

103^D CONGRESS
1ST SESSION

H. R. 629

To amend title 44, United States Code, to promote improved public dissemination of Government information.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 26, 1993

Mr. OWENS introduced the following bill; which was referred to the Committee on Government Operations

A BILL

To amend title 44, United States Code, to promote improved public dissemination of Government information.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Improvement of Infor-
5 mation Access Act of 1993”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds the following:

8 (1) A well-informed citizenry is essential for the
9 well-being of a democratic society.

1 (2) Access to Government information is essen-
2 tial for citizens who seek to make the Federal Gov-
3 ernment accountable for its actions.

4 (3) The public should have timely, complete, eq-
5 uitable, and affordable access to Government infor-
6 mation.

7 (4) Federal agencies should use modern infor-
8 mation technology for the benefit of citizens of the
9 United States.

10 (5) Government information is a national re-
11 source that should be treated as a public good.

12 (6) Government information is a valuable eco-
13 nomic asset that belongs to the public.

14 (7) Taxpayers pay for the creation, collection,
15 and organization of Government information and
16 should not be required to pay excessive fees to re-
17 ceive and use that information.

18 (8) It is unnecessarily difficult for citizens to
19 provide Federal agencies with comments and sugges-
20 tions on Federal information policies. As a result,
21 many Federal agencies do not take into account the
22 public interest in the information resources they
23 manage.

24 (9) Federal agencies have been slow in develop-
25 ing standards for record and file formats, software

1 query command structures, and other important top-
2 ics that will make Government information easier to
3 obtain and use.

4 (10) Many Federal agencies do not provide
5 timely access to Government information products
6 and services at reasonable costs.

7 **SEC. 3. IMPROVED PUBLIC ACCESS TO GOVERNMENT IN-**
8 **FORMATION.**

9 (a) IN GENERAL.—Title 44, United States Code, is
10 amended by adding at the end the following new chapter:

11 “CHAPTER 41—INFORMATION DISSEMINATION
12 POLICIES AND PRACTICES

“Sec.

“4101. Ensuring public access to Government information products and serv-
ices.

13 **“§ 4101. Ensuring public access to Government infor-**
14 **mation products and services**

15 “(a) Each executive department, military depart-
16 ment, and independent establishment shall prepare by not
17 later than February 1 of each year, and make freely avail-
18 able to the public upon request and at no charge, a report
19 which describes the information dissemination policies and
20 practices of the department or establishment, including—

21 “(1) plans of the department or establishment
22 to introduce new information products and services
23 or discontinue old ones;

1 “(2) efforts of the department or establishment
2 to develop or implement standards for file and
3 record formats, software query command structures,
4 user interfaces, and other matters that make infor-
5 mation easier to obtain and use;

6 “(3) progress of the department or establish-
7 ment in creating and disseminating comprehensive
8 indexes and bibliographies of information products
9 and services, including coordinated efforts conducted
10 with other agencies;

11 “(4) the methods to be used by the public for
12 accessing information, including the modes and out-
13 lets available to the public;

14 “(5) provisions for protecting access to records
15 stored with technologies that are superseded or obso-
16 lete;

17 “(6) methods used to make the public aware of
18 information resources, services, and products; and

19 “(7) a summary of the comments received from
20 the public under subsection (b) in the year preceding
21 the report, and the response of the department or
22 establishment to those comments.

23 “(b)(1) Not later than February 1 of each year, each
24 executive department, military department, and independ-
25 ent establishment shall publish in the Federal Register,

1 and provide in such other manner as will notify users of
2 information of the department or establishment, a notice
3 of—

4 “(A) the availability of the report prepared
5 under subsection (a); and

6 “(B) a period of not less than 90 days for sub-
7 mission by the public of comments regarding the in-
8 formation dissemination policies and practices of the
9 department or establishment, including comments
10 regarding—

11 “(i) the types of information the depart-
12 ment or establishment collects and dissemi-
13 nates;

14 “(ii) the methods and outlets the depart-
15 ment or establishment uses to store and dis-
16 seminate information;

17 “(iii) the prices charged by the department
18 or establishment, or such outlets, for the infor-
19 mation; and

20 “(iv) the validity, reliability, timeliness,
21 and usefulness to the public of the information.

22 “(2) Comments received under this subsection by a
23 department or independent establishment shall be avail-
24 able for inspection to the public. Each year the depart-
25 ment or establishment shall provide a reasonable oppor-

1 tunity for dialogue between responsible agency officials
2 and interested members of the public, including through
3 hearings and informal forums, regarding both proposed
4 and existing policies, procedures, and mechanisms for dis-
5 seminating information under this section and for other-
6 wise implementing this section.

7 “(c) Before discontinuing an information product or
8 service, an agency shall—

9 “(1) publish in the Federal Register, or provide
10 by other means adequate to inform users of informa-
11 tion of the agency, a notice of a period of not less
12 than 120 days for submission by the public of com-
13 ments regarding that discontinuation;

14 “(2) include in that notice an explanation of the
15 reasons for the discontinuation; and

16 “(3) consider comments received pursuant to
17 the notice.

18 “(d) Each agency shall—

19 “(1) disseminate information in diverse modes
20 and through appropriate outlets that will reinforce
21 statutory requirements for depository distribution,
22 as well as offering other channels of distribution,
23 with adequate documentation software, indexes, or
24 other resources that will permit and broaden public
25 access to Government information;

1 “(2) disseminate information in a manner that
2 ensures the timeliness, usefulness, and reliability of
3 the information for the public;

4 “(3) store and disseminate information prod-
5 ucts and services in standardized record formats;
6 and

7 “(4) use depository libraries, national computer
8 networks, and other distribution channels that im-
9 prove and assure free or low-cost public access to
10 Government information.

11 “(e)(1) Except as specifically authorized by statute,
12 an agency may not—

13 “(A) charge to depository libraries the costs of
14 distributing information products and services;

15 “(B) charge more than the incremental cost of
16 distributing an information product or service re-
17 gardless of channels utilized by the agency; or

18 “(C) charge any royalty or other fee for any use
19 or redissemination of Government information.

20 “(2) For purposes of this subsection, the incremental
21 cost of distributing an information product or service does
22 not include any portion of the cost of collecting, organiz-
23 ing, or processing information disseminated through the
24 product or service.

1 “(f)(1) The Archivist of the United States and the
2 Director of the National Institute of Standards and Tech-
3 nology shall jointly issue and periodically revise model per-
4 formance standards under which agencies shall be encour-
5 aged to provide access to public records.

6 “(2) Standards issued under this subsection shall in-
7 clude the establishment of a period within which an agen-
8 cy, upon request, shall provide by mail a copy of any deci-
9 sion, rule, notice, docket filing, press release, or other pub-
10 lic document of the agency.”.

11 (b) CLERICAL AMENDMENT.—The table of chapters
12 at the beginning of title 44, United States Code, is amend-
13 ed by adding at the end the following:

“41. Government Information Products and Services 4101”.

14 **SEC. 4. STANDARDS FOR ACCESS TO PUBLIC RECORDS.**

15 The Archivist of the United States and the Director
16 of the National Institute of Standards and Technology
17 shall jointly issue model performance standards for provid-
18 ing access to agency records under section 4101(f) of title
19 44, United States Code (as added by section 3), by not
20 later than 1 year after the date of the enactment of this
21 Act.

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