harper, Ranking Member Brady, and Members of the Committee, thank you for inviting me to testify before the Committee on House Administration on “Transforming GPO for the 21st Century and Beyond.”

I am the director of the library and scholarly communication program for Ithaka S+R, a not for profit research and advisory service that focuses on higher education.¹ I am a librarian who has led a number of projects examining preservation issues broadly in the transition from print to digital content and collections. Nearly a decade ago, I led two major consulting projects focused on structural challenges facing the Federal Depository Library Program (FDLP) and how its vital work can be sustained.² Others have spoken with you about some of the benefits of the Program and the challenges it faces. I will focus my remarks on factors I hope you will consider related to the long-term preservation of government publications, in print and also electronic form.

Print Preservation

The current enabling legislation does not assign preservation responsibilities to the FDLP. Rather, it assigns to regional depositories a responsibility for permanent retention of the publications distributed to them.³ Preservation

¹ Ithaka S+R is a service of the not-for-profit organization, ITHAKA, which also operates the JSTOR, Artstor, and Portico digital library and preservation services.

² See Roger C Schonfeld and Ross Housewright, *Documents for a Digital Democracy: A Model for the Federal Depository Library Program in the 21st Century* (New York: Ithaka S+R, 2009), available at <https://doi.org/10.18665/sr.22358> and Ross Housewright and Roger C. Schonfeld, *Modeling a Sustainable Future for the United States Federal Depository Library Program's Network of Libraries in the 21st Century: Final Report of Ithaka S+R to the Government Printing Office*, May 16, 2011, available at <http://www.uflib.ufl.edu/docs/ithaka-final-report-and-gpo-statement.pdf>.

³ See 44 US Code 1911.

should nevertheless be understood as an imperative for ensuring permanent public access.

Understood comprehensively, preservation entails a variety of activities, processes, and conditions designed to extend the life of a publication and the information it contains. Preservation activities for an individual collection go far beyond simply providing the space necessary to store materials. It requires appropriate environmental conditions, which are not always present in legacy library facilities, to extend the life of paper-based collections. It involves physical security, facilities maintenance, and disaster planning. It involves processes to identify missing materials and fill gaps that arise. It involves item-level metadata to identify what is held and where as well as conservation. And of course it involves a commitment to retain materials, usually combined with provisions for access.

The FDLP provides for some but not all of the steps necessary to ensure the preservation of the print collection, mostly by having multiple copies of many items housed in 47 “Regional” depositories. About half of these are academic libraries.

How Many Copies

Because of research that I commissioned from a University of California, Berkeley operations researcher, we have a framework for determining the number of print copies of a given item that are needed for preservation purposes.⁴ Depending on a number of factors, including the condition of the collection and whether the materials are in circulation, we may need fewer than 10 copies to ensure their long-term preservation.⁵

Federal government publications with widely available trusted digital copies are well suited to this type of analysis, since digitization substantially reduces the use (and therefore risk of loss or damage) of physical volumes

⁴ Candace Arai Yano, Zuo-Jun Max Shen, and Stephen Chan, “Optimising the number of copies and storage protocols for print preservation of research journals,” *International Journal of Production Research* 51:23-24 (2013), pages 7456-7469, available at <http://dx.doi.org/10.1080/00207543.2013.827810>.

⁵ Among the other factors are the quality of the digitization, digital preservation, and terms of access, to ensure that access has migrated to the digital version; the degree of quality assurance provided for the print copies, and the degree of image intensiveness.

The Berkeley model imagines that there are at least some pristine copies of the items, which requires different kinds of preservation conditions than are currently in place through the FDLP.

The key takeaway is that there is a balance between the preservation approach and the number of copies that are needed in order to provide assurances that the collection will remain available.

Trust Networks

The FDLP is under stress today for a number of reasons. It is my view that an essential reason is that it is organized on a state-based model, when academic libraries are increasingly striving to manage their print collections collaboratively in ways that do not align with state boundaries.

In the United States, academic libraries share much of the responsibility for preserving books, periodicals, and other print publications. But since the FDLP was created, how libraries structure their responsibilities has changed substantially. In a previous era, preservation was assured by many libraries collecting copies of the same work. Today, this is decreasingly the case.⁶

There are several changes that have faced academic libraries. Digital versions of many publications have become the main form of access for reading purposes, certainly for periodicals. And the logistics of managing and sharing print versions has improved substantially. As so much information of all types have been made freely available on the internet, libraries are pivoting to find a variety of ways to add value to their communities, and academic libraries are repurposing their central campus spaces away from collections storage. To allow them to do so while maintaining access to print publications, academic libraries are creating “trust networks” to take collective responsibility for storing and preserving print collections.

These networks can cover a variety of different content types, differ somewhat in their provisions around permanence, and involve a number of organizational

⁶ The term for this strategy, “preservation through proliferation,” was defined in Stephen G. Nichols and Abby Smith, *The Evidence in Hand: Report of the Task Force on the Artifact in Library Collections* (Washington DC: Council on Library and Information Resources, 2001), available at <http://www.clir.org/pubs/reports/pub103/pub103.pdf>.

structures and governance models.⁷ But they typically involve a more explicit commitment to retention and in some cases preservation than any single library was ever able to make for similar materials on its own.

The Association of Southeastern Research Libraries - whose 38 member libraries across 11 states form one of the strongest and most innovative trust networks we have - has established an innovative program for government documents.⁸ Participating libraries create a center of excellence for a certain agency or set of agencies, committing to build, maintain, and catalog (and in some cases digitize for preservation and access) a collection more rigorously than the FDLDP mandates. Today, there are 40 Centers of Excellence focusing their collection management work on agencies of different sizes and character -- from the US State Department to the historic House Un-American Activities Committee. This type of distributed but systematic approach is a fantastic model for what the future of the program could look like. The FDLDP should evolve along with library preservation strategy to allow a group of libraries together to serve in the role of the Regional, combining the flexibility associated with such a collaboration with greater preservation assurances that this model provides.⁹

Of course academic libraries are not the only library members of the FDLDP. But the program can and should evolve to accommodate changing strategies and organizational structures for preservation regardless of the type of library.

Digital Preservation

As government publications are now typically issued in digital format, it is essential that they be preserved in digital form. Digital preservation has several discrete components to it. First, there are the technical issues around file preservation, format changes over time, preservation metadata, and similar

⁷ A number of very interesting trust networks are profiled in an issue of *Against the Grain* that I edited. See volume 22, number 5 (November 2010), available at <https://doi.org/10.7771/2380-176X.5640>.

⁸ Of ASERL's 38 members, 37 are Federal Depository Libraries.

⁹ At the same time, I have expressed concerns about whether libraries participating in these trust networks have given enough attention to the long-term preservation questions. Roger C. Schonfeld, "Taking Stock: Sharing Responsibility for Print Preservation." Ithaka S+R. July 8, 2015, available at <https://doi.org/10.18665/sr.241080>.

issues. And second, there are governance issues, including how preservation is organized and funded. I want to focus on organizational issues.

Best practice is for preservation responsibilities to be transferred from the creator and publisher to one or more third parties representing the customers and users of publications.¹⁰ For trade and scholarly publications, for example, individual libraries or groups of them acting collectively have typically served as the preservation agent.

Federal publications seem to represent a unique type of preservation problem. While the federal government publishes materials openly on the internet and they are freely available for all to read, there is a diffusion in responsibility for preservation that must be addressed.

GPO now operates FDSys and will operate GovInfo as a digital platform for free access and long-term stewardship of federal publications. Collecting all federal publications into a single platform is a worthy goal. However, many federal digital publications are not being gathered up digitally into this platform. It is therefore reasonable to worry if their preservation as a coherent collection is failing. GPO needs stronger focus or abilities to enable it to build this coherent collection of federal publications, or an alternative other than GPO must be found for doing so. In addition to solving this issue prospectively, it must also be addressed retrospectively, to ensure that gaps in holdings of digital and digitized publications are filled. But even if GPO can fully populate federal publications on this platform, we should question whether GPO should have sole responsibility for preservation.

It is my view that extending preservation best practices to federal publications requires a strong third party role for preservation in addition to the efforts of the government itself. This third party (or these third parties, since there can certainly be more than one) should follow a number of principles and practices:

- » It should have a formal agreement with the federal government outlining its responsibilities.
- » It should take custody of government publications when they are issued or on a timely basis soon thereafter.
- » It should maintain custody of these publications in a diversity of political jurisdictions, in this case to include at least one jurisdiction outside the United States.

¹⁰ See for example the principles outlined in this statement issued by The Andrew W. Mellon Foundation based on a roundtable of library leaders. "Urgent Action Needed to Preserve Scholarly Electronic Journals," available at <http://www.arl.org/publications-resources/1150>

ITHAKA S·R

- » At any point that publications become unavailable through FDsys, GovInfo, or their successors, the third-party would be obligated to provide permanent public access.

I want to emphasize that the current structure of the Federal Depository Library Program is not able to provide for this kind of third party. The FDLP could be restructured to allow for such a model, or GPO could contract with such a third party outside of the FDLP. Stable financial support must be provided.

In addition to this formal relationship, GPO should also allow complete and selected bulk downloads of all digital content and metadata so that any individual or organization can analyze, make accessible, and preserve federal publications.

Conclusion

I thank this Committee for its interest in how the FDLP might be updated to ensure preservation and access to government publications. By modernizing the FDLP and aligning it with preservation best practices, you can help to ensure that these vital government publications will remain available for the American public for generations to come.

The CHAIRMAN. I want to thank each of you for your testimony. This is an issue that is very important, I believe, to the future of how all of this is going to work.

The gentlelady from Virginia, Mrs. Comstock, is rotating between three different hearings set all during the same time. She will have to run. So I am going to take a liberty as Chair and recognize Mrs. Comstock first for 5-minutes for questions.

Mrs. COMSTOCK. Thank you, Mr. Chairman.

Dr. Petersen, in your testimony you stated that Congress could consider a process by which the potential adoption of newer technologies and approaches reflective of emerging information management practices might be specified in statute. Could you explain how Congress could delegate that authority to GPO? Would it be through some rulemaking process or how that might be done?

Mr. PETERSEN. Thank you for the question.

I guess the first step is to identify a technology adoption process, and this is one option for considering how to implement the flexibility to bring in emerging technologies over time.

One option is an expert panel, folks who look at this stuff, folks like Mr. Schonfeld, who study it deeply and can see what is coming and how the extent to what existing technologies are, you know, expiring or being overtaken by newer things.

What then could happen is that the process of technology determination could be enacted as the method of implementing it. And this could be overseen by GPO. This could be overseen by another entity.

And it would potentially be a regulatory option. GPO could implement these things by regulation. Perhaps the statute could mandate that the technology development process be carried out at a regular interval, and then, in the absence of some manner of objection, be implemented that way.

There are a number of options as to how that could move forward.

Mrs. COMSTOCK. Okay. Thank you.

And, Mr. Schonfeld, in your testimony you talked about a third-party role for preservation. Could you expand upon that? And, as you mentioned, the Federal Information Preservation Network, would that effort by GPO be enough to preserve the Federal collection?

Mr. SCHONFELD. Thank you for the question.

In terms of third-party preservation, we have developed a system—Ms. Dale was actually one of the originators of it—of certifying trusted digital repositories. It is a process that makes it possible for us to have assurance that these repositories are audited and certified.

Even if FDsys or GovInfo, the GPO's repositories, were to be certified as trustworthy, governance principles would still argue for a strong third-party that itself would be certified as trustworthy. But as you may know, GPO attempted to have its own digital repository certified, and the certification has not yet been received. This should, perhaps, cause some special concerns for us about whether GPO is in the right position here.

I would answer about the Federal Information Preservation Network by saying that what GPO really needs to establish here is a

risk-informed set of preservation goals. And I think that that is really what we are talking about, how do you understand what the risks are, what the risk factors are relative to the resources that are available for addressing those risks. That would yield a set of technical objectives, like how many copies do you need, under what environmental conditions, and so forth, for the digital side.

But the answer is not just to get as much as possible. Preservation isn't about as much as possible. That can yield far too much preservation, and therefore inefficiency, or it can yield far too little preservation, putting items, materials that we care about, at risk.

So I would say that thinking about how GPO could get to a more risk-informed way of thinking about preservation against the tradeoffs and resources that are required would be an important step forward.

Mrs. COMSTOCK. Thank you.

Thank you, Mr. Chairman. I yield back.

The CHAIRMAN. The gentlelady yields back.

The Chair would now recognize the gentleman from Maryland, Mr. Raskin, for 5 minutes for questions.

Mr. RASKIN. Mr. Chairman, thank you, very much.

Let's see. Mr. Petersen, let me start with you. You piqued my interest with your invocation of the Chadha decision, which, of course, found that Congress, when it acts in its legislative capacity, must act bicameral, with presentment to the President. Are you suggesting that that creates a problem for each house essentially controlling its own printing and publishing operations? Was that the relevance of it?

Mr. PETERSEN. No, sir. It had to do with the capacity to implement 44 U.S.C. 501, which states that all government printing goes through the Government Publishing Office at the direction of the Joint Committee on Printing. And following the decision in 1983, a number of executive branch agencies spent the next decade asking why GPO and JCP were in this position in light of Chadha.

So it was a consequence where, with the Department of Justice's Office of Legal Counsel's opinions, that JCP had no constitutional role in light of Chadha. Many executive agencies chose to take their printing business elsewhere, either doing it within the agency or contracting out on their own authorities.

A consequence of this is, because of the funding model of GPO, that GPO had less revenue to support the various nonprinting activities that it has been assigned to over the past 25 years.

Mr. RASKIN. I see. And that is an historical process that has continued, the executive agencies?

Mr. PETERSEN. I would say it is reasonably set at this point. But it is the turning point at which Congress began to question what JCP might do in the future. And it changed a little bit the model of how GPO went out and found work from the executive branch.

Mr. RASKIN. Gotcha. Thank you.

Ms. Dale, a lot of libraries don't have big endowments and are facing shrinking local budgets today, and as the Committee considers providing grant-making authority to the GPO, what can we learn from your grant-making program about how to make this an effective operation if it is to happen?

Ms. DALE. Thank you for the question.

I would say in terms of the IMLS grant-making and drawing parallels, it is about the ability to understand the scope and the scale of what grant-making would be within there and ensure that there are proper controls in place as we do have at IMLS. As I mentioned earlier, we have anything from fiscal controls. We have appropriate peer review in grant-making and grant selection. We have grants that run from the tens of thousands up into the millions of dollars. So we have appropriate processes and procedures in place that allow us to scale and address those needs as they come in.

I would say that those principles are things that would need to be in place for this program should the grant-making authority be something you decide upon. Of course, IMLS doesn't have a position at this time in terms of the question and within the legislative and administrative purview of the Committee to address the grant-making authority.

Mr. RASKIN. Thank you.

And, Mr. Schonfeld, finally, you say that preservation of government information may require, or ideally requires, the involvement of a third party, and I think you suggested in your testimony possibly outside of the country. Who becomes responsible for maintaining the security of that information, both in its digital and tangible forms, if we are to delegate it to a third party?

Mr. SCHONFELD. Thank you for the question.

Just to make sure that it is clear, I don't mean to suggest that the third party itself has to be administratively located outside of the country but that the preservation best practice would call for at least one copy of the material to be held in a jurisdiction outside of the country. So just to make sure that I didn't leave any ambiguity there.

The question as to security of the information, in this case I believe we are talking about publications of the government, which is to say materials that are publicly accessible. So I think that there are questions not so much about security in terms of keeping them from being made available, but certainly there are questions about authentication and making sure that the materials themselves are authenticated and authentic. And I think that there are processes and procedures in place technically, through some of the existing third-party preservation entities, that would accommodate for that kind of question.

Mr. RASKIN. Great.

Mr. Chairman, I yield back to you. Thank you very much.

The CHAIRMAN. The gentleman yields back.

I now recognize myself for 5 minutes for questions. And, again, thanks to each of you for being here.

Dr. Petersen, as the Committee prepares to work on and rewrite Title 44, what guidance would you give us to ensure success?

Mr. PETERSEN. Well, Mr. Chairman, as you know, the Congressional Research Service doesn't tell Congress what to do. That is not just in statute, that is pursuant to fairly regular reminders from this Committee among others.

The CHAIRMAN. But we are very open-minded and we are okay. While you can't tell us, you can suggest heavily.

Mr. PETERSEN. Well, I think that there is a long two-and-a-half-decade process of considering the position of the Joint Committee

on Printing. I think there are regular conversations related—and you just had a piece of that with the Clerk a few minutes ago—considering the specificity of the types and amounts of printing that need to happen moving forward.

We know that most users, for example, rely on the digital manifestations of most congressional documents. At the same time, there are archival purposes for tangible processes, because we don't have an enduring archival standard for digital things. There are still people who like to look at it and mark it up. So there is going to be something there.

I don't think, for example, on the Congressional Record—you know, there are somewhere north of 29,000 copies of the daily edition authorized. My understanding from GPO's budget submission is that they print about 1,700 or so. And while that authorization has been made, there isn't a public record of where it has been made or under what authority. And surfacing those sorts of bits of information about how the printing process works, how the distribution process works, may be helpful in elevating the transparency of the government information process.

The CHAIRMAN. Thank you for those suggestions. Thank you.

Ms. Dale, if I may ask you, has IMLS ever been defined in statute to handle grant-making for an agency or other entity in government?

Ms. DALE. So we have a number. There is a bit in the written testimony that was provided in terms of the interagency agreements that we have done with our grant-making authority that delves into that realm, including when establishing the National Museum of African American History and Culture through Public Law 108-104, Congress authorized IMLS to establish grant programs to build the capacity of museums of African-American History and Culture, in consultation with the Director of Museums.

The Department of Interior leverages IMLS' peer-review and grant-making expertise to award and manage library and museum-related grants for collections care. So we do have partnerships and advise other agencies on those matters.

The CHAIRMAN. So you have had that collaboration with other Federal agencies?

Ms. DALE. Yes, sir.

The CHAIRMAN. What models for collaboration have worked well in the past? And notwithstanding a possible inclusion in statute, are there opportunities for IMLS to collaborate with GPO?

Ms. DALE. Certainly there is precedent there for IMLS to be able to collaborate with GPO on, I would imagine, any numbers. As I mentioned, there were two different examples there. There are others that we could provide where we have worked with other agencies and assisted them with grant programs. Those were the two that were easiest.

I would say that we are certainly flexible and willing to hear more about the interest. Again, we don't have a particular position on which way that the Committee would choose to go. But we would certainly be willing to take in any questions you might have and provide any further technical assistance or advice on options.

The CHAIRMAN. And certainly you—as you stated earlier, there are grants given in various amounts, from——

Ms. DALE. Yes, sir. From 10,000 to——

The CHAIRMAN [continuing]. From thousands to millions.

Ms. DALE. Yes, sir.

The CHAIRMAN. What level of funding would a grant-making program need in order to be effective?

Ms. DALE. So I will take that back to my earlier comment about scale and scope, and I think it really depends on the goals of the program and whether it would be competitive or if there is a sort of Grants to States-based model where a certain amount of money is given to every State based upon some formula.

And then I would just say that there is certainly a need to provide the level of oversight and review and financial accountability. And certainly we continue to work on all the processes to make sure that they are in place, and we do improvements all the time. But there is a great deal of work assisting, both providing technical assistance to grantees, but as well as the entire grant-making process.

The CHAIRMAN. Thank you.

Mr. Raskin, do you have any followup questions in light of my questioning?

Mr. RASKIN. I do not, Mr. Chairman.

The CHAIRMAN. Okay.

I want to thank each of you for being here. This is a very important process. It may not appear to be the most glamorous topic as we go through Title 44, but it is very important how we are going to operate and how we are going to move forward. And I know, Mr. Schonfeld, you mentioned that as well.

And before I close out the questioning, just one quick question. Twenty years ago we could never have imagined the digital transformation of storage of this. Do you have a glimpse, as you study this, where we are going to be in 20 years?

Mr. SCHONFELD. Well, I think that we are going to see the transition from print to digital formats continue to accelerate, the transition from tangible to digital formats continue to accelerate, and I think that we are going to see all sorts of ways that we will move from static publications to more interactive kinds of information resources.

At the same time, I think we have seen that the transition has not taken place as quickly for many formats as some people would have expected. And we have to be cautious in how we make that transition so that we respond to reading behaviors, as libraries we support the needs of the public and the academics who need the materials that we have.

So I think we are going to see an increasingly digital future, but one where libraries have a very strong role, and a stronger role even, in providing preservation and access and other services.

The CHAIRMAN. Great.

Well, you look at how things have changed from 8-tracks to iTunes. It has been remarkable. And I am sure we are going to see that in the roles that we are all playing here.

Without objection, all Members will have 5 legislative days to submit to the Chair additional written witness questions that could be forwarded to each witness to answer as promptly as they can in order for those to be made a part of the record.

Without objection, this hearing is adjourned.
[Whereupon, at 11:31 a.m., the Committee was adjourned.]