

**MEMORANDUM OF AGREEMENT
BETWEEN
UNIVERSITY OF NOTRE DAME KRESGE LAW LIBRARY
AND THE
U.S. GOVERNMENT PUBLISHING OFFICE**

PURPOSE

This memorandum outlines the University of Notre Dame Kresge Law Library's responsibilities as a preservation steward of tangible content within scope of the Superintendent of Documents Public Information Programs: Federal Depository Library Program (FDLP); Cataloging & Indexing Program (C&I); and GPO's System of Online Access. It expresses the U.S. Government Publishing Office's (GPO) and the Federal Depository Library Program's long-term commitments to permanent public access through preservation and in *Keeping America Informed*.

BACKGROUND

Responsibility for retention of depository materials by regional depository libraries is found in 44 United States Code §1912, which states:

[regional depository libraries] 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) ...

This provision of §1912 has been in place since the Depository Library Act of 1962, Pub. L. 87-579, which established regional depository libraries. However, the Joint Committee on Printing (JCP) in a letter to GPO Director Davita Vance-Cooks, dated August 5, 2015, authorized withdrawal of tangible depository materials under certain circumstances.

With this new authority, the Superintendent of Documents issued a new policy¹ which permits regional depository libraries to withdraw Government publications from their collection if:

1. Advance approval to discard from the Superintendent of Documents is received.
2. The publication is superseded or later issued in bound form.
3. The publication:

¹ Superintendent of Documents Public Policy Statement: Government Publications Authorized for Discard by Regional Depository Libraries (effective May 31, 2016) may be found at: <http://www.fdlp.gov/file-repository/about-the-fdlp/policies/superintendent-of-documents-public-policies/2737-government-publications-authorized-for-discard-by-regional-depository-libraries-1>.

- a. Has been retained by the regional in tangible form for a period of seven years from the date of receipt, processing, or shipping list date;
- b. Is available on GPO's Federal Digital System (FDsys)² and contains the digital signature of the Superintendent of Documents; and
- c. Exists in tangible form in at least 4 libraries distributed geographically in accordance with the policy.

PRESERVATION STEWARDS

The Kresge Law Library agrees to provide preservation stewardship for the attached list of volume and date ranges of serials and/or titles and year of monographs. By agreeing to be a preservation steward for Federal depository tangible resources, the Kresge Law Library becomes a partner in the Federal Information Preservation Network (FIPNet), a GPO strategic initiative and a national Government publications preservation effort. Preservation stewards play a critical role in GPO achieving its mission of *Keeping America Informed*. As GPO does not have a tangible collection to preserve, reliance on preservation steward agreements with depository libraries, Federal agencies, and other institutions or organizations with Government publications is a necessity. As a FIPNet activity, GPO will maintain an inventory of the Kresge Law Library's preservation copies of record to ensure compliance with 3.C. above. Preservation stewardship obligates libraries to:

1. Verify the physical existence of item(s) on their list.
2. Ensure the item(s) is cataloged and if it is not, create a record using at least minimum level cataloging.
3. Determine that the item condition is good, the minimal level for preservation copy of record.
4. House the item(s) in open accessible stacks. The item(s) are non-circulating (in-library use only) and do not circulate through ILL.
5. Ensure preservation copies of record are not withdrawn by making them easily identifiable:
 - Stamp the publication "DO NOT WITHDRAW" or something similar.
 - Make a retention notation in the cataloging record, for example, "Federal Information Preservation Network Preservation Copy of Record"
6. Include the item(s) within the scope of library's collection care or collection conservation programs, if applicable.
7. Reporting
 - Notify GPO immediately if the condition of any of the titles under its preservation stewardship changes due to loss, deterioration, mold, vandalism, or disaster.
 - Notify GPO immediately if there are location changes for any of the titles under its preservation stewardship.
 - Conduct, with GPO's participation, a condition assessment at least every

² At the time of the signing of this agreement, FDsys is GPO's online system of record. Following a period of beta testing, it will be replaced by the next generation system, govinfo. This agreement will be valid with FDsys, govinfo, or any successor online system of record.

three years using a random sampling of titles under its preservation stewardship.

DEFINITIONS

Controlled access environment	A "Controlled Access Environment" is one in which library users cannot directly browse and pull material from library shelves. Controlled Access collection items must be requested and checked out to users for either in-building use only or for use in a special collections reading room. Climate control and security for the Controlled Access Environment should be equal to that provided for the library's other special collection materials.
Good condition	The publication shows signs of use. The binding may show signs of wear to cover boards, hinges, and spine, but all pages are tightly bound. Binding boards and pages may show signs of having been bumped and bent at the edges (dog eared), but no other damage is present. Maps and foldouts may show wear at the folds, but all information is clearly legible. All supplementary material is present, but has clearly been used and may have been misfolded when returned to the pockets or enclosures.
Minimum level cataloging	As a minimum, a resource description for a work, expression, manifestation, or item should include all the core elements (RDA Toolkit, 0.6: Core Elements) that are applicable and readily ascertainable. The description should also include any additional elements that are required in a particular case to differentiate the resource from one or more other resources with similar identifying information.
Preservation copy of record (for tangible publications)	The preservation copy of record for tangible publications is the version set aside to protect its informational content and intrinsic value from decay or destruction. The copy of record may be nondestructively digitized to create a digital surrogate to function as the use copy. Intrinsic value is the worth of an item beyond the information content; it includes a combination of factors including historic value and provenance.
Preservation copy of record (for digital content)	The preservation copy of record for digital content is the preservation master file stored in a trustworthy repository. Derivatives of the preservation master copy are made available for

	access. The digital copy of record should be produced to specifications that will allow the creation of a printed facsimile version, should one be needed.
Tangible content	Information conveyed on a physical medium.

TERMINATION OF AGREEMENT

1. Either party may terminate this agreement after providing one hundred and twenty (120) days written notice to the other party.
2. Between the date of the notice of termination and the date of termination, Kresge Law Library will continue to provide preservation stewardship in accordance with this agreement.
3. The parties understand that once this agreement is terminated, GPO will find another depository library to provide preservation stewardship of the Federal publications under the scope of this agreement, or will itself provide preservation stewardship.

EFFECTIVE DATE/REVIEW

This agreement is effective as of the date of signature by all authorized representatives indicated below. The agreement will be reviewed by the parties three (3) years from the effective date to determine if changes or amendments are needed.

POINTS OF CONTACT

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ACCEPTANCE

This memorandum provides transparent, compliant, and auditable documentation of

existing and ongoing preservation activities entrusted to Federal depository libraries maintaining depository collections of record. By signing this memorandum the library accepts the terms of this agreement.



Date 8-11-2017

Laurie B. Hall
Acting Superintendent of Documents
U.S. Government Publishing Office



Date 8 AUG 2017

Thomas Mills
Director
University of Notre Dame Kresge Law Library

