

>> [Captioner standing by.]

>> Hello I am Cindy and I have with me on the panel today with me Stephen Parks and Mary Clark from the depository very counsel and we will talk about federal advisory committee act. In the depository library counsel. The federal advisory act was passed in 1972 and Congress did recognize that for the committees and commissions have value and can benefit government agencies by being in place. They came up with this act and they found that advisory committees should be established only when they are determined to be essential and D -- be terminated which they don't continue to be governed by standard uniform procedures and functions as advisory only. And let me also say that the act applies to the executive branch. More importantly, there was a desire on the part of Congress to make things open and transparent and Congress agreed it should be kept informed with respect to the number and the purpose and membership and activities and cost of advisory committees. Why is GPL looking at this when it belongs to the executive branch? Some of you recall in December in December 2017, a draft bill was put out that was looking to reorganize the government publishing office as well as federal depository program in the draft but was never introduced but this section was in that bill and section 108 about advisory committees in the public printer advised them and recommendation to the Government printing office in the same manner and to the same terms and conditions applicable to an agency under the federal advisory committee act. Started to look at this and again this never was introduced and when HR 5305, when the modernization act was introduced it was not in it. Started to look at that particular section and started to look at the obligations of [Inaudible] and look at what other agencies were doing. We were particularly struck by the finding that Congress had a standard in uniform procedures should govern the establishment operation administration and duration of advisory committee. And we started taking a look at that and looking at depository library counsel. And sometimes we have minutes and sometimes we have transcripts. Sometimes there are working groups and sometimes not. Sometimes we do it this way and sometimes we do it that way. So we were struck by this and looking at the uniform procedures and taking that we should provide more consistency to the operation of the federal depository library counsel. [Inaudible] is governed by the journal services administration and they have a terrific website that provides all kinds of guidance and templates and database of all the charters and bylaws and other reports of the federal advisory committee for the executive branch and it is a terrific website and provided a lot of guidance for us.

>> Last spring we talked about this a little bit during the library counsel meeting and after that meeting, I drafted a charter for the Council and bylaws and currently in draft form and counsel has reviewed those but in that charter document, this is the purpose that has been identified for the depository library counsel and counsel serves in [Inaudible] publishing office on matters that relate to public access to the government information through the public information program as a superintendent document listing of their the federal depository program and indexing and GPS system online access got info. And DLC provided by policy and operational matters that provide and support services to the federal depository library and this is what we have posed as the charge for the depository library counsel under the new guidance. That is currently in draft and so the purpose of this is to provide consistency and standardization and uniformity in the operation and management of the depository library counsel. With that I will turn it over to Stephen.

>> When we were on counsel approached with us back in the spring we were asked to look at it and formed a small working group with myself, Mary and Jane looked at it and obviously since [Inaudible] does do what executive agencies that's all we had to look at and no similar agency that we were aware of under the legislative branch that is doing with [Inaudible] but we decided to look at the executive agencies and how they interpret [Inaudible] and specifically how they do and handle working groups. The Council does a lot of work with working groups and concerned with how it might impact the work of members of Council. And we looked at three separate executive agencies, the State Department, Department of Interior and Center for disease control. How they specifically dealt with working groups

in the State Department, they in general, the rules stated [Inaudible] that don't apply to sub committees and as a subcommittee itself reports to the Turner community and not the agency itself. The working group working on this issue, we report back to counsel itself and not report back to GPA. Based on that guideline. Meetings in the State Department, they do not need to be announced in the Federal Register or have public assets for the meetings. However the DFO, they must attend his subcommittee meeting and take notes. While there is no specific requirement to keep detailed minutes of the meetings the State Department at least does use the best practice of having someone take notes in case some comes up later on that they and if the question they have on there to do that as a best practice. The Department of Interior again similar to the State Department, they only take notes for record keeping and not necessarily as a requirement. They also made notes in the guidelines that the meeting requirements do not apply to the working groups as well and CDC, it actually required their working group to keep detailed minutes and the minutes are taken by DFO or designee and that would include [Inaudible] which of the working groups and get together not as an official meaning but informal setting. It just so happened that as we investigate this summer, they jumped out with the news of the news of FACA and it was issued on June 14 of the summer 2018 and that order declared each executive department and agency should evaluate the need for each current advisor and by September 30 of this year it was designated that there should be terminating one third of the current committees in the guidelines you were to look at to determine which one to terminate they had four different questions to look at. And has it been accomplished are obsolete and third, has the function of the committee and assumed by another entity and Leslie does that advisory committee, is the cost outweigh [Inaudible] to where we should get rid of and you can also request waivers from that [Inaudible] and those that have fewer than three if they are exempted and if you executive has been terminating committees since January 20, 2017 those are one third limit the number [Indiscernible - audio cutting in and out] on the executive order came out they made a note that there was a partially 1000 committees on any given day or any moment in the executive order would like to bring that down to 350.

>> GSA made note that the committees play an important role in shaping programs of the federal government and we've been doing this since the day of George Washington [Inaudible] to how to handle the [Inaudible] and something that the president and agency has been using for quite some time and they are continually looking at making that more relevant today and Congress is stepping in and trying to bring this more in line with today's climate. And in the house, the representative has introduced 1608 as the FACA of 2019. Two bring greater transparency. And all opponents are made to the committees are made without regard political affiliation or activity and all nominations of members would be made public and even allow for comment periods for those who might want to support or oppose nomination that they can make comments. In legislation would ensure the independent advice and recommendations of the committee and included statement accurately describe the process that it took to make recommendations. There is something new that everything under Paco would apply to sub committees and other things that would be made publicly available include charter membership selection process of the committee and the reasons why a particular member was chosen would be made public in a listing of all members and detailed minutes of the meetings. And a companion bill is introduced and this is a and that has passed the house and within a week of being introduced and currently in the Senate now of having been assigned to the committee and the Senate bill has been assigned to the committee and not received any type of quote on that.

>> We looked at this the summer and circulated it amongst the councilmembers which has led to this fall meeting today and next Mary will speak on how the Council is looking at this and how we plan to go forward with it.

>> Thank you Stephen. Hello everybody. When this first came up before counsel last spring as we started to talk about it, when GPO presented us with the new draft in May, the Council complied with

federal advisory MIDI act and there were many questions in a certain amount of pushback in the federal advisory committee act formalizes the process for establishing and operating in overseeing and terminating committees in the executive branch. And Council feared independence and feared actual interference in the Council deliberation which could weaken counsel effectiveness and advising the director of the government publishing office on matters relating to federal depository library and free access to United States government information. And additionally Council question the need to follow the Fokker guidelines given GPO fell under understated branch and ultimately it came down to openness and transparency. Counsel had three main questions, independence and what would be the role of the designated federal officer, record keeping, and working groups the same but different and are the committees and other special and how they operate. As far as independence, under the federal advisory committee act, every board is served by a designated officer or DFO. For Council as a whole that person is Lori Hall the superintendent documents to counsel, that seemed sensible and routine and were canceled became concerned was or was a designated federal officer on to every committee for the Scotian group that Council wished to create or to address issues before. There was immediate pushback from counsel. Over the course of several months, telephone calls on the role of telephone calls and meetings in designated federal officer began to seem more to members as a partner and there will be times when counsel advice or recommendations will not be in alignment with GPO practice. But having a designated federal officer Council will have access to information and policies and procedures inside GPO that can help inform their decision and to increase effectiveness of any recommendation.

>> Record-keeping, Stephen said there are several interpretations of one and where this has to happen. The new charter specified DLC would meet twice a year and talk to specified the meeting would be open to promoting the Federal Register and also specifies the DFO act as secretary for those proceedings. Counsel meets monthly via conference call and discusses various issues at GPO and with it within library surfaces and content management. In addition these meetings are not published in the only participants are members of the depository library counsel and staff of GPO. Counsel has an looking secretary who takes ask about the meeting and is required by the current counsel by law and charter. In addition, technological improvements by GPO have allowed these calls to be recorded and accessible to participants later. And many of the meeting center around and sharing information and is planning. However we do make decisions and we do create groups and discuss making recommendations and accommodations to GPO. The research indicated that most federal advisory committees conduct their work in much the same fashion with committees and working groups doing the same research and explaining the work in public meetings. So counsel will continue to work in much the same way and continue to utilize the role of the Council secretary during monthly call. The federal depository library conferences held in the fall of each year and will include the public business meetings of the depository library counsel. The federal library counsel conferences conducted alternately in the spring and in person and virtually to encourage participation. The schedule of proceedings is widely distributed throughout the depository library community and all meetings are open to the public including counsel working sections and these are spring and fall meetings which there are two working sessions and this Council including one following this. Counsel working session will consist of the nomination and selection of a chair as well as discussions about recommendations and accommodations to the director of the government publishing office that we wish to make an counsel working meetings are not recorded but minutes will be kept by the secretary. The spring and conferences are available to the public and Council business will be shared during the wrap up sessions. Just for fun, this was the announcement in the Federal Register this year of this meeting.

>> The final thing I want to talk about or in groups, in the last six months counsel has worked to formalize what our special committees and work should look like as it relates to FAC oh. We created the

working group of which Jane, Stephen, myself and our designated federal officer Cindy, worked on over the last three months. We did our work as Stephen said and found out how committees function under Paco and they found common ground and with the advisory group to GPO and with this information the working group will share thoughts with counsel at the working session this week and ask counsel to consider them as a formal recommendation to put forth to GPO. We currently have three additional working groups that we formed and we have the digital deposit working group which is Robbie sir tell and also working with Jessica team and who is functioning as the DFO for GPO this group will make a brief report out Wednesday at the wrap-up session and I have participatory program tomorrow. The all digital depository library working group which consisted of Jane, Yvonne, Stephen and Marianne who are members of the depository library counsel and Cindy acting as DFO, the committee made the recommendations last spring but remain as a standing committee at GPO request. We finally have a catalog working group which consists of myself, Yvonne Williams, Greg Curtis, [Inaudible] and all members of the depository library counsel and [Inaudible] who will be the DFO on behalf of GPO and that committee has not begun any work yet but waiting to get through all of this other and get the conference finished. That is the way we work now and as Stephen stated, ultimately the working group will report to Council and Council then make formal recommendations to GPO and it won't go directly to working group to GPO which is one of the inconsistencies we had in the past. Finally I hope the presentation has been beneficial and I know many of you are formal councilmembers or future councilmembers and we're certainly curious about how the sausage is made. Hopefully this will help clarify practices and the goal think of GPO and Council is to implement the requirements or recommendations as much as practical and there are certain requirements that probably don't need to have happen. Like approaching senators when you wish to create a new one and other details like that. With that, I will open it to questions.

>> [Applause]

>> This is practical comments about how this has worked in terms of taking minutes. I am the secretary for the Council this year and I went looking on the FACA site and for how you are supposed to keep minutes within the FACA recommendation so I use that and I would like to hope that we continue because going back and looking at past minutes, each secretary had their own system for doing it. All pertinent information is there but from year-to-year, it was a good variety on how it got to put forth. The FACA template is precise about what you included in who you include and you have to be precise about who said what you did what. I started following that format and the minutes are on the Council site and I am more than happy to make them available to anyone who would like to look at them. I think they are pretty open and transparent. Just my comments on the practicality of how we begin to carry this out.

>> Bill, South Carolina University. After this review do you feel it is within the guidelines of how FACA is supposed to operate ? Are you comfortable with your conclusions and if you are not, what are you still uncomfortable with?

>> The working group is comfortable. And our working session this afternoon we will have another discussion whether the entire counsel is comfortable and from that point we will put for the recommendations. Ultimately I think regardless we will follow the guidelines as much as practical and I think it will make it easier for instance when incoming and new incoming director makes an appearance and it will be easier to justify the existence after 99 meetings.

>> To Cindy, I want to talk about a couple things that how GPO's application of the guideline will not mirror those of executive branch committees. Maybe that will help in being in legislative branch, we will not submit to the charter and bylaws to the general services administration for inclusion in the database and we will not have to do annual reports into jail say about the -- GSA about the depository library

counsel. We will still model and as the working group has found out it's not very much differently at all is how we have been doing this that we have templates and guidelines so that we will have uniformity the with the business of the depository library counsel.

>> I guess, how other agencies and how they are doing it because someone who's going to a Council meeting and since 1987, there was always a framework and always, whether they were called bylaws or whatever but I remember at one point there were bylaws and those always existed. I am not as worried about this as someone who has been on counsel in the past and I find it interesting that it is raised to that level and another comment, the monthly meetings are a working group as a whole.

>> For information sharing.

>> It is a working group as a whole which fits within the guideline.

>> Yes there are bylaws in the past and what is different, in the past, counsel wrote chartering in bylaws and one of the things that Israel wired of FACA is that the agency does that. And there has been a draft following the template and certain things in the bylaws that were not in the previous bylaw.

>> There is the designated federal officer and in the past this is a role that has been from the superintendent documents for managing director of library services and content management. Budget information, so that we know in fiscal year 2019 almost \$350,000 was spent on counsel and so that stuff was not there and the bit about the record-keeping was not there but we want to ensure that we have those in so it is modeling what we have been doing into a different template and including more information that gives more openness and transparency to the entire working of the Council and not just what they do at a meeting or what their charges. Does that make sense?

>> I have a question about the charge. The current charge I think says they provide guidance to the director and Sue Doc. Was it removed intentionally or it seems to give flexibility in terms of how counsel can make recommendations and maybe it's not important?

>> It is to the director. And that is where any recommendations from counsel have been addressed to the public printer and now the director. Superintendent documents [Inaudible].

>> Not directly related to this subject today but in general based on what you're talking about, by the way, Larry Meyer send -- San Bernardino.

>> You're talking about executive branch advisory? The question was will we what?

>> The working groups that the executive branch is getting rid of, some point in time will be get a compilation of those so we know who has been dismantled and who has not?

>> It is on the GSA website in the database and there is data about how many in active commissions and committees there are. I don't know it is in a publication. Are you asking GPO put together that list? We don't like to do list.

>> As Stephen noted with his part of the television, in the Executive Order of the president, advisory bodies are being looked at and in the new not too long ago there was reporting on a couple that have been dismantled and one from Noah and in a culture one.

>> The news that you get in DC may not be the news that we get in the rest of the country.

>> Yes.

>> Leah Walker. We have a stack of documents and I was wondering if counsel is planning to deposit your meeting minutes or documents anywhere and in addition to having them on your website to keep a record?

>> Good question.

>> Do I see a recommendation coming GPO's way?

>> Send it is actually drying up as Lori doesn't raise for these meetings occur in the spring and fall, it will be GPO or it will be responsible for the minutes and what is shared out for those meetings counsel, it will have our secretary to deal with day-to-day operational things. The official meetings will occur in the spring and fall in front of the community so that the community can see what we have been working on.

>> Are you coming up with the question?

>> Larry asked if counsel is not limited to official meetings for your anti-suggest that it's not necessarily meaning is true you have to publish the Federal Register if you want to know another official register?

>> Actually the director of the publishing office may call additional meetings as may be necessary.

>> Sarah Erickson University of Florida. I'm sorry came in late but at one point or some of the minutes counsel deposited in the collection? I feel that I consulted a list from the 70s to see if Chicago public had ever been on the Council and there had been four a year before the guy left. Within my collection, I don't know where it was or when it stopped being published.

>> Back when I worked in the library the meetings were transcribed and we sent out the transcription records on microfiche to depository libraries and in those entrances where we didn't have a transcriber at the meeting, the Council secretary minutes were included in administrative note.

>> Bill [Inaudible] South Carolina University. What is the record and what is the record of the meeting and is it the transcription? The notes or the recordings? And are all of those being preserved?

>> We don't have all those for all the meetings.

>> You cannot do in the past from here forward, and is it all three or is it the recording? Critically since the spring meeting is a virtual anyway and you are according anyway -- and you are recording anyway. What is official? That's a question you have to answer working with Nora.

>> The recordings are also captured by closed captioning.

>> Not all of counsel is captured in recordings. There would have to be the minutes that would be the official record.

>> Do you see what I am saying?

>> We are keeping them and they are available and they are not in info where we have [Inaudible] certification. Any other questions?

>> We will see what counsel discusses in the working group meeting and the charter and bylaws are in draft and we will make amendments in accordance to the recommendations and make them available on the Council website on FDL website shortly.

>> [Conference is on break.] [Captioner standing by.]

>> [Captioners transitioning]