

## **Memorandum of Understanding**

Between  
Government Publishing Office  
And  
National Archives and Records Administration  
for the operation of an Agency Archives

### **Purpose**

This Memorandum of Understanding (“MOU”) is entered into between the Government Publishing Office (GPO) and the National Archives and Records Administration (NARA) and establishes mutually agreed upon standards for the operation of an agency archives.

### **Authority**

Under 44 U.S.C. Chapter 21, §§ 2107, 2108, 2109, 2111, 2112, and 2118 the National Archives and Records Administration is responsible for preserving and making accessible Federal agency records. Federal agencies are defined as “any executive agency or any establishment in the legislative or judicial branch of the Government (except the Supreme Court, the Senate, the House of Representatives, and the Architect of the Capitol and any activities under the direction of the Architect of the Capitol).” 44 U.S.C. § 2901(14). NARA has established an agency archives program under the authority in 44 U.S.C. §§ 2104 and 2107(a).

Under this arrangement one or more copies of the records described below remain under the physical custody of the affiliated organization (in this case, GPO for use by GPO in GPO’s agency archives) after legal custody is transferred to NARA. This provides for the maintenance of archival records when it has been determined that physical custody of the records by an organization other than NARA is more beneficial for preservation and access.

Transfer of legal custody to NARA provides for permanent records to be maintained as part of the National Archives of the United States, and NARA ensures that these records are appropriately preserved and made accessible through its oversight. Legal custody also ensures that NARA assumes physical custody if the affiliated organization can no longer maintain the records.

This MOU also serves as a contingency and succession plan per the ISO 16363 Trustworthy Digital Repository standard.

This agreement updates previous agreements between NARA and GPO in 2003 and 2012: see Appendix 1 for details.

## Scope

This agreement applies to the specified contents of GPO's systems of online access known as GovInfo, GPO's repository for U.S. Government information in digital form, and to the specified contents of any predecessor and successor systems, as scheduled to be transferred to NARA when eligible under the approved disposition authority.

While this agreement is in effect, GPO agrees to maintain physical custody of these records and provide public access to them at standards comparable to those maintained by NARA for electronic records. NARA and GPO agree to the following terms concerning the custody, maintenance, and responsibilities for providing access to the subject records.

### **The GPO shall:**

(1) coordinate annually with NARA to complete actions needed to transfer legal custody of eligible content of GovInfo (or successor systems) to NARA. This content is eligible for legal transfer to NARA after 15 years, based on the date that it was added to GovInfo or its predecessor systems, not the date of publication. The content and metadata files in GovInfo Archival Information Packages constitute a distinct series of federal records.

- Annually, by the end of the second quarter of the fiscal year, GPO will transfer legal custody of GovInfo content that was ingested into the repository 15 years or earlier through December 31 of the preceding year.
- The first legal transfer will be in the second quarter of 2025, 15 years after content from 2009 was ingested into the system (legal custody of content added from 1994-2008 was previously transferred in 2003). This content will be an addition (known as "accretion") to the record series already transferred to NARA's legal custody.
- In coordination with NARA, GPO will carry out the actions needed to transfer legal custody to NARA. See Appendix.

(2) provide public access to the records

(3) make all reasonable efforts to notify NARA concerning any changes to the name of the system and URL of the records within 90 days

(4) charge no fees for access to the records without approval from NARA

(5) include the following statement on public web sites either providing access to the records or describing the records:

"Some of this system is part of National Archives Record Group 287, maintained for permanent preservation by the Government Publishing Office under an agreement with the National Archives. Additional related records may be found at the National Archives. For more information, see the National Archives catalog <https://www.archives.gov/research/catalog>."

(6) maintain and preserve the records by meeting or exceeding the requirements for Level 1 for storage, integrity, and control according to the National Digital Stewardship Alliance

Assessment Tool: <https://osf.io/3dx82/> (Levels: <https://ndsa.org/publications/levels-of-digital-preservation/>)

(7) respond to NARA's annual survey of Affiliated/Agency Archives, and any other requests for information concerning the status of the records, such as emergency records plans

(8) notify NARA concerning any substantial changes to the condition, content, or accessibility of the records, such as from removal, damage or loss, as soon as possible. GPO does not need to inform NARA about routine maintenance and curatorial operations, including activities to preserve and provide enhanced access to the records, or where restricted material that was erroneously included is removed or redacted (such as PII).

### **The National Archives shall:**

(1) coordinate annually with GPO to complete actions needed to transfer legal custody to NARA of material in GovInfo (or successor systems). *See* Appendix.

(2) describe Affiliated/Agency Archives records at the series level in NARA's online catalog and direct researchers to GovInfo or its successor system

(3) provide general information on appropriate National Archives web sites and in finding aids about the records covered by this MOU, including online links to GovInfo to facilitate access by researchers

(4) provide guidance and information concerning preservation, conservation, records recovery, holdings security, digitization, and processing as needed

(5) provide information and guidance concerning current guidelines for public access to NARA records, including PII

(6) annually request information concerning the records

### **Financial Terms**

No funds are to be exchanged between GPO and NARA in connection with the exchange of services under this agreement. Each institution will be responsible for any expenses it incurs as a result of this agreement.

### **Effective Date/Duration/Amendments**

This agreement replaces all preceding agreements between the National Archives and the Government Publishing Office concerning affiliated/agency archives status. This agreement shall be effective upon signature, and shall be reviewed by the parties in seven (7) years to determine if changes or amendments are needed.

This agreement may be modified or terminated by mutual agreement of both parties. Physical custody of selected records may be transferred to NARA by mutual agreement when it is deemed in the best interest of preservation or access to holdings.

Either party may terminate this agreement upon six (6) months' written notice to the other party. The Archivist of the United States may terminate this agreement if the records are re-appraised as temporary, or if NARA determines that a continuation poses unacceptable risks to the safety or preservation of the holdings or to public access to these records. Physical custody of the records will be transferred to the National Archives upon the termination of this agreement.

Scott Matheson  
Superintendent of Documents  
U.S. Government Publishing Office  
Date\_\_\_\_\_

William J. Bosanko  
Chief Operating Officer  
National Archives and Records  
Administration  
Date\_\_\_\_\_

## **Appendix: Additional Information**

### **Predecessor systems: GPO Access and FDsys**

- In 2003 NARA and GPO executed a similar MOA concerning the previous system, GPO Access.
- Legal custody of the “Electronic Records of Federal Government Publications maintained by GPO on GPO Access” from its creation until the system was changed to FDsys in 2009 (1994-2008) was transferred to NARA on Dec. 12, 2003 by SF258.
- In 2012, a new MOA was signed between GPO and NARA to renew the 2003 MOA and update the system name to Federal Digital System (FDsys 2009-2015). No subsequent legal transfer instruments were completed.

**Method for Transferring Legal Custody.** The transfer of legal custody is documented for Affiliated/Agency Archives using an SF-258. GPO will be asked to provide a report of the volume in terabytes and complete Blocks 2A and 2B for agency approval, subject to additional instructions from NARA prior to transfer.