

Depository Library Council

Advisory body to the Director of the U.S. Government Publishing Office

April 12, 2023

Hugh Nathaniel Halpern, Director
U.S. Government Publishing Office
732 North Capitol Street, NW
Washington, DC 20401

Dear Director Halpern,

Regional depository coordinators are hearing from more and more selective depository libraries and they themselves are concerned about how to navigate the increasing number of [proposed and enacted state laws](#) or local ordinances regarding library access to materials that may conflict with the legal requirements and regulations for libraries participating in the Federal Depository Library Program (FDLP). Also of concern is legislation that permits the possible civil and criminal prosecution of librarians.

These laws variously label resources as harmful, obscene, inappropriate, or explicit. Some use specific language and others use more general descriptions that lead to more subjective interpretations and applications, which may include depository materials. See for example, [Understanding Breast Changes and Conditions](#) from the National Institutes of Health. This seemingly contradicts Title 44, specifically §1911 and the requirement to “make Government publications available for the free use of the general public” — the foundational tenet of the FDLP.

Many state and local governments are introducing bills and enacting laws that focus on age restrictions, while others go well beyond this and call for the destruction of objectionable content. These measures conflict with the latest guidance for depository libraries found in [Legal Requirements and Program Regulations for the Federal Depository Library Program](#) (LRPR):

- Depository libraries must provide free access to FDLP information resources in all formats to any member of the general public without any impediments, such as age limitations, technology barriers, or residency status limitations.
- Only the Director of the Government Publishing Office, the Superintendent of Documents, or their agents are authorized to order a library to withdraw a document from its depository collection.
- Depository publications must be retained and kept accessible for at least the minimum retention period.

The LRPR language is unambiguous, and it puts some depository coordinators in the position of worrying about how to fulfill their fundamental obligation to care for the items entrusted to us as stewards of the Federal Depository Library Program.

The Depository Library Council, and the many members it represents, would appreciate official guidance related to access to the Federal property in our care, in the context of state and local legislative censorship actions.

Thank you for your consideration of these issues. Please feel free to contact me if you have any questions.

Sincerely,

Lisa Pritchard

LISA PRITCHARD
Chair, Depository Library Council

Copy: Superintendent of Documents Scott Matheson
LSCM Managing Director Laurie B. Hall