

V. Title 44 and Regional Depository Libraries

The Federal Depository Library Program operates under the authority and mandates of 44 United States Code, §§1901-1916. Regional depository libraries are addressed in §§1911-1912,

A. Legacy Sections of Title 44, Chapter 19 Related to Regional Depository Libraries

§1911. Free use of Government publications in depositories; disposal of unwanted publications

Depository libraries shall make Government publications available for the free use of the general public, and may dispose of them after retention for five years under section 1912 of this title, if the depository library is served by a regional depository library. Depository libraries not served by a regional depository library, or that are regional depository libraries themselves, shall retain Government publications permanently in either printed form or in microfacsimile form, except superseded publications or those issued later in bound form which may be discarded as authorized by the Superintendent of Documents.

§1912. Regional depositories; designation; functions; disposal of publications

Not more than two depository libraries in each State and the Commonwealth of Puerto Rico may be designated as regional depositories, and shall receive from the Superintendent of Documents copies of all new and revised Government publications authorized for distribution to depository libraries. Designation of regional depository libraries may be made by a Senator or the Resident Commissioner from Puerto Rico within the areas served by them, after approval by the head of the library authority of the State or the Commonwealth of Puerto Rico, as the case may be, who shall first ascertain from the head of the library to be so designated that the library will, in addition to fulfilling the requirements for depository libraries, retain at least one copy of all Government publications either in printed or microfacsimile form (except those authorized to be discarded by the Superintendent of Documents); and within the region served will provide interlibrary loan, reference service, and assistance for depository libraries in the disposal of unwanted Government publications. The agreement to function as a regional depository library shall be transmitted to the Superintendent of Documents by the Senator or the Resident Commissioner from Puerto Rico when the designation is made.

The libraries designated as regional depositories may permit depository libraries, within the areas served by them, to dispose of Government publications which they have retained for five years after first offering them to other depository libraries within their area, then to other libraries.

B. Previous Efforts to Revise Title 44, Chapter 19

The last major change to Title 44 that affected depository libraries was Public Law 103-40, The Government Printing Office Electronic Information Access Enhancement Act of 1993, more commonly known as The GPO Access Act. The implementation of the GPO Access Act ushered GPO into the online age and accelerated the paradigm shift in the FDLP that changed GPO's relationship with depository libraries. Permanent public access

responsibilities held by regional depositories in the tangible publication environment were transferred to GPO in the online information environment. And depository libraries, particularly regionals, continue to face the challenges of providing access to and delivering Government information to library users while continuing to maintain and preserve legacy collections of tangible depository resources for permanent availability.

Since 1993, attempts were made to update Chapter 19, Depository Library Program, to no avail. Additionally, the library community identified alternatives for restructuring the FDLP in the online information environment that required changes to Chapter 19 to implement. The following represent these efforts:

- ♦ Depository Library Council. *Alternatives For Restructuring The Depository Library Program: a Report to the Superintendent of Documents and the Public Printer from the Depository Library Council* (September 1993). [http://www.access.gpo.gov/su_docs/fdlp/council/alternat.html].
- ♦ Dupont Circle Group. Chicago Conference Coordinating Committee. *Reinventing Access to Federal Government Information: Report of the Conference on the Future of Federal Government Information* (October 1993). [http://sunsite.utk.edu/FINS/Public_Information/Fins-PI-06.txt].
- ♦ U.S. Government Printing Office. *Study to Identify Measures Necessary for a Successful Transition to a More Electronic Federal Depository Library Program As Required by Legislative Branch Appropriations Act, 1996 Public Law 104-53* (June 1996). [http://www.access.gpo.gov/su_docs/fdlp/pubs/study/studyhtm.html].
- ♦ Inter-Association Working Group on Government Information Policy. *Goals for Revising U.S.C. Title 44 to Enhance Public Access to Federal Government Information* (May 1997). [<http://www.aall.org/aallwash/t44goals.html>].
- ♦ Joint Committee on Printing. Eric Peterson. *Concepts for Reform of Title 44* (September 1997). [<http://www.nclis.gov/govt/assess/peterson.html>].
- ♦ Inter-Association Working Group on Government Information Policy. *Federal Information Access Program Act of 1998*. Draft bill to amend Chapter 19 of Title 44, United States Code transmitted to The Honorable John W. Warner, Chairman, Committee on Rules and Administration. (March 1998). [<http://www.aall.org/aallwash/lt030998.html>]
- ♦ U.S. Congress. Senate. *A bill to provide for the reform and continuing legislative oversight of the production, procurement, dissemination, and permanent public access of the Government's publications, and for other purposes*. 105th Cong., 2nd Sess. S. 2288 (Reported in the Senate) [http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=105_cong_bills&docid=f:s2288rs.pdf].
- ♦ Depository Library Council. *Knowledge Will Forever Govern: A Vision Statement for Federal Depository Libraries in the 21st Century*. Final Version (September 29, 2006). [http://www.access.gpo.gov/su_docs/fdlp/council/dlcvision092906.pdf].

While the GPO Access Act and the movement to a primarily electronic FDLP created many opportunities to enhance access and services to Government information dissemination products,

there have not been corresponding revisions to Chapter 19 that provide regional and selective depository libraries the flexibility required to operate in an online and networked environment.

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