



United States  
Government Printing Office

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**PREPARED STATEMENT BEFORE THE**  
**SUBCOMMITTEE ON GOVERNMENT MANAGEMENT**  
**INFORMATION, AND TECHNOLOGY**  
**COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT**  
**HOUSE OF REPRESENTATIVES**  
**ON**  
**GPO'S ROLE IN FEDERAL INFORMATION DISSEMINATION**

**THURSDAY, MAY 8, 1997**

**311 CANNON HOUSE OFFICE BUILDING**

**9:30 A.M.**

Mr. Chairman and Members of the Subcommittee, thank you for inviting me here this morning to discuss the role of the Government Printing Office (GPO) in Federal information dissemination.

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

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

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

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

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

### **GPO AND CONGRESS**

GPO was originally established to provide Congress with *immediate, reliable service* in a work environment under its direct control. That mission continues today. We produce the daily and permanent editions of the *Congressional Record*, bills, resolutions, amendments, hearings, committee reports, committee prints, documents, stationery, and a wide variety of other products that are essential to the legislative process in Congress. We produce this work in our central office facility on North Capitol Street in Washington, DC, through the creation and storage of electronic databases of publications for printing and dissemination, as well as the provision of CD-ROM, online access, and print-on-demand services. All of this work is funded through an annual appropriation for Congressional Printing and Binding.

**Support for the Cyber-Congress.** We have built a core capability for electronic information and communications services to support Congress's information needs. Today, our state-of-the-art electronic systems are characterized by a complex of direct electronic linkages via CAPNET to a variety of congressional offices on Capitol Hill for data

interchange. Once considered only the by-product of the print production process, digitized electronic databases of congressional information are now the primary product: they are the databases from which the *official* versions of documents are produced in print, CD-ROM, and online access formats made available to the public through *GPO Access* as well as other systems such as the Library of Congress's THOMAS information system.

Our electronic systems and staff expertise position us to support the continued development of the cyber-Congress, including implementation of the House Document Management Plan, approved by the House Oversight Committee in 1996, and a comparable Legislative Information System for the Senate. We are committed to supporting the House's effort to provide the public with access to more committee materials online, pursuant to a recent rules change.

**Print-On-Demand Systems.** We are using electronics to support print-on-demand systems for Congress as well. We operate a print-on-demand system in the Senate Document Room that has reduced the requirement for printing extra copies of Senate documents for storage. This system, and another print-on-demand system located at our central office facility, are both networked to congressional databases resident at GPO.

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

**Savings from the Use of Technology.** Productivity increases resulting from technology have enabled us to make substantial reductions in staffing requirements while continuing to improve services for Congress. In the mid-1970's, on the threshold of our conversion to electronic photocomposition, we employed more than 8,200 persons. Today, we have 3,674 employees on board, *fewer than at any time in this century. In the past 4 years our staffing has been reduced by 25 percent.* The reduction was accomplished while at the same time modernizing and improving our services.

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

## GPO AND FEDERAL AGENCIES

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



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

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

**Electronic Support for the Procurement Process.** Electronic versions of printing procurement bid solicitations are now accessible from the Internet via GPO's World Wide Web home page. The electronic posting of bid solicitations has several benefits. It allows us to reduce the cost of making this information available to the public. It enables more contractors to bid on Government printing jobs, thereby increasing competition and lowering procurement costs. By posting electronic versions of these documents on the Internet, all potential bidders, even remotely located small businesses, have immediate access to additional bid opportunities. We have found that increasing the dissemination of formal bid solicitations results in more contractors submitting bids. The increase in competition also results in a decrease in contract prices, lowering the overall cost to the Government for printing. Our electronic posting initiative has generated considerable interest and enthusiasm in the printing industry.

## ELECTRONIC SUPPORT FOR AGENCY PRODUCTS

Federal agencies are turning to GPO for assistance in the management of their publications and related information products through all stages of the information life cycle: the creation and/or collection of information, processing the information into a product, dissemination of the product, use and storage of the product, and product disposition through archival management.

**CD-ROM Services.** Since 1988 we have been a leading Government producer of CD-ROM technology, providing agencies with a complete range of CD-ROM production services. Our development services take source material from any submitted medium and convert it to a CD-ROM product, including the provision of a search engine using

standard licensing agreements with three different companies. We provide test discs, quality testing and control, and graphic design work for the CD-ROM disc face and cover booklet. We procure the mastering of the data and its replication on standing CD-ROM contracts. We provide dissemination of the final product through our sales program and the FDLP without cost to the publishing agency.

In 1992, we received the annual CD-ROM Award from the Special Interest Group for CD-ROM Applications and Technology (SIGCAT), the largest CD-ROM user group in the world. The following year, the General Accounting Office cited our CD-ROM program as one of the most cost-effective in the Government, specifically noting that GPO's CD-ROM products are among the least expensive for users.

**World Wide Web Services.** Our resources and staff are also involved in assisting agencies with World Wide Web and Internet services. Electronic processing work performed by our staff resulted in the databases available on *GPO Access*. For the World Wide Web, we provide database development services, mounting on our servers, database maintenance, access based on agency needs, promotion of the service, training, and user support. *GPO Access* features a unique service in making most databases available not only in ASCII format but in Portable Document Format (PDF), which provides a searchable database that exactly replicates the printed product. For Government information users for whom authenticity is critical, the PDF feature is an essential feature.

**Expert Publishing Services for Federal Agencies.** GPO's Digital Information Technology Support Group (DITS Group), a unit of our Printing Procurement Department, provides expert publishing services to support the increase in electronic publishing submissions from Federal agencies. The services include one-on-one desktop publishing (DTP) consultation for correct file creation techniques; customer outreach by way of on-site digital publishing seminars; researching industry trends in digital publishing and disseminating pertinent information to agency editor/writers, printing personnel, project designers, publishers and information management personnel; and creating official publications and forms designed to make digital publishing more consistent, cost effective, and customer friendly.

**The New Commerce Business Daily.** We recently entered into an alliance with the Department of Commerce in the development of a new *Commerce Business Daily* (CBD). This new joint project has succeeded in making CBD information freely accessible in real-time over the Internet while preserving the printed version for those who still need to receive daily issues in that form.

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

## **RELATED SERVICES FOR FEDERAL AGENCIES**

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

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

**Customer Services.** GPO's Customer Service Department works directly with Federal agencies to ensure that their printing and information product needs are met. Technical assistance to agencies provided by our staff often achieves significant savings for agencies. We work closely with the Interagency Council on Printing and Publications Services and the Federal Publishers Committee. These organizations, representing Federal printing and publishing officers from throughout the Government, serve as valuable forums for listening to the ideas and concerns of our customer agencies. In addition, our departmental account representatives are involved in hundreds of meetings with customer agencies and commercial contractors each year. One unit of our Customer Service Department, the Typography and Design Division, provides graphic design, illustration, consultation, photographic, video, and quality control services, such as press sheet and bindery inspections, to customer agencies. This unit provides state-of-the-art computerized graphic design and composition services to support agency printing requirements.

**Recycled Paper and Vegetable Oil-based Inks.** We sell blank paper supplies to Federal agencies in the Washington metropolitan area, passing on significant savings through savings we achieve in bulk purchases. Under the guidance of the JCP and also working in cooperation with the Environmental Protection Agency and the Federal Environmental Executive, this program has been instrumental in advancing the Government's utilization of recycled paper and related materials, including recycled copier paper. We also have successfully implemented the provisions of the Vegetable Ink Printing Act of 1994, on which this Subcommittee held hearings. This Act requires all Federal lithographic printing to be performed utilizing inks containing vegetable-based oils in specified percentages. Our printing procurement contracts contain standard provisions for the utilization of recycled paper and vegetable-based inks in Federal jobs.

**Institute for Federal Printing and Publishing.** GPO's Institute for Federal Printing and Publishing coordinates training in printing and publishing for customer agencies and entities. Course offerings include "Resources for Publishing," "Publishing Media," "Getting the Best from Desktop Publishing (DTP)," "Introduction to Document Preparation for World Wide Web (WWW) Publishing," "Introduction to Printing Processes and Terminology," "CD Publication," "Proofs and Press Sheet Inspections (PSIs)," and "Scanning Black-and-White Photos for DTP." The Institute is developing two new classes, "Introduction to Adobe Acrobat--A Portable Document Format" and "Innovative Internet Marketing Techniques for the Government." In addition to courses, the Institute provides related information services. Well over 5,000 individuals, representing all three branches of the Federal Government, have attended the Institute's courses to date.

## **GPO AND INFORMATION DISSEMINATION**

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

The information dissemination programs of GPO's Superintendent of Documents include the distribution of publications to approximately 1,400 Federal depository libraries nationwide, cataloging and indexing, distribution to recipients designated by law, and distribution to foreign libraries designated by the Library of Congress which in

turn agree to send copies of their official publications to the Library pursuant to international treaty. These programs are funded by the annual Salaries and Expenses Appropriation of the Superintendent of Documents.

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



***GPO Access.*** *GPO Access* provides free access to more than 70 Federal databases, including the *Congressional Record*, the *Federal Register*, the *Commerce Business Daily*, Supreme Court opinions, congressional bills and reports, and other publications, as well as Government Information Locator Service (GILS) records for a growing number of Federal agencies. The first online service of its kind established by Congress, *GPO Access* allows users to locate a wide variety of electronic products available via the Internet and to order Government publications online. *GPO Access* is the only Government online service providing access to a wide range of information from all three branches of the Federal Government, and the only service providing official access to this important Government information. Currently, nearly 3 million documents are retrieved from *GPO Access* every month, and the number continues to grow. In March 1997, retrievals topped 4 million. During peak usage periods there are about 15,000 *GPO Access* sessions per hour.

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

## **THE FEDERAL DEPOSITORY LIBRARY PROGRAM (FDLP)**

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



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

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

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

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

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

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

We recently made an estimate of the number of fugitive publications today. In FY 1996, nearly 57,000 unique titles were included in the FDLP, including some 14,000 Department of Energy (DOE) reports. *We estimate that about 50 percent, or 55,000, of the tangible Government information products which are in the scope of the FDLP are not being distributed through the Program.* This number coincidentally approximates the estimated 40 percent of printing and reproduction expenses that are currently by-passing GPO. These publications are primarily those of a scientific and technical nature which are not printed through GPO and the originating agency did not provide copies for depository distribution as required by Title 44.

Most of the missing publications were provided to the National Technical Information Service (NTIS) of the Commerce Department, and we derived the number of 55,000 in the following manner. In FY 1996, NTIS took in about 160,000 scientific, technical, and business related titles, most but not all of which were published by the Government. NTIS's intake included about 20,000 from DOE, 30,000 from the Defense Technical Information Center (DTIC), 6,000 from NASA, and 3,000 to 4,000 from the Commerce Department, as well as so-called "legacy collections" extending over a number of years, such as 10,000 titles from the now-defunct Bureau of Mines.

Based on our experience with DOE, we estimate that about 70 percent or 112,000 of NTIS's total intake belongs in the FDLP. Compared with the 57,000 titles in the FDLP in FY 1996, this leaves about 55,000 fugitive titles which should have been provided to GPO by the publishing agencies, had they fully complied with Title 44 requirements.

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

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

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

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

The second compliance issue involves publications in electronic formats. Several agencies have taken the position that Title 44 does not apply to Government information in electronic formats. OMB's Circular No. A-130, "Management of Federal Information Resources," requires agencies to cooperate with GPO for print publications, but only "encourages" cooperation for publications in electronic formats and provides agencies with a rationale for exempting electronic information products from the FDLP based on cost. An example of this is our recent experience with the NTIS Order Now CD-ROM. NTIS recently converted its printed sales catalog to a quarterly CD-ROM subscription called *Order Now*. NTIS did not procure this product through GPO. Although NTIS makes this catalog available online on a no-fee basis to depository libraries, the online product does not include the two years' worth of abstracts and indexes available on the CD-ROM. This makes the CD-ROM more complete and useful than either the online or former printed products. NTIS expressed a willingness to make the CD-ROM available as a benefit to the public and as a promotional tool for their sales program, provided GPO pays the retrieval

software licensing fees. After due consideration, it was decided that the Superintendent of Documents could not pay these fees, and that since the CD-ROM was not procured through GPO, NTIS was obligated to provide copies to the FDLP under section 1903 of Title 44. In a letter to the Staff Director of the JCP concerning this matter, NTIS made the statement that “[a]t no time did we consider this to be a question of compliance with Title 44,” apparently based on the fact that the publication in question is electronic rather than print. However, without the NTIS Order Now CD ROM, it will be more expensive for depository libraries to locate and purchase scientific and technical documents. More broadly, such attempts to evade the requirements of Title 44 represent a serious challenge to free public access to Government information through the FDLP.

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

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

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

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

**Strategic Plan.** The Strategic Plan included in the final Study Report proposes a gradual transition during the period FY 1996-FY 2001. Under the plan, the FDLP will provide official Government information products in a variety of formats to depository libraries. Incorporating electronic Government information into the FDLP will augment the traditional distribution of tangible products with connections to Government electronic information services such as Internet sites. Electronic information will be accessible to the public directly or through depository libraries from a system of Government electronic information services administered by GPO, other Government agencies, or institutions acting as agents for the Government. The FDLP will identify and connect users to electronic information

services of other agencies or, when appropriate, obtain electronic source files from agencies for mounting on *GPO Access*. Tangible Government information products will be distributed to libraries, including CD-ROMs, diskettes, paper, or microfiche, as appropriate to the needs of users and intended usage.

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

## **RELATED ISSUES**

**GPO and Other Federal Printing and Reproduction Activities.** Despite the requirement in section 501 of Title 44 that all printing be performed through GPO, with limited exceptions, there is a substantial amount of work that is not performed through our operations. The problem of work by-passing GPO has been a continuing concern. As several studies have concluded, there are significant savings when printing and publications are obtained through GPO's cost-effective operations. Utilization of GPO also ensures that Government publications and information products will be included in our sales program and do not become fugitive publications from the FDLP. To the extent that work by-passes GPO, there is a potential for higher than necessary costs as well as impaired public access to important Government information.

One indicator of the amount of work by-passing GPO is in the object class analysis for the FY 1998 Budget published by OMB. This analysis indicates that printing and reproduction (object class 2400) for the Federal Government totaled \$1.747 billion in FY 1996. However, this amount appears to double-count the value of GPO's printing procurements, first in the amounts budgeted by each agency and second in the figure reported as the aggregated cost for reimbursable obligations. If the double-counting is subtracted from total obligations, the result is \$1.231 billion. Of this amount, GPO handled approximately \$544 million in commercial procurements, \$84 million in congressional printing, and \$112 million in other in-house printing, yielding a total value of Federal printing currently by-passing GPO of approximately \$491 million, about 40 percent of the total. We believe the printing by-passing GPO is primarily performed in-house by Federal agencies, although there may be some procurement directly by agencies.

**Reclaiming Work Covered by Title 44.** Some portion of the work that is currently bypassing GPO is probably being done in violation of Title 44, but not necessarily all of it. Some printing is specifically exempted by law from the requirement to use GPO, such as printing for the national security agencies. There is also some printing that is performed legitimately in agencies in support of limited administrative requirements, such as through waivers for internal plants issued by the JCP. We know there is a need in the agencies for a capability to produce quick turnaround printing to support administrative operations, and we do not have a problem with that.

The problem comes when printing capabilities established for limited internal administrative purposes are expanded to produce printing needs that can be more cost-effectively performed through GPO's procurement program, and when agencies fail or refuse to provide publications produced internally for public distribution through GPO's programs. We have commented previously in other testimony before Congress on this situation, particularly with respect to the operations of the Defense Automated Printing Service (DAPS). In my view, agencies should be equipped only with the capacity necessary to fulfill either their own limited administrative needs or, as in the case of the General Services Administration (GSA), to support the limited internal administrative needs of multiple agencies grouped in close physical proximity through the central administrative support unit (CASU) concept.

I have previously recommended a review, to be ordered by Congress, that would determine the extent of printing being performed in agencies that should come through GPO. The review could be performed by the General

Accounting Office (GAO) with GPO assistance. Action could then be taken to direct this printing to be performed through GPO. The necessary compliance mechanism for Title 44 is in section 207 of the Legislative Branch Appropriations Act for FY 1995. That provision enacted a permanent requirement that no appropriated funds may be used by agencies for the procurement of printing related to the production of Government publications unless such procurement is by or through GPO, with limited exceptions. Once a review determines which printing should appropriately be requisitioned through GPO, this enforcement mechanism can be utilized by the proper enforcing authorities, such as agency inspectors general, to ensure compliance.

**Expansion of Agency Authorities to Conduct Printing and Dissemination.** I have also recommended that Congress examine the authorities of other agencies to perform printing and dissemination functions. There are instances where these authorities are being used to conflict with functions that GPO is required to perform.

A year ago, during the conduct of a study concerning the electronic transition of the FDL, the Congressional Research Study of the Library of Congress compiled a list of the various statutes authorizing the dissemination of Government information to the public. Approximately 400 statutes were identified, although only a handful are of real significance to GPO in terms of conflicting authorities. These are the statutes governing the operations of the National Technical Information Service (NTIS) of the Department of Commerce, those that authorize the Federal prisons to perform Government printing (Federal Prison Industries, or UNICOR), and laws that authorize printing for other Federal agencies by the General Services Administration (GSA).

In each of these cases, statutes were originally enacted for sound but limited public policy purposes--to provide for the dissemination of scientific and technical information resulting from Federal research to American business (NTIS), the use of Federal prisoners to perform labor intensive work to keep them occupied (UNICOR), and the performance of administrative printing as a centrally-located service for Federal agencies physically located together in the field (GSA). However, in recent years operations conducted under these authorities have been expanded beyond their original intent to conflict directly with GPO's statutory mission.

NTIS is using its authority to establish printing and dissemination arrangements for a wide range of information products, sometimes resulting in copyright or copyright-like restrictions on the information that was originally generated at taxpayer expense. UNICOR has invested in long run printing equipment as a revenue-generating measure, equipment that paradoxically leads to idle rather than busy prison labor. GSA has established cross-servicing arrangements for its printing and duplicating plants to assist agencies in some cases with a wide variety of printing, expanding beyond its original CASU authority.

These operations remove work from the GPO procurement stream and frequently result in decreased public access when the publications are not made available to the Superintendent of Documents for dissemination. I have recommended that Congress review the operation of these authorities to ensure that they are staying within the original legislative intent.

**Justice Department Opinion.** A May 1996 opinion of the Justice Department's Office of Legal Counsel (OLC) claims that GPO's "extensive control" over executive branch printing violates the constitutional doctrine of separation of powers. The opinion asserts that the Justice Department will not cooperate in the enforcement of Title 44 requirements. This assertion is now being used by some agencies as a pretext for avoiding GPO for the production and distribution of their publications. The result is that the taxpayers will have to pay more for Government printing when GPO's cost-effective systems are not utilized, and that fewer Government publications will be made available for distribution to the public.

I think the OLC's 1996 opinion was wrongly decided. GPO has no "extensive control" over executive branch printing. Under Title 44, we cannot refuse to fulfill an executive branch requisition for printing, and we have no control over the editorial or information content of executive branch publications. Our job is purely ministerial. We

ensure that printing requisitions are fulfilled in the most economical and timely manner possible, and provide for the cost-effective, comprehensive, and equitable dissemination of Government information to the public through information products obtained with GPO funds. These functions are performed under the authority of the Public Printer who, like many officers in the executive branch, is appointed by the President and confirmed by the Senate and serves solely at the pleasure of the President.

The source of the problem is not *where* GPO is located in the Government's organization chart. GPO has operated effectively in its current location for more than a century. The issue instead is the entanglement of the JCP's control with GPO operations under several provisions of Title 44. The OLC's 1996 opinion stated as much when it said, "the constitutional doctrine of separation of powers forbids Congress from vesting non-legislative functions — specifically, in the case of your inquiry, executive functions — in the GPO *if Congress retains control over the GPO*" (Memorandum for Emily C. Hewitt, General Counsel, General Services Administration, from Walter Dellinger, Assistant Attorney General, Office of Legal Counsel, Re: Government Printing Office Involvement in Executive Branch Printing, May 31, 1996, p. 9, emphasis added).

Indeed, previously the OLC in other opinion memoranda had taken the far more limited position that the separation of powers problem lies in the statutes authorizing direct JCP control over executive branch printing. Moreover, in 1993 the OLC opined that the statutory requirement in section 207 of the 1995 Legislative Branch Appropriations Act,

...does not violate the separation of powers by delegating executive authority to the GPO...It does not give the GPO the authority to refuse to print any materials, but merely requires that printing be procured "by and through" the GPO. Moreover, because 44 U.S.C. 1101 provides that "the Public Printer shall execute such printing and binding for the President as he may order and make requisition for," the executive branch retains its ability to ensure that materials are printed. (Memorandum for Emily C. Hewitt, General Counsel, General Services Administration, from Walter Dellinger, Assistant Attorney General, Office of Legal Counsel, Re: General Services Administration Printing Operations, September 13, 1993.)

My view is that the transfer of JCP authorities to the Public Printer, who would exercise them as a Presidential appointee, would resolve the problem of congressional control over executive branch printing. Such a transfer, representing a direct and surgical approach to the matter, would leave intact the operational requirements for GPO, including the requirement in 44 U.S.C. 501 that all Government printing be performed through GPO as well as the enforcing mechanism in section 207 of the 1995 Legislative Branch Appropriations Act.

**GPO's "Monopoly" on Printing.** The National Performance Review (NPR) called for ending GPO's so-called "monopoly" on Government printing by decentralizing the authority for executive branch printing to the agencies themselves, as well as the responsibility for disseminating Government publications to depository libraries. However, the premise that GPO has a "monopoly" on Government printing is faulty. A monopoly confers on an organization the means to exercise *exclusive* control over the provision of a specific commodity. GPO cannot be accurately characterized as exercising this kind of control over Government printing.

As I've already noted, GPO is not the only organization providing Government printing. There are probably more than 100 printing plants operated by other Federal agencies under the authority of waivers originally issued by the JCP. In addition, agencies operate a number of other printing and duplicating facilities, as OMB has found in the past. Title 44 and section 207 of the 1995 Legislative Branch Appropriations Act contain limited provisions for agencies to contract for their own printing, and there are also a number of agencies, such as the national security agencies, that are authorized by law to perform their own printing.

Exclusive control over printing prices is denied to GPO in the area of printing procurement. The prices of the work performed by thousands of commercial printers for GPO are determined by the competitive forces of the marketplace, not by GPO, which adds only a marginal surcharge to cover the costs of procurement services. Most

executive branch printing sent to GPO is purchased from the private sector, subjecting the vast majority of all Government printing to intensely competitive economic forces rather than any kind of monopolistic control.

Finally, the way we conduct business for executive branch customers undermines the claim that GPO is a “monopoly.” GPO’s mission is to fulfill the customer’s printing needs. We provide a capability to produce over 100 different products and services (“books” alone constitute only one such product category), and we maintain an extensive equipment line, a sophisticated range of graphic design services, a highly trained production and procurement workforce, a master bid list of a vastly diversified range of printing providers in the private sector, and specialists in marketing, sales, and other Government information mechanisms to help meet agency printing and dissemination requirements. The capability to provide such a diversified range of products and services--regardless of how uneconomical some of these capabilities may occasionally be to maintain--is not the hallmark of a monopoly, which typically bends customer demand to suit its needs.

**Decentralizing Printing Authority to the Agencies.** The 103rd Congress considered acting on the recommendations of the NPR with respect to printing and dissemination but rejected them. However, since then the Office of Information and Regulatory Affairs (OIRA) in OMB has continued to advocate the decentralization of printing authority to the agencies. OIRA has claimed that agencies would be better off procuring their own printing just as they now are able to procure items that they formerly were required to obtain through the GSA.

However, the use of GSA as a model for comparison to GPO’s procurement operation has a number of limitations. GSA uses the Federal Acquisition Regulation (FAR) in conducting procurements. GPO utilizes its own Printing Procurement Regulation (PPR), which ensures a greater degree of flexibility, timeliness, and competitiveness in printing procurements than the FAR. GSA buys “off-the-shelf” items, some of which are relatively easy to obtain through other channels. GPO, by contrast, is involved only in the procurement of printing, which is essentially a custom product since the specifications of each job vary widely, and it must be timely to have value.

Buying printing is not like buying paper clips. A knowledge of printing requirements and processes is essential to ensuring the best possible value. GPO printing specifications are developed by knowledgeable printing experts. There are cases in which agencies have ended up paying exorbitant prices for printing they have procured themselves. For example, the news media last year reported that the Department of Labor incurred a \$30,000 printing bill for copying services that would have cost approximately one-tenth that amount if procured with the same requirements through GPO, and approximately \$500 if procured through GPO utilizing GPO recommended cost-saving measures. Thus, comparing GSA’s operation, which buys many things, with GPO’s, which buys only printing, does not fully address the possible impacts of decentralizing printing procurement authority back to Federal agencies.

The decentralization of printing procurement authority is likely to significantly increase the costs of Federal printing. With such authority, agencies are likely to choose to produce much of their printing in-house, which several studies have shown may cost twice as much as procuring printing from the private sector. For those agencies that choose to procure printing, increased costs are also likely. It would be extremely costly for each agency to maintain the range of procurement services that GPO provides. GPO maintains a significant universe of competitors that would be difficult for each agency to maintain. Without it, competition would decrease and prices would rise. With reduced competition, there would be more opportunities for favoritism and corruption in Federal printing.

GPO offers “one-stop-shopping” to printing contractors. Without it, the contractors would be compelled to increase their sales forces to search for contracting opportunities among multiple agencies, which would increase printing costs. They would also have to deal with a multitude of solicitation formats, a problem that is overcome by GPO’s standardized procurement solicitation packages. GPO offers combined contracting services: we review requisitions and offer suggestions for economizing; develop specifications; compete, award, and administer contracts; perform

press inspections and other on-site reviews to assure quality; perform quality control reviews utilizing a unique program that quantifies quality ranking factors which has become widely recognized throughout the industry; provide voucher examination and payment services; provide legal advice on contracting; and make available a dispute resolution service through GPO's Board of Contract Appeals. For every agency to provide a similar scope of services would result in increased printing costs.

In a centrally managed procurement system, GPO can ensure that Federal printing procurements are conducted in concert with pertinent statutory requirements, such as requirements for the use of recycled paper and vegetable inks. Most importantly, GPO can ensure that products are placed in the appropriate dissemination programs, such as the FDLP and our sales program. To collect information products into these programs from a decentralized system of printing and procurement throughout the agencies would be tremendously costly. For these reasons, the decentralization of printing authority to the agencies has several distinct disadvantages.

**GPO's Relationship with OIRA.** In my view, OIRA has not always had a strong record of commitment to comprehensive and equitable public access to taxpayer-supported information and to the cost-effective production and procurement of Government information products.

OIRA has shown little interest in dealing with the costs and public access problems posed by the proliferation of agency printing and duplicating capabilities. For example, it has not used Circular A-130 to remind agencies that they are required to obtain their printing through GPO, as established by law. OIRA has continued to actively promote the NPR proposals that would decentralize, and thereby raise the costs of, Government printing. Currently, OIRA is conducting a study of executive branch printing. GPO has not been consulted on this study nor have we been invited to participate, despite our statutory authority for all Government printing.

Where public access to Government information products is concerned, OIRA has not enforced the statutory requirement that agencies provide copies of publications produced elsewhere than GPO for distribution to depository libraries. OIRA only "encourages" agencies to provide Government information in electronic formats to the FDLP in the latest version of Circular A-130. It has not acted on our recommendations, submitted as comments on proposed changes to A-130 over the years, that the Circular refer to GPO's other information dissemination responsibilities as established by law, such as sales, reimbursable distribution, cataloging, indexing, and international exchange. They also have not acted on other recommendations we have submitted that would assist us in performing those responsibilities, such as requiring agencies to provide advance notice to the Superintendent of Documents whenever they initiate, modify, or terminate publications and information products. OIRA has not been effective in combatting agency attempts to use copyright or copyright-like controls on Government information that impede public access, in spite of statutes on copyright and in the Paperwork Reduction Act that prohibit such activity. Last year, OIRA developed and circulated to Congress a legislative proposal for changes to the FDLP which in my view would have significantly hindered public access to Government information. GPO was not consulted on this proposal nor were we provided with a copy, despite our authority for the FDLP. At the time, OIRA was participating with us in the study on the future of the FDLP, yet they did not bring this legislative proposal to the attention of the group before it was distributed to Congress.

However, it is important to point out that I view our working relationship and interaction with the rest of OMB as excellent. We look forward every year to working with OMB staff on preparing the *U.S. Budget* and related matters, and we have an excellent relationship with OMB Director Franklin Raines as we did with Alice Rivlin and Leon Panetta when each was Director, and the same was true of OMB Directors under previous Administrations. I would point out also that we have sound working relationships with Federal agencies throughout the Government for both printing, electronic processing, and information product dissemination. We use the Interagency Council on Printing and Publications and the Federal Publishers Committee to receive input from agency representatives on our programs and operations. Overall, I would characterize our interaction with executive branch agencies as very good.

**Relationship with the Libraries, Printing Industry, and Others.** I would also characterize our relationships with the library community, the printing industry, and other groups as good. We meet regularly with the Depository Library Council, a body of librarians who provide input to the operation of the FDLP. Given the nature of the partnership GPO has with depository libraries in making Government information products available to the public, the advice and insight of this Council is essential.

We also stay in close touch with the printing industry through their representatives, including the Printing Industries of America, Inc. The industry's input is needed for the successful operation of our Printing Procurement Program. We recently convened a seminar for Federal agency personnel featuring representatives of printing firms who discussed the capabilities of the industry in providing for their information product needs. As with the libraries, we view our relationship with the printing industry as a partnership in which we work cooperatively to achieve the lowest possible cost for Government printing for the taxpayer.

We maintain a liaison with the information industry through its representatives, including the Information Industry Association. One of the hallmarks of Government information is that it cannot be copyrighted, and GPO is a longstanding resource for the provision of Government information products to which various businesses can add value. Until the Copyright Revision Act of 1976, our statutes were the first in the Federal Government that contained a prohibition on copyrighting Government information products, and for years we have utilized our authority to sell reproducibles from the printing process as well as our discounts for volume purchasers of Government publications to respond to the needs of information companies. We are not authorized by law to restrict the resale or redissemination of Government information products. These authorities increase the diversity of Government information made available to the public through the activities of the information industry

Finally, we maintain liaison with a wide diversity of information user groups, ranging from the scientific and technical communities, academia, legal groups, public interest groups, and others, frequently receiving input and suggestions on ways to improve public access to Government information products through our programs.

**Printing and Electronic Technologies.** With the growing use of electronics, there is the temptation to say that the Government no longer needs a printing capability. I think this temptation should be resisted. Last year, GPO produced approximately \$740 million in printing services (and as noted above, that is not all of the Government's printing), sold millions of documents, and distributed millions more to depository libraries. Tax forms, press releases, passports, legislative documents, informational pamphlets and books, regulations, statutes, statistical data, and more--in printed form these documents continue to represent a major avenue of communication between the Government and the public.

Ink-on-paper today is still the most egalitarian of information formats. It is accessible, transportable, and economical. The increased dissemination of Government information in electronic formats should indeed be pursued: improving our economy, sharpening our trade competitiveness, expanding our research and development capabilities, promoting educational opportunities, and a vast range of other public objectives depend on it. But at this time electronic technologies must be utilized in addition to, not in place of, proven systems of Government information reproduction and dissemination, and protections must be provided for those who do not have access to computers and the other technologies necessary to make electronic access meaningful. If we are not careful about maintaining policies to provide for the efficient and equitable access of all citizens to Government information, we run the risk of turning into a Nation of information-haves and information have-nots: a Nation of information elites, equipped with technology, and a Nation of the information-dispossessed, shut out by technology from access to critical information by and about Government that is essential to life in the United States today.

Printing remains an effective safeguard for ensuring that those without access to computers can still use Government information, and for guaranteeing both the authenticity of official Government information as well as permanence. I believe the transition to electronics must be handled responsibly with the interests of all citizens in mind.

Maintaining a cost-effective printing and dissemination capability for the foreseeable future gives us an important tool to manage this transition.

## **CONCLUSION**

Mr. Chairman, GPO today provides a comprehensive, cost-effective range of information processing, reproduction, procurement, and dissemination services. These services are designed both to assist Congress and Federal agencies in managing the life-cycle of their information products, and to ensure that the public has comprehensive, economical, and equitable access to Government information which is increasingly valuable to American citizens and taxpayers in the Information Age. GPO's continuing migration to electronic technologies, as well as the ability of our staff, are already facilitating the re-engineering of information products and processes to satisfy the changing information requirements of the Government and the public. At the same time, our traditional capabilities are preserving and protecting access to Government information for all of our citizens. More than a century ago, Congress in its wisdom designed a system in GPO for keeping America informed. That system continues to serve a vital purpose today, and we look forward to working under congressional oversight and guidance to improve the performance of our operations and programs.

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