



# Proposed Legislative Changes to Chapter 19

Depository Library Program, Cataloging & Indexing, and GPO's System of Online Access

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FDLP Academy Webinar

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# Background

- The last major change to Chapter 19 was in 1962.
- *Government Printing Office Improvement Act of 1990*  
H.R. 3849, introduced January 23, 1990 – 101st Congress 2d Session,  
Committee on House Administration
- *Government Printing Office Electronic Information Access Enhancement Act of 1993.*  
103rd Congress – June 8, 1993, PL 103-40
- *Wendell H. Ford Government Publications Reform Act of 1998*  
S. 2288, introduced July 10, 1998 – 105th Congress 2d Session, Committee  
on Rules and Administration
- *FDLP Modernization Act of 2018*  
H.R. 5305, introduced March 15, 2018 – 115th Congress 2d Session,  
Committee on House Administration and Committee on Oversight and  
Government Reform

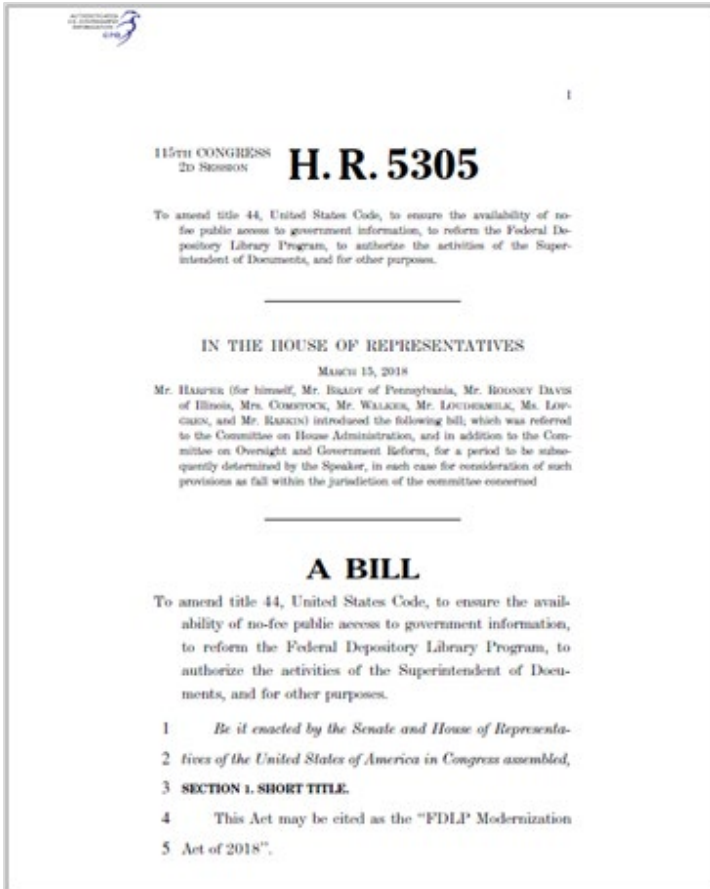


# Moving Forward Without Legislative Change

- Administrative changes
- Oversight committee support for approvals
  - Waivers
  - Policy
  - Budget spending plans
- Partnerships
- Interpretation



# FDLP Modernization Act of 2018



- H.R.5305 introduced March 15, 2018
- Referred to the Committee on House Administration and the Committee on Oversight and Government Reform
- Ordered to be Reported (Amended) by voice vote in Committee on House Administration
- Died in committee at the end of the 115<sup>th</sup> Congress



# What happened during the 116th Congress?

2019 —

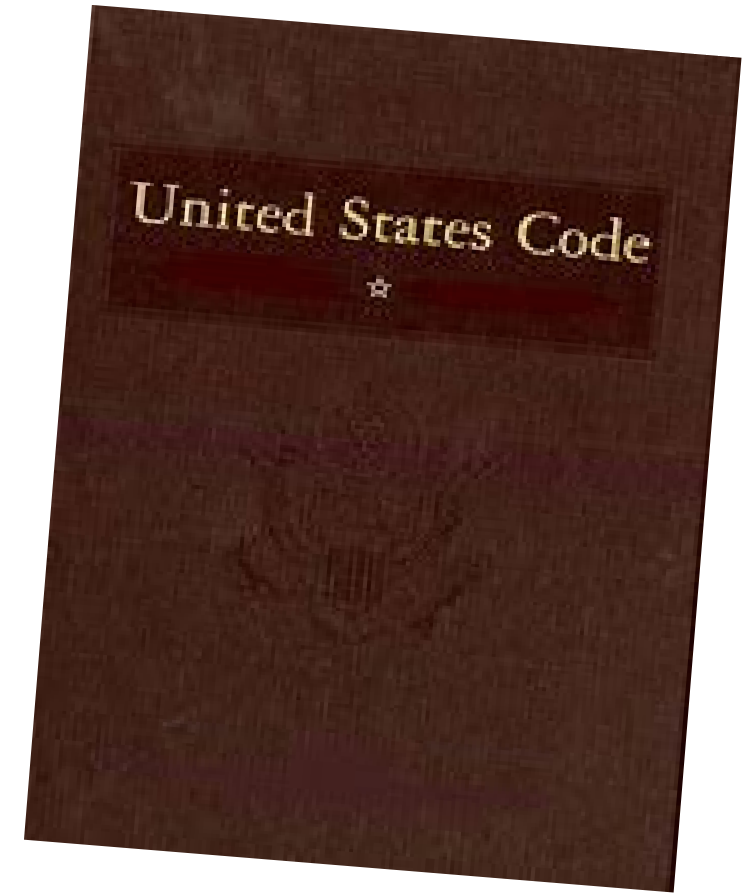
- Senate Committee on Rules and Administration sought suggested changes for Title 44 from GPO
- Committee on House Administration sought suggested changes for Title 44 from GPO
- New members on the Depository Library Council
- New GPO Director



# Strategy for Revising 44 U.S.C. Chapter 19

## December 2019

- Not a total overhaul
- Little wins
- Outcomes
  - Digital and tangible content specifically included, but format-neutral
  - National Collection of U.S. Government Public Information
  - Flexibility for libraries
    - Digital-only option
    - Regional collections across state boundaries
    - GPO assisting with the disposition of materials
  - Training





# Action during the 116th Congress

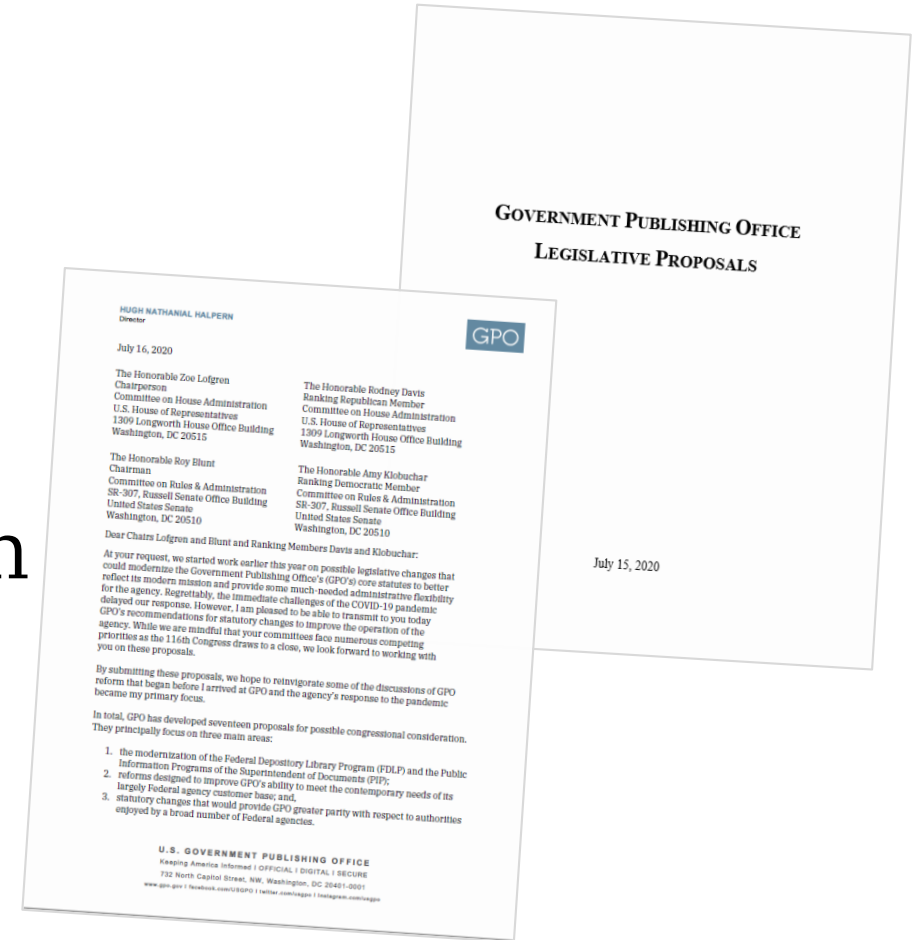
2020 —

- Continued interest in FDLP modernization from both the Senate Committee on Rules and Administration and the Committee on House Administration
- More new members on the Depository Library Council
- Under leadership of Director Halpern, a more comprehensive strategy for change
- GPO submitted legislative proposals to both committees in July
- 7 October and 3 December meetings with committee staff



# GPO's Legislative Proposal

- Three new sections
  - Purpose
  - Cataloging and Access Services
  - National Collection of U.S. Government Public Information
- Seven revised sections
- First time GPO has provided drafted legislative proposals







## While drafting language we kept in mind ...

- H.R. 5305, FDLP Modernization Act of 2018
- Comments from:
  - The Depository Library Council
  - The Depository library community
  - Library associations and organizations
- The needs of GPO to administer and move forward the Public Information Programs of the Superintendent of Documents



# Here's what we said we wanted ...

## 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

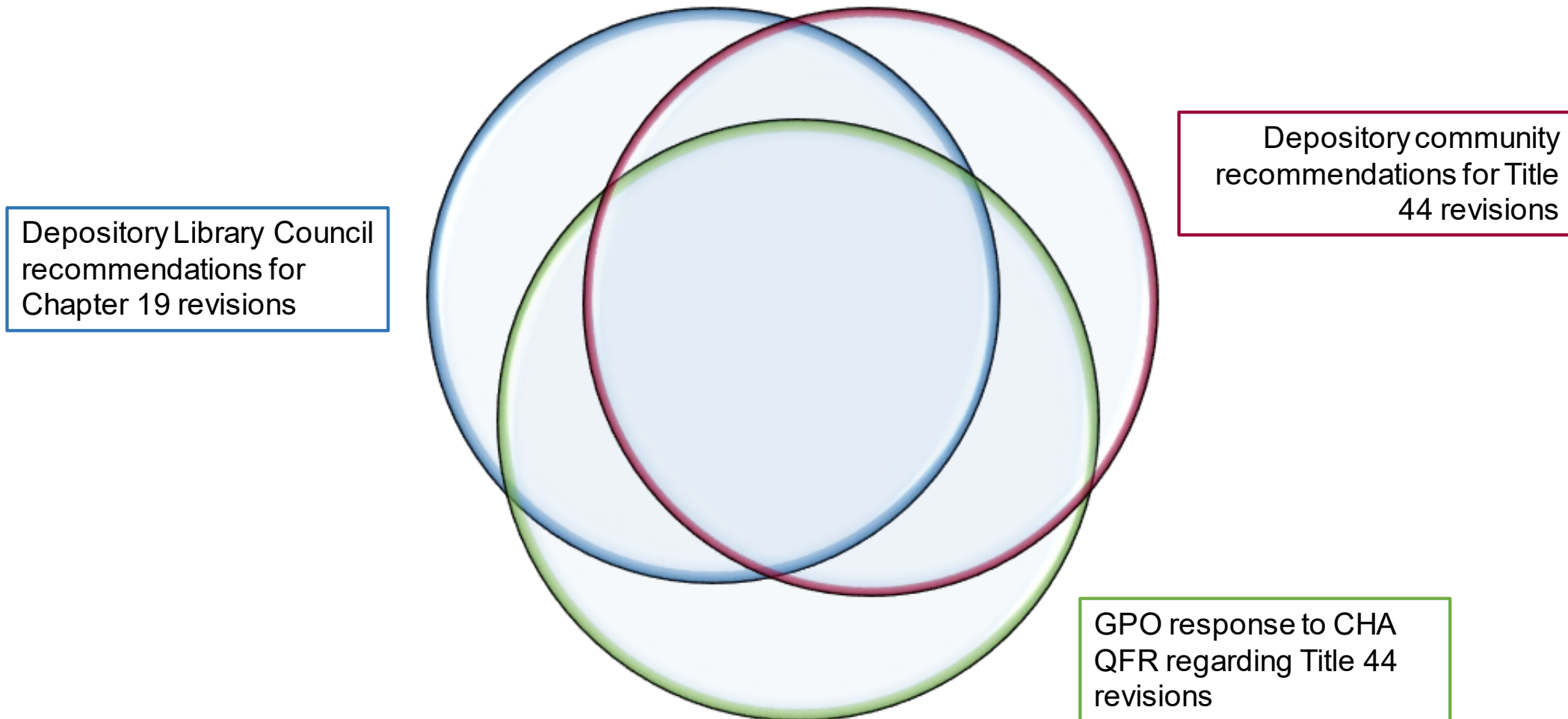
- Definition of “publication”
- Free access
- Preservation
- Privacy
- Deposit digital files in FDLs
- Regional flexibility
- Grant authority & gift authority
- New categories of libraries
- Strengthen relationship with  
Federal agencies
- Protect integrity of digital content
- Repeal 10,000 book requirement

## GPO

- Free access/privacy
- Lifecycle management
- Definition of “publication”
- National collection
- Preservation
- Digitize historical content
- Grant authority
- Regional flexibility
- Regional discard/substitution
- Role in discard process
- Repeal 10,000 book requirement
- Shared repositories/archives
- Deposit digital files in FDLs
- Agency notification



# Title 44 Reform — User Groups Intersect





# Definitions

## § 1901

“(4) the term ‘**information lifecycle management**’ means the planning, budgeting, administering, processing and controlling information throughout the stages through which tangible or digital information assets pass including: creation, identification and acquisition; organization, bibliographic control and metadata; preservation, digitization and reformatting; authentication, access, and dissemination; promoting; storage of tangible information assets; and trusted digital repository management;

“(5) the term ‘**permanent public access**’, means making public information resources discoverable and available to, and accessible by, the public on an indefinite, continuing basis, without charge;

“(7) the term ‘**public information**’ means Federal Government publications or information resources regardless of physical form or medium, compiled by Government employees, or at Government expense, or as required by law, and disseminated to the public by an agency or a contractor thereof or of educational value.



# Digital Only Depository Libraries

## § 1909. Requirements of depository libraries; reports on conditions; consultations and training; termination; replacement

(a) Only a library able to provide access to, custody of, and services for deposited tangible materials or access to and services for online digital content and located in an area where it can best serve the public need may be designated as a Federal depository library. Prior to the designation the Superintendent of Documents shall visit potential depository libraries to assess their sustainability for housing depository collections and for providing access services. Designations of a depository of Government publications shall be made pursuant to section 1905 of this chapter. The designated depository libraries shall report to the Superintendent of Documents at least every two years concerning their condition.



# Shared Regionals Across State Boundaries

## § 1912

(b) Regional depository libraries must retain at least one copy of all Government publications received (except those authorized to be discarded by the Superintendent of Documents), or make accessible digital versions (in accordance with Superintendent of Documents policy); and within the area served will provide leadership and coordination for the provision of program-related activities for depository libraries.

(c) Regional depository libraries from different states may share responsibilities by entering into agreements in accordance with Superintendent of Documents guidance and upon approval of a Senator from each of the states.





# Summary of Proposed Revisions

- |       |   |
|-------|---|
| §1900 | The purposes of this chapter are to:<br><ol style="list-style-type: none"><li>(1) Ensure the public's right to free, equitable, and convenient access to its Government's information; and</li><li>(2) Establish Public Information Programs that together, function to identify, acquire, catalog, preserve, authenticate, disseminate, reformat, and provide no-fee permanent public access to the corpus of Federal public information for future generations.</li></ol> |
| §1901 | Expand the definitions section to include fugitive public information, information, information lifecycle management, permanent public access, preservation, and public information.  |
| §1902 | Remove the process of agencies listing information products for GPO use, and replace it with a broader and more flexible term of "notify." Notification is not necessary for public information that is confidential in character or classified for reasons of national security.   |
| §1905 | Add the ability for Delegates to Congress to designate depository libraries and provide a role for the Superintendent of Documents in the designation process.  |



# Summary of Proposed Revisions *(continued)*

§1907	Revise the disposition of materials process for executive departments and Federal agencies to offer materials to GPO.
§1909	Eliminate the 10,000 book requirement, allow for designation of digital only depository libraries, and replace “investigations” with consultations and training.
§1911	Change Government publications to Government public information, and allow for regionals and states not served by a regional to discard in accordance with Superintendent of Documents policy and guidance.
§1912	Provide a role for the Superintendent of Documents in the regional designation and disposition of materials processes, allow online as a format for selection, and allow for sharing collections across state boundaries.
§1917	Repeal §§1710-1711 and create a new section in 44 U.S.C. Chapter 19, Cataloging and Access Services
§1918	Create a new section in 44 U.S.C. Chapter 19, National Collection of U.S. Government Public Information





# Major Provisions of H.R. 5305

## *Not in GPO's Legislative Proposal*

- SOD, employees, and facilities of Superintendent.
- Regulatory process for the FDLP
- Preservation Depository Libraries
- Very prescriptive and laborious notification process for agencies and GPO
- SOD shall, in consultation with agency official, determine the best method to catalog, provide public access to information dissemination products.



# GPO's Legislative Proposals: DLC's Comments

*“Holistically, these proposed changes show a promising direction towards more flexibility for depository libraries, a modernized understanding of publishing practices and dissemination issues, and a wider but more intentional scope for the Government Publishing Office (GPO) and the programs falling under the Office of the Superintendent of Documents.”*



# Extracted DLC Comments

§1900	Council supports the new § 1900 as Council believes the language effectively defines the intent of the Public Information Program of the Superintendent of Documents.
§1901	Council recommended discontinuing the use of “fugitive” public information; found the terms government publication, information, and public information needing clarification and offered alternative definitions.
§1902	The new language in §1902 reflects the wider scope of the FDLP in ensuring that the Superintendent of Documents is duly notified of digital content as well as all tangible content it has issued, regardless of a publishing connection to GPO. The focus on digital specifically is also helpful in making it very clear that digital content covers a wide scope as emphasized in the definition for “public information” in §1901.
§1905/ §1909	Council feels the phrase, “housing a depository collection,” included in both §1905 and §1909 has connotations too focused on tangible depository materials when there are all-digital or mostly digital depositories in the FDLP, and recommends that GPO change the language to make it more inclusive of all types of depository formats.



## Extracted DLC Comments *(continued)*

- |       |   |
|-------|---|
| §1907 | Council appreciates the change in language from “publications” to “public information” as it better reflects the variety of formats disseminated by GPO. Council supports the inclusion of the Superintendent of Documents in the disposal process for executive departments and independent agencies.                                |
| §1911 | Council approves of the proposed changes, particularly the change from “publications” to “public information.” and the inclusion of the specific phrase “this Government property.” Council supports the elimination of the language specifying the retention of print and microfacsimile publications that have not been superseded. |
| §1912 | Council recommends keeping the previous wording of this subsection related to this, eliminating a role for the Superintendent of Documents in the disposition of materials processes, except for those libraries relinquishing their depository designation.  |
| §1917 | Requests that language indicating that cataloging service will be offered free of charge  |
| §1918 | Agreement that the creation of a defined National Collection is exciting, significant, and has the potential to lead to great improvements in the collection, cataloging, dissemination, and access of government information sources, but should be defined earlier  |



## 2021: A New Year and a New Congress

- Senate Rules and Administration Committee
- Committee on House Administration
  - Zoe Lofgren, Chair
  - Rodney Davis, Ranking Member
- Committee memberships may change
- Committee staff may change
- GPO remains hopeful
- Superintendent of Documents will press onward

COLLECTION TOOLS

REQUIREMENTS & GUIDANCE

PRESERVATION

ABOUT THE FDLP

CATALOGING & CLASSIFICATION

About the FDLP / Projects

## Legislative Revisions to Title 44 U.S.C., Chapter 19: Depository Library Program



### Details

Last Updated: January 26 2021

Published: January 22 2021

### Legislative Proposals of the Government Publishing Office

- [Legislative proposal text \(July 15, 2020\)](#)
- [Summary of proposed changes](#)
- [Feedback from the Depository Library Council \(January 14, 2021\)](#)

GPO welcomes your thoughts on the proposed legislation. You may submit them using [this form](#).








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- [U.S Government Information \(govinfo\)](#)
- [Media Inquiries](#)
- [Federal Depository Library Program](#)
- [Ben's Guide to the U.S. Government](#)
- [Catalog of U.S. Government Publications](#)
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**Trending FAQs**

How do I apply for jobs listed in the "Plum Book"?

I am with a Federal agency. Who can I contact for information about GPO's services?

Can I check the balance of my SOD deposit account online?

How do I get a list of the free publications available from the U.S. Government?

Where can I find executive orders, statements, messages, remarks, and other presidential materials?