



Title 44 Modernization

Question posed to the U.S. Government Publishing Office (GPO) by the Committee on House Administration following the July 18, 2017 hearing, "Transforming GPO for the 21st Century and Beyond":

You have initiated the process of reviewing chapter 19 of title 44, U.S.C., to ensure it comports with the current needs of Federal depository libraries. What have you identified as areas in need of improvement or revision?

GPO RESPONSE:

The mandates of Chapter 19, Depository Library Program, are grounded in the era of ink-on-paper printed publications. They should be revised to allow GPO to administer the FDLP and other Public Information Programs of the Superintendent of Documents effectively in the digital age and provide flexibility for the libraries to continue to participate and best serve their communities.

Changes to Chapter 19 should support the vision conveyed in GPO's National Plan for Access to U.S. Government Information: "To provide Government information when and where it is needed" to ensure the public has effective, equitable, and convenient access to Government information in the form and formats they need.

GPO's priorities for chapter 19 revision include the following:

- A firm prohibition on charging the public any fees for accessing Government information through the FDLP, and a guarantee of privacy for Government information users in depository libraries and online.
- GPO should be made responsible for the lifecycle management of digital and tangible Government information (identify, acquire, catalog, preserve, disseminate, reformat) from all three branches of the Federal Government.
- The definition of a Government publication found in 44 U.S.C. 1901 should indicate "regardless of form or format," which will codify digital content and successor formats. The term "Government publication" should be revised to refer instead to "Government information dissemination product" or a comparable description. Further change to section 1901 is needed to remove the language of "published as an individual document" as online content is not always conveyed as one file.

- Recognition that GPO administers a distributed “National Collection of Government Information,” or “National Library of Government Information” housed in Federal depository libraries, and works in collaboration with other national libraries (Agriculture, Medicine, Education, Transportation, and the Library of Congress).
- A Preservation Program must be a component of the Public Information Programs of the Superintendent of Documents to ensure permanent public access to the corpus of Federal Government information for future generations.
- Authority to digitize previously printed historical materials disseminated to the public (could be a revision to either chapter 19 or chapter 41, USC). Similarly to assist in this effort, provide authority for GPO to accept and ingest digitized content, metadata, cataloging information, and other products and services for inclusion in FDsys/govinfo, or shared repositories for preserving print and digital Government information.
- Grant authority that initially will allow regional depository libraries to receive funding for innovative digital activities within their states that improve access to Government information.
- The requirement for Federal agencies to supply GPO with lists of publications in section 1902 should be updated through a mechanism that ensures agency notification and supply of digital and tangible content to GPO.
- Flexibility for depository libraries, particularly regional depositories, in managing their collections of depository resources, should include the ability to share collections and services across state lines, with the approval of the Senators from the participating states.
- Regional tangible discards should be allowed when content is available on GPO’s system of online access or from a GPO partner that meets the criteria for a trusted digital repository, as determined by the Superintendent of Documents.
- Repeal of the 10,000 book requirement of section 1909 because it is no longer a metric for success or sustainability. Instead, amend section 1905 to require GPO staff to visit potential depository libraries to assess their sustainability for housing depository collections or providing access services.
- GPO should be provided a greater role in the disposition of material in depository libraries through authorization to establish retention parameters for both selective and regional depository libraries, and regardless of the presence of a regional depository library in the state.
- Allow regional and selective depository libraries to elect to receive Government information products in the forms and formats (i.e., paper, digital, and microfiche) that best meet the needs of the communities they serve.

- Revise section 1907 by deleting “after first offering them to the Library of Congress and the Archivist of the United States” and inserting instead “after first offering them to GPO.”
- The requirements of sections 1710-1711 for a Catalog of U.S. Government Publications should be transferred to chapter 19 and revised to require not only information on Government publications, regardless of form or format, but to also include information on where content is held and how it can be accessed. That is, the CGP will become an inventory of the National Collection. Sections 1710 and 1711 should also be revised to eliminate the requirement for production of printed indexes.
- Consider transferring sections 4101 and 4104 to chapter 19, and repealing sections 4102 and 4103.

EXAMPLES OF REVISED TEXT

§1710 revised and incorporated into §1711:

§1711. National Bibliography of Government Information Products; Comprehensive National Bibliography

The Superintendent of Documents shall maintain a comprehensive public national bibliography which will identify previously published historic Government information products and all newly published Government information products and where accessible.

To ensure the National Bibliography is comprehensive:

- (a) The Director of the Government Publishing Office shall, immediately upon its publication, deliver to the Superintendent of Documents
- (i) A copy of every information product, regardless of format, published by the Government Publishing Office for agencies of all three branches of Government, to include the digital file from which a final tangible copy was published.
 - (ii) A copy of every information product, regardless of format, for which the Government Publishing Office is the agency of origin.
- (b) The head of each executive department, independent agency and establishment of the Government shall deposit with and notify the Superintendent of Documents of digital and tangible versions of every document issued or published by the department; bureau; or office and not by the Government Publishing Office. Exceptions to deposit are those products that:
- Are for official use only or for strictly administrative purposes that are not of public interest or have educational value;
 - Are classified for reasons of national security; and
 - The use of which is constrained by privacy considerations.

Notifications shall be provided for those information products whose format or classification status prevents depositing.

CHAPTER 19—PUBLIC INFORMATION PROGRAMS OF THE SUPERINTENDENT OF DOCUMENTS

§1900. Purpose and Establishment of the Public Information Programs of the Superintendent of Documents

(a) In order to ensure the public's right to free, equitable, and convenient access to its Government's information there is hereby established the Public Information Programs of the Superintendent of Documents in the Government Publishing Office—

- (1) Federal Depository Library Program;
- (2) Cataloging and Indexing Program;
- (3) Online System of Access Program; and
- (4) Preservation Program

that, together, function to identify, acquire, catalog, preserve, authenticate, disseminate, reformat, and provide free permanent public access to Government information in the form and formats needed by communities served.

(b) As the Superintendent of Documents determines appropriate, the Programs may engage in activities other than those in (a) that enhance access to Government information dissemination products or provide services that support Federal depository libraries in their efforts to serve their communities.

(c) The Superintendent of Documents shall collaborate with and coordinate efforts among depository libraries, national libraries, Federal agencies, and library organizations or consortia, toward the development of an information network and a freely accessible distributed national collection of the corpus of Government information.