



Title 44 Reform



U.S. Code §§ 1901

Amend 44 U.S. Code § 1901 to redefine “Government publication” so that it may be clearly interpreted to include government information in *all* formats, so that electronic and possibly as yet undeveloped formats created to inform the public, at government expense or as required by law, can be incorporated into the Federal Depository Library Program.



U.S. Code §§ 1901-*Rationale*

- A more inclusive definition will help ensure that government information continues to be made freely available to the public, currently and in the future, as reflects the central mission and purpose of the FDLP.



U.S. Code §§ 1902

Amend 44 U.S. Code § 1902 to require legislative, executive, and judicial branch agencies to deposit authenticated electronic publications with the U.S. Government Publishing Office (GPO) for inclusion in the Federal Depository Library Program. This complements our recommendation to amend § 1901, and we recommend that GPO be explicitly charged with caring for and managing these publications in a responsible and accountable manner, and with ensuring their long-term preservation.



U.S. Code §§ 1902-*Rationale*

- Electronic publications are now an integral component of our nation's documentary heritage and must be included in legal deposit arrangements. We think that the GPO is uniquely well-suited to manage this enhanced role in managing electronic information through all the stages of its life-cycle.



U.S. Code §§ 1904

Amend 44 U.S. Code § 1904 to permit the Superintendent of Documents to develop and maintain a mechanism to enable depository libraries to select only those publications they need, in whatever format is most appropriate. Remove references to a classified list.



U.S. Code §§ 1904-*Rationale*

- The current item list is based on issuing agency, and it has proven very awkward in supporting selections based on topic or geography. This amendment would permit the Superintendent of Documents to create a new selection mechanism that would afford greater flexibility to depository libraries as they shape their collections to address local needs.



U.S. Code §§ 1909

Amend 44 U.S. Code § 1909 to remove the requirement that a depository library hold at least 10,000 books and stipulate instead that the library have physical and/or electronic collections sufficient to indicate organizational capacity to successfully participate in the FDLP.



U.S. Code §§ 1909-*Rationale*

- The 10,000 book requirement has served as a proxy for organizational capacity, marking a threshold at which space, staffing, and other resources would likely support depository operations. Changes in library collections and services in recent years have rendered the 10,000 book requirement antiquated and insufficient.



U.S. Code §§ 1911

Amend 44 *U.S. Code* § 1911 to permit selective depositories that are not served by a regional depository to dispose of government publications after retaining them for five years. Such withdrawals shall be conducted with guidance provided by the Superintendent of Documents, which may include oversight by another regional depository.



U.S. Code §§ 1911-*Rationale*

- When a regional depository exits the depository program, the selective depositories associated with it are currently left unable to withdraw Government publications. This places an undue burden on such selective depositories, which must manage space and collections in a manner never intended.



U.S. Code §§ 1912

Amend 44 *U.S. Code* § 1912 to permit regional depositories to share their collections and services across state lines, so long as the Senators in all the involved states agree.



U.S. Code §§ 1912-*Rationale*

- Regional depositories have shouldered great responsibilities and accumulated enormous collections since their advent with the *Depository Library Act of 1962* (P.L. 87-579). The burdens of finding and managing appropriate space for their collections have grown so onerous that some regional depositories may decide to leave the FDLP. Shared regional collections and services have already proven successful within several states, and the amendment would extend this flexibility across state lines



U.S. Code §§ 1911 & 1912

Amend 44 *U.S. Code* §§ 1911 and 1912 to make authenticated digital copies of Government publications a format which a regional depository library may hold as deposited items so long as they are made freely available to the public.



U.S. Code §§ 1911 & 1912-*Rationale*

- This amendment would permit regional depository libraries to hold authenticated electronic copies in lieu of physical copies, thus reducing their burdens in finding and managing space for Government publications. This amendment also encourages wider distribution of authenticated electronic copies, which helps ensure their survival over time. Should a technical failure or government shutdown render GPO's authenticated electronic copies unavailable, copies held by regional depositories would remain available.



New Section on Grants to Depositories

Add a section to 44 *U.S. Code* Chapter 19 to give GPO grant-making authority, and to enter into contracts or cooperative arrangements with depository libraries to enhance access to Government publications. Such activities may include, but are not limited to, the digitization of Government publications, preservation of Government publications, and cataloging Government publications.



New Section on Grants to Depositories-*Rationale*

- Giving GPO grant-making authority would provide leverage to accelerate efforts to improve access to and preservation of Government publications, and to foster greater cooperation between GPO and depository libraries that participate in GPO-funded projects.



Other Considerations

Council received many suggested changes to Title 44 that were beyond the scope of the given charge. That is, they did not apply to Chapter 19. However, Council believes these additional items complement our recommendations and would further strengthen revisions to Title 44:



- Amend §§ 3502 and 4101 so that “publication” is defined to include **all** formats of information, which parallels our recommendation to amend § 1901.
- Amend §§ 4101 and 4102 to affirm that the public shall have no-fee access to electronic government information, which constitutes a governing principle for keeping America informed and the work of the FDLP.
- Amend § 4101 to add provisions governing privacy, so that the public may use electronic information resources such as those provided by govinfo.gov with an expectation of privacy.



Title 44, United States Code

Superintendent of Documents Programs Modernization

Cynthia Etkin
Office of the Superintendent of Documents
U.S. Government Publishing Office
cetkin@gpo.gov



Series of Congressional Hearings Before the House Administration Committee

Transforming GPO for the 21st Century and Beyond

- May 17, 2017, (Part 1)
GPO Director Davita Vance-Cooks
- July 18, 2017, (Part 2)
GPO Director Davita Vance-Cooks
- September 26, 2017, (Part 3)
Acting Superintendent of Documents Laurie B. Hall
- October 11, 2017 (Part 4)



Questions for the Record (QFRs)

Among the questions received following the July 18, 2017 hearing was:

“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's 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.



Priorities for Chapter 19 Revision

- 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.
- 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.
- 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.



Priorities for Chapter 19 Revision

- Authority to digitize previously printed historical materials disseminated to the public. 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.
- 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.



§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.



Who responded to the call?

- 118 individuals
- 58 depository library coordinators
- 39 library directors/deans
- 20 from regional depository libraries
- 12 people not from depository libraries
- Libraries:
 - ▶ 72 Academic
 - ▶ 14 Public
 - ▶ 1 Academic, Community College
 - ▶ 1 Service Academy
 - ▶ 8 Academic, Law
 - ▶ 2 Special
 - ▶ 1 Federal Agency
 - ▶ 9 State
 - ▶ 2 Highest State Court
 - ▶ 8 Other



Who else responded to the call?

- American Association of Law Libraries
- American Library Association
- Association of Research Libraries
- Association of Southeastern Research Libraries
- Center for Research Libraries
- Chief Officers of State Library Agencies
- Consortium of Rhode Island Academic and Research Libraries
- Digital Library Federal
- Government Publications Interest Group of Colorado
- GovTrack
- Medical Library Association
- University Librarians from the 10 University of California campuses and the California Digital Library



Title 44 Modernization Input

Individuals

- Preservation
- Free access
- Definition of “publication”
- More digital
- Privacy
- Item selections
- Discard process
- Shared print archives
- Deposit digital files in FDLs
- Regional discard/substitution
- Regional flexibility
- Grant authority

Organizations

- Definition of publication
- Free access
- Preservation
- Privacy
- Deposit digital files in FDLs
- Regional flexibility
- Grant authority & gift authority
- New categories of libraries
- Strengthen relationship with Federal agencies
- Protect integrity of digital content
- Repeal 10,000 book requirement

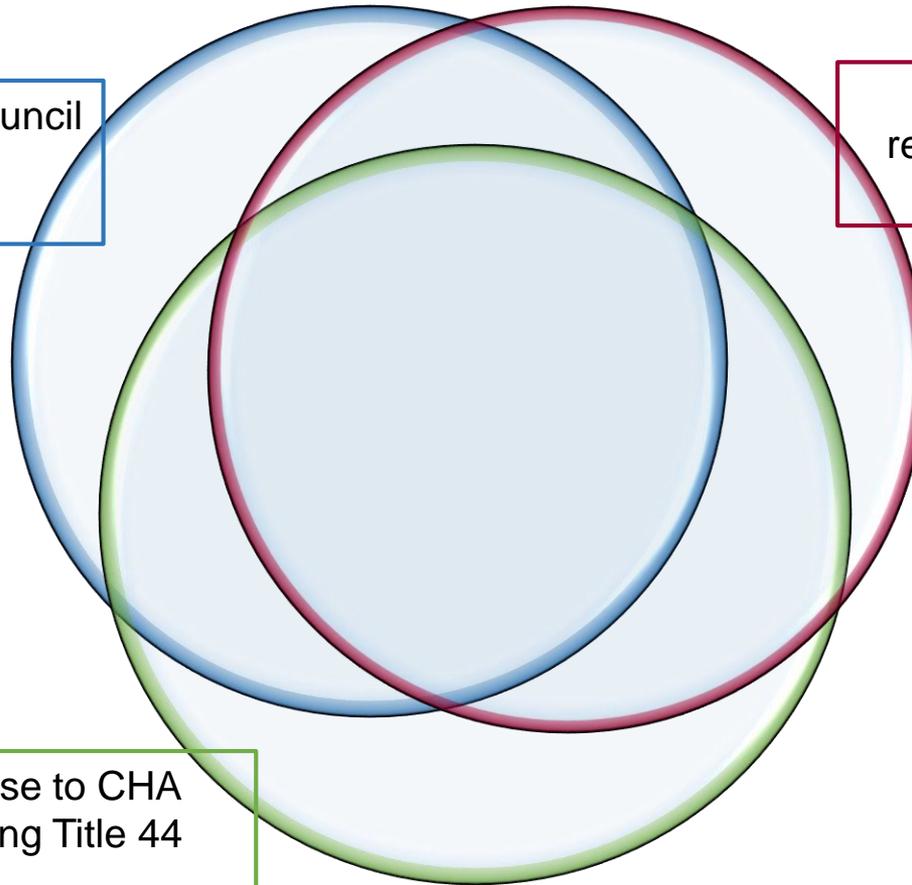


Intersection of Ideas

Depository Library Council
recommendations for
Chapter 19 revisions

Depository community
recommendations for Title
44 revisions

GPO response to CHA
QFR regarding Title 44
revisions





The Continuing Transformation of Access to Government Information

Grants, Models, and Processes in the FDLP

Tomorrow, 9:15 – 10:00 AM

Crystal Ballroom

Anthony D Smith, Chief, Projects and Systems
Robin Haun-Mohamed, Chief, Outreach & Support



**Questions?
Or think of something later ...**

<https://www.fdlp.gov/dlc-contact-form>