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United States Government Accountability Office
Washington, DC 20548

PRI-08-097

April 7, 2008

**Mr. Carl Malamud
Public.Resource.Org
1005 Gravenstein Highway North
Sebastopol, CA 95472**

Dear Mr. Malamud:

This letter responds to your March 17, 2008, request for copies of the DVDs received by the Government Accountability Office (GAO) under its contract with Thomson West (Contract No. 70130025) (hereinafter, "the Contract") that contain copies of federal legislative histories for the period from 1915 to 1995.

I would like to take this opportunity to address potential misunderstandings concerning GAO's contract with Thomson West and our continuing custody of paper copies of our legislative history collection. The general public continues to have full and free access to these legislative histories at GAO, and members of the public are welcome to arrange a time to come to our offices to examine the documents in question. A cost is incurred only if members of the public ask us to make copies of these documents or choose to obtain electronic copies of the documents from Thomson West. The contract with Thomson West, while not transferring ownership or custody of our legislative history collection from GAO, does provide the public greater access to the documents, beyond examining them in person or having GAO copy them. Having a digitized version of the documents available is particularly helpful in the case of the older documents, which had begun to decay (indeed, that was a key reason that GAO initiated the contract process).

Regarding your specific request concerning DVDs received by GAO, except as stated below, we do not have or possess any digitized documents (DVDs) responsive to your request. Pursuant to the terms of the contract, GAO will not be compensating West for digitizing the legislative history collection and will not be provided copies of the histories on DVDs. Rather, GAO will continue to possess the original paper collection of the histories; GAO staff also have access under the contract to the online version through Thomson

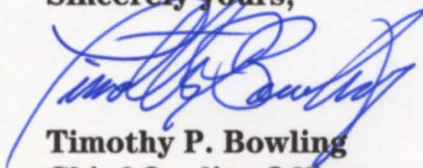
West. Please be advised that West has thus far digitized approximately ten percent of the histories, which are available via Westlaw.

The legislative histories are not "records" under GAO's regulations concerning the availability of GAO records to the public, because GAO preserved them solely for convenience of reference. See 4 C.F.R. § 81.3(b). GAO has, however, always made available to the public, and will continue to do so, the opportunity to review and copy any or all of the legislative histories (we should note that there is a gap of several years, from 1915 through 1921). The entire legislative history collection occupies approximately 2,595 linear feet of shelving. If you wish to review and make copies of the paper collection, please contact Bonnie Mueller, GAO's Director of Information Services, on 202-512-2659. Please be advised that pursuant to 4 C.F.R. § 81.7(b), GAO charges a copying fee of 20 cents per page.

Finally, pursuant to the contract, Thomson West agreed to provide GAO DVD copies of "GAO use only" materials that are contained in the legislative history files. These "GAO use only" materials include such records as bill comments, internal GAO publications, routing sheets/notes containing comments, and internal memos and letters. These materials are being digitized for GAO and will not be included as part of the Thomson West legislative history collection. As of today, West has provided GAO with eight DVDs containing such materials. Since the "GAO use only" records are internal to GAO, the DVDs containing the copies of such records will not be made available for public inspection pursuant to 4 C.F.R. § 81.6(j), which states that records that are part of the deliberative process are exempt from release.

In accordance with 4 C.F.R. § 81.4(d), further consideration of your request, to the extent that it has been denied, may be obtained by an appeal letter to the Acting Comptroller General of the United States setting forth the basis for your belief that the denial of your request is unwarranted.

Sincerely yours,



Timothy P. Bowling
Chief Quality Officer

Enclosure