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>> Welcome everyone. Thank you for coming to the first of this afternoon's three sessions on title 44 reform. These sessions are sponsored by the depository library counsel. And by the time we part company early this evening we will have had an opportunity to really drill down into chapter 19 of title 44, and think long and hard about potential amendments to improve the federal depository library program. My thought before we I thought before we actually look at the depository library counsel recommendations, I would take a couple couple of moments at the beginning to walk through some of what happened over the summer, I guess even in my own head, understand how did we end up where we are at right now. And everything that happened. And my colleagues on counsel make find themselves compelled to hit their microphone and jump in and either correct me or say but Jim, you left out something along the way because it was a really fast rapid summer. A lot happening quickly. I will think my colleagues for jumping and if you feel the need. You are welcome, I will not be offended. Normal practice for counsel is that at least once a month, we have a conference call, conference phone call, talk about whatever business needs attention, and spend a fair amount of time conference planning. Sessions for conference, who to invite, it may be special presentations, things like that. And sometimes our councilmembers even volunteer to organize sessions. It's great, a lot of fun. During our June call our colleagues from GPO said guys, yes. Davida Vance Cook the director of the government publishing office would really appreciate you taking a hard look at chapter 19 of title 44 and sending her recommendations for how it could be amended and improved for the federal depository library program. Was interesting about that, I think we all understood it at that point in time that possible work on title 44 might be in the offing. We didn't realize we were going to get an official charge from the director during that call. And I think the word is dead air or hear a pin drop or something like that for at least a minute or two. Until we began to grasp what was going on there. But with the depository library counsel and we were appointed by the director of government publishing office to be her advisory board. That is our job so here we go.

>> Through our successive calls over the summer, we worked on ideas with the assistance of our colleagues that GPO, invitation went out to the entire depository community. If you have something you want to say about this folks, we've got this wonderful web contact form on the DLC page at FDLP .gov. Let us know what you think. And I think we may be up to about 130. 130 folks who have contributed suggestions and comments that way. Some of them were two or three lines long. Something very specific, some of them went on a long ways. And some were very impressive. This person knows a lot about title 44. But one thing we kept in mind as counsel is that our charge was to release a pretty hard focused on the federal depository library program chapter 19. So we did make note of other things that were coming up in the comments, but based on our charge from the director, we stayed pretty focused on chapter 19. Another thank you to Davida Vance Cook. In August she agreed to bring counsel to Washington for a day, basically a day in the woodshed. We were in a conference room at GPO for a day. And we banged on -- it was quite a day. And our colleague Tom had been diligently spread sheeting all of these comments and things as they come in. To make it easier to visualize the overlap two things like that. We could get -- where's the natural consensus at if there is any. Thank you very much Tom. That was a lot of labor. Especially really long comments like that. So we spent today, I think it was August ten if I remember correctly. We spent today in Washington at GPO, really talking these things through and at the end of the day, we divided ourselves into some smaller working groups. Two or three colleagues, to address different sections and based on our discussion that day to write up our recommendation and a rationale or justification for it. We also towards the end of the day went up to director Vance Cook's office and met with her. And at that point, if I recall correctly, that's when she smiled broadly and say what would you guys think about GPO having grantmaking authority? That sounds like a good idea. There's probably things to think about, but the idea of GPO being able to provide some direct financial support to depositories, that is something worth looking at. And so she asked us to think about that.

And ultimately, we did make a recommendation about that. And our third session this afternoon, the last session Cindy from GPO will be up here with us for at least a bit to talk a bit more about that's grantmaking authority request or recommendation.

>> Everything comes together about September 25, when I submitted the memorandum to director Vance Cook and to no superintendent of documents Lori Hall. Everybody should have a copy of the depository library commission recommendation in your packet. If you do not, I am sure away could be found to get one for you. That is the official document from depository library counsel and as I said this morning you will notice there are quite wide margins on it. Plenty of base to write comments and if you don't feel comfortable commenting or speaking your mind into the microphone today, no problem at all. With you just writing out what you think on this memorandum or another sheet of paper and handing out to one of us on counsel today. We will be happy to take your thoughts that way as well. One of the things I do especially when I'm working with classes of history students is try to make the point that things don't happen in isolation. That if you are studying an event in history, you have to guard against being so laser focused on step a to step be to step the that you lose track of the context in which all of this stuff is happening. It's really important for the study of history to appreciate the context in which things happen. Most of you in the room may know that through the summer into the fall, the house committee on administration has been looking at title 44. Not just chapter 19 but other sections of it as well. In fact, they have held for hearings on title 44. And it so happens director Vance Cook, I think she testified at two of those. And thanks be, our colleague Beth Williams, our colleague Selena McDonald both were invited to the committee to testify. If you have not seen the video of the hearings, they are available for people to view. I recommend it highly. There is a lot to learn their not only about the FDLP but other aspects of title 44, some of which were opaque. I didn't realize this was going on in title 44. You think after -- over 20 years old being a government documents library and I would know that. But I didn't so I also learned. I will speak personally and right now for the next 22 seconds I'm speaking for myself, not necessarily for counsel, I found it quite heartening to watch the Congressional committee at work gathering information, questioning people who know something about the topic. And sometimes almost scratching their heads, trying to figure out how this all comes together and what can we do as a committee to improve things. I thought that was pretty cool and I hope that you have that same experience if you get a chance to look at those hearings. That is my little introduction of how we got here today. I want to give pause for just a moment if anyone on counsel would like to add a remark or something to what I just said. Did I get it right very much? That doesn't happen too often. So this first session which is scheduled to go until 3:00 we are supposed to be -- we're supposed to be looking at sections 1901, 1902, 1904, and 1909. Of chapter 19. And I was thinking earlier today how best what it be to do this. I think what I'm going to do is take each section one at a time, work through the recommendation, the rationale or justification for the recommendation, and give folks in the room an opportunity to step up and say what you think. Add something to it or demur from it. Or whatever. I will keep an eye on my watch here so we have time to get through all for. And Council as always is invited to jump in when you see me falter. Are we already? We are on the way. The train has left the station. Here we go.

>> Section 1901. 44 US US code section 1901 to redefine government publication so that it may be clearly interpreted to include government information and all format so that electronic and possibly as yet undeveloped formats created to inform the public at government expense or as required by law can be incorporated into the federal depository library program. You read that recommendation, some of you will likely recognize some of that language is actually in the current section. At government expense or as required by law. That sort of thing. And what we want to do their, in suggesting that recommendation, a more inclusive definition will help ensure that government information continues to be made freely available to the public, currently and in the future as reflects the central mission and purpose of the FDLP. When they contact form started getting populated and we started getting the

messages and the various letters came in from all the several professional organizations that contributed letters, the letters became -- came from directors of libraries across the country because GPO did send out a letter to all of the directors of depository libraries to invite their contributions. This might be as close to a unanimous -- close to unanimous as you can probably get that we need to think about government information, government publications very extensively and not tie them to any particular format or formats. We need to have flexibility -- build some flexibility into the definition so that going forward however things transpire technologically, GPO, the FDLP will have it in a statute that we can participate in this. We can help distribute this, we have statutory authority to be involved in this, whatever it is. Is that a fair representation? So that a section 1901. And at this point I won't belabor my remarks. I invite anybody who is in the room who would like to comment on that to step up to the microphone, and if you would please identify yourself and the to Touche and you are from, we would appreciate that.

>> My name is Lisa D Valentino and I'm the lawn public policy library and at that University of Massachusetts Amherst and I guess my question is when you suggested the statute be more inclusive to the format of information does that also include the venue that the information is coming from? I am thinking in terms of social media and that sort of thing. The White house or the President will tweet for example. Would that be considered something that would fall under the umbrella of government publications?

>> Beth Williams from Stanford law library. Fantastic question. I just want to echo first Jim's comments about this being the most universally expressed notion when broached with the very broad how would you modernize chapter 19 and title 44. This was the first thing that came out of most everyone's mouth that we talk to and also everybody in this room. I think what you are asking is a matter of interpretation. So the goal in this construct was to draft something as broad as possible. In my opinion, this language would incorporate all forms of whatever we are -- [ Indiscernible ]. I would hope that that would be included. You don't want to be too specific in drafting language, so I am speaking for myself here not for all of my colleagues.

>> Thank you.

>> Tom [ Indiscernible ] Kennedy library. One of the things that just to be clear, this is not the language that we are recommending. In other words the final wordsmithing of what the actual revision would look like was not up to us. We just made a recommendation. That these changes occur. What it will finally include, a lot of that is going to be handled by GPO legal counsel I believe.

>> Counsel wasn't asked to actually draft language but to make a general recommendation and certainly we can always promote the idea that we have to be as general as possible in this particular case. So there is -- as Beth just said there will be some interpretation as to what may be included in government information. The current statute is pretty explicit in that it is for information that is to be used by the public or used by the public. But the real hang up there has been in the format. It is list it as a publication. That is a lot of information, particularly in areas of things like data sets from census, though GPO makes them available in printed formats, the difficulty that you run into is that a lot of the public what we consider public information is not a publication. So we are trying to get away from the idea that a publication has been tied to an individually bound thing. What broader definition of publication might get used, we are not going there just yet.

>> Sherry Lassiter University of California Santa Barbara and Tom's comments may have just made my question obsolete that I will ask it anyway. To what extent were you considering structure as part of format? So right now we work in a universe with what we are primarily set to handle as libraries are discrete entities, if you will. Or discrete objects of some type and of course so much of the content that we are working with is our users and wanting to [ Indiscernible ] for the future does not fit that individual has a title. To what extent does that inform this kind of recommendation or was that scene is something that was not going to be part of what counsel is recommending?

>> I will take a stab at that one. I think what Tom was alluding to, we we wanted to broaden the definition so it could encompass pretty much anything. The mechanism by which something is incorporated, distributed, made available is another issue. As long as you have a starting place, if you've got a statute that at least places it in your purview to work with, beyond that you start negotiating with all of the stakeholders to figure out how to make it happen. That is my take on it.

>> [ Indiscernible ] recognizing that you were not drafting language here, going back to Beth's point about statutory interpretation, to consider using language, tying in your more inclusive definition with already existing statutory definitions?

>> That's a great question. In fact a lot of the language that was used for the purposes of our recommendation came from a different section of title 44. I think it might -- the folks that are actually drafting this legislation think about marrying the various -- two definitions. One for government information one for publications. I think it might be much more efficient if we had a single definition within title 44 and so that is where a lot of our thinking came from, does that answer your Russian?

>> Yes.

>> Stanford University. Thanks for this question. This is a really important part of this whole discussion. And I'm glad that you decided to expand the definition and what or what you would like to see the definition be. Not just publication but information and that does come in line with other areas of the statute and I think it was section 3502 of title 44 where it says public information. I'm also heartened that we are talking about expanding the scope of what the FDLP does. I think that's really important in a historic stopping point for libraries collecting information like data sets. And for you and government information but it wasn't originally public information. Really interesting. Thanks.

>> I don't see a stampede to the microphone.

>> I will take the bait. Kevin Baker American library Association. I wanted to ask people to speculate a little but on counsel, because when I initially read this, I, I read it in a different way that is being described here. Not so much in the sense of this is what the words on the paper mean, but what do you -- individually have in your mind when this would be put into effect? It has been mentioned, it sounds like the concept as we want to start with a broad definition and then from there, figure out what happens to this stuff that falls under this definition. So under the law as it is now, there are really two key things that flow out of this definition. Number one when you are an agency and you produce something that is under this definition you have to provide to GPO. And number two, whatever GPO gets in a tangible format has to be provided at no cost and a tangible format to anybody in the FDLP who wants it. It sounds like you are suggesting separating those essential activities from the definition here. And my understanding this recommendation correct? What would you do for instance if in fact the definition included social media content? What does that mean when an agency creates that? What is what would GPO's responsibility be to do with that social media content and what would libraries responsibilities be to do with that social media content and what is the relationship between GPO and libraries? Because that is what this chapter is doing.

>> Tom [ Indiscernible ]. Part of the problem with that is we actually spent quite a bit of time debating what we mean by flexibility. And one of the things that we finally agreed on was that we don't want to have to do this again anytime soon. So when we think of government information, a couple of years ago now I went to a very excellent seminar here about data .gov and how the results of a lot of government research are out. But the raw data isn't. And apparently there are some issues with that. In theory, that raw data would be made at government expense, should be available to the public, and then there are questions of if it's made available, how is it made available, by whom, et cetera. So are these raw data set in however massive they may be, would they be available for digital download? With a be required to be printed? We don't know. Social media. Does that mean we would have digital archives outside of Library of Congress? Again, we don't know. That's where the question of flexibility comes in. It is a possibility that may gets covered, but it not something that we want to address specifically that this will

be included, that will will not be included, this will be handled this way and that will be handled that way because if we do 10 years from now we are going to be doing this all over again. So I don't know that there is a specific answer to your question, aside from the impression that I get from discussion with our counsel is we would like as much included as possible. How that is going to be handled is something that GPO will have to get involved in but I will not speak for GPO on that point.

>> I won't -- on just a bit. In section 1902, the next session -- section, there is some information there that complements our recommendation for 1901, specifically lifecycle that giving static -- GPO statutory authority and that should worry foundation to manage the lifecycle of federal information would address some of what I think you are concerned about. That there would be an institution, an agency in the federal government that's got the birds eye on things, and has statutory authority to go to the stakeholders and say this is public, let's figure out how we make it public. And make it accessible to everybody. So I think that gets to your question a little bit because section 1901 and 1902 sort of go together.

>> This is speaking for myself personally, but one of the concerns that I brought to counsel was that I find out frequently, I will go to a website in my particular case, 100% of my users happen to be Spanish speakers. One day there will be a Spanish information document on that website. And three months later, it may have disappeared. And maybe there is an archived version somewhere, but maybe there isn't. So from my perspective, my concern was agencies published a great deal of information in electronic format. Over which GPO doesn't have any particular control. And I would like to see there be some requirement for that information, even if it is taken off the website, being retained, and accessible in some way.

>> Bernadine Abbott. Joint committee on printing retired. The current law, the current situation is a situation where all of this information should be available, but it doesn't meet all the libraries have to take it. Except for the regionals. And from the sounds of the discussion, the the regionals don't want to have to take every step again. So it's just a matter of everything should be available for libraries to select to go to their libraries or access. Not saying that everyone will be forced to take it and if you do change the regional structure to a more cooperative system, or nationally you have a certain number of libraries that are going to take that information and provided. Then you solve the problem. Because this is a much broader definition. Joint committee on printing had already defied all of the stuff is available through the term government publication. We didn't look at the definition is you are looking at it that it only intended to go to the public. Something that would be available to other agencies, that that make the public. Environmental Protection Agency, if we publish something, the Corps of Engineers might want to see it and we have to share with the Corps of Engineers. I think that you are not looking at the term government publication in the way that Congress has interpreted over the century.

>> Thank you.

>> Bill [ Indiscernible ] University of South Carolina. I figured this question was going to come up at some point. I am going to ask in early. I don't wanted to throw us off track.

>> Don't worry Bill, I'm I'm looking at my watch.

>> This appears to me to be one of those areas that was almost -- almost it where if GPO had some type of regulatory authority to take a broad definition without messing with law further down and say this is what we mean at this point in time. And I didn't know whether you all have had any discussions of my area. We go through this is one of those areas where it doesn't exist currently. But it looks like an opportunity to create that middle ground that other agencies have to say this is what we are told to do by Congress. This is how we are going to do it. At this period. And regulations can be changed, amended, whatever. As someone who has been around the Federal Register for a long time.

>> Would anyone care to comment? Thank you very much for your comments everybody. We will move on to section 1902. Section 1902 a men's 44 US code section 1902 to require legislative executive and judicial branch agencies to deposit authenticated electronic applications of the US government

publishing office. For inclusion in the federal depository library program. This complements -- we got complements spelled correctly there, by the way. I am proud of that. Our recommendation to amend section 1901 and we recommend that GPO be explicitly charged with caring for and managed these publications in a responsible and accountable manner, thus ensuring their long-term preservation. Those are big words there. The rationale? Electronic publications are now an integral component of our nation's documentary heritage and must be included in legal deposit arrangements. We think that the GPO is uniquely well-suited to manage this enhanced role in managing electronic information through all the stages of its lifecycle. Would anybody on counsel care to comment further on that? I am to remember that, there is a housekeeping routine to this meeting where you asked counsel am a comment and then it goes other comes back and I am trying to do that little choreography but I've never done this before so you guys might have to -- the microphone is available. The one out there. Ryan [ Indiscernible ] the way you. Can you go back to the previous slide please? The first and there that requires judicial branch agencies does that refer just to them or doesn't include them and their agency? >> I'm not sure I understand your questions or.

>> The judicial branches are specific with that agency. If I understand correctly. With this particular phraseology here, apply only to their agencies or would it apply to them as well?

>> I think we should interpret this is everybody. That GPO jump in if you need to, GPO should have statutory authority to work with the entire United dates federal government.

>> With that be clarified it all by inserting words after branch and there?

>> Possibly. That's a wordsmithing thing that might help, yes. Thank you Sir.

>> On the rational lied please. Is there a working definition of lifecycle?

>> Thank you.

>> [ Indiscernible ], I think lifecycle is from its initial beginning to the preservation of access point. So as it is now, items are created GPO are not made aware of their creation and we in the community are trying to figure out how to provide long-term access to those materials specifically electronic. I think what GPO is doing, what they would like to do in my thought and opinion is to educate agencies on how to manage their own lifecycle information and bring GPO into the process, so that we can provide access to the material.

>> Thank you. It seems to me that the term lifecycle may be somewhat misleading in the sense that should something be deemed redundant or replaced, some could argue that it is no longer metaphorically alive and therefore not part of the lifecycle or worth preserving. It was seem to me that there needs to be some definition clarification of what const the tooth a lifecycle to include rings that are discarded or made redundant or outlive a utility. Thank you.

>> Thank you very much. That's a very well taken,.

>> The current low right now includes all three branches of government, and of course if you are a library program as part of a legislative branch it's the responsibility of Congress and we had to tread lightly with the Supreme Court and with the court system to persuade them that they really did come under the law and they were very cooperative. It's a matter of trading off favors basically. The Supreme Court wasn't a depository library but we negotiated with them jointly imprinting, made them a deposit Tory library and in return they made their court decisions and so on available free to the library program because at one point they were going to privatize it. Have it only available through commercial vendors. So it's a matter if you're oversight committee is responsible and can negotiate with the other branches, we really cannot necessarily the legislative branch specifically tell agencies what to do. You're going to have a lifecycle out there and those agencies, GPO is not going to take over their entire lifecycle. It is their agency. But GPO can provide them the services to help them with that lifecycle. But what we really want is the end product available to the public and to every other agency. We want the Supreme Court to have all of the legislative documents. And the supreme court reports. Same with executive branch. Not just a matter of the public accessing information. It is all branches of government accessing it so

they can function and they know what the rest of government is doing and we often leave out the federal libraries, we have our national libraries, all members members of the depository program. So they cooperative agreement between all three branches of government working with Congress to make sure that this program works. And I'm not sure it that that is reflected in some of your thinking about how to change a law. You don't really need to change the law because that's what we have right now. I just don't want you to lose that asked act of it. When you get into title 44 revisions. JPO provides a lot of services to these agencies and is vital to their ability to publish and JCP I was told the agencies if you work with GPO you don't have to pay for these documents going out to the public. We have an appropriation for it. But if not careful you might sever that particular aspect of getting this information out to the libraries. But central function of what GPO and joint committee on printing does.

>> I will just comment on what ranitidine said. I think that you make a good point. I also think though that in the electronic environment that we live in now, GPO is being left out of that publication process and a lot of agencies now are just publishing in-house and making it available through their website and so GPO and FDLP is being left out of that information. So perhaps in this section 1902 it gives PPO more authority to go in and have those relationship with the agencies so that that is not -- that disconnect does not continue.

>> William Stanford law library. The idea here was to try and insert GPO, into the process of self published information. That is going on in every branch of government. In an effort to try to increase access and most notably preservation of all of this content. We used to talk a good deal about documents and now it seems like the vast majority of government information is lost because it gets printed on a website and there is absolutely no guarantees that it will be available at a future date. So I think our collective goal here is to try and do what we could to save -- stave off [ Indiscernible ]. That huge dark archive, lack of archive of government information. And how that gets done is probably a question that is coming. Where we actually heard it already wants. How would you be able to preserve all of this information or make it accessible? The benefit of the electronic environment is that it could be done passively. Not necessarily trying to get GPO involved in the business -- administrative agency. It could be harvested without inserting themselves in an overt way into the business of that agency. At least that was our idea.

>> Amy Quinn Central Washington University. I wanted to echo -- I think it was at this conference last year that I had lunch with a couple of data curators in the federal government and at that time they were working on regulations to define what is an electronic information lifecycle and I think David [ Indiscernible ] was part I can't remember if you are at that ones were not but there is some definitions going on on what exactly is that lifecycle and it wasn't exactly as Robbie was describing it at lease from the agency perspective. We had a very long discussion and debate about what we wanted versus what they were perceiving. I would advise counsel to look at those regulations and how they were looking at what a lifecycle is for electronic information. Thank you.

>> Thank you.

>> [ Indiscernible ]. One of the things -- the concerns I have about section 1902 when I look at it, and admittedly I'm not looking at the I'm looking at a bound copy so it may not be the most up-to-date copy. The up-to-date copy is in my room. I didn't have a chance to grab it before this session. There is some language in here that troubles me because it accepts publications that they are issuing components. Determined to be required for official use only or for strictly administrative or operational purposes which have no public interest or educational value. And that really bothers me for a number of reasons, particularly in the legal context that I operated and I think they are just -- it is bonkers that they do that. How do they know what people have a public interest in? Because lawyers for one have a lot of interest in things that are for as they say operational or administrative purposes. And there is a lot of public interest in frankly what lawyers have an interest in. So I wondered if you had considered this

language, that piece of that language in the electronic publication that we are trying to encompass the documents that were previously accepted. Out of the scope of collection.

>> Beth William Stanford law library just speaking for myself, yes. In fact, one of the other functional potential benefit of inserting GPO has having some kind of voice for the lifecycle of information, if they are the arbiters of what is operationally necessary or educationally necessary, that by its definition is going to expand. So we notably we are not language. This is not a markup version. So we have already gotten into areas in which it is very challenging to talk about these ideas discreetly. But I would suggest that if GPO had some kind of authority over making a determination about what government information under a new definition, harvesting that content and making available to the FDLP community, that might be a moot point I guess -- that would be my hope.

>> I would say than looking at it broadly without looking at the words at a different angle to encourage everybody to think about all the possible values of public interest, that it's not just the general public, but it's the legal public. The people who need to know how agencies operate on an internal basis. So that is part of the public interest. So administrative purposes are a part of the public interest, and that is information that we need to have.

>> Tom [ Indiscernible ] Broward County main library. Part of this when I went back and went to the bound volume of title 44 what what struck me is how actually archaic the language itself is. It is so obvious to me that a lot of 1901 and 1902 were created simply to say the government save the government money. No reason to printed if it is going to use in-house. We don't need to print 1200 copies for for regional and depository libraries, because the public isn't going to be that interested. A lot of it I am sure back at that time was created, was encoded in the statutes in order to essentially save the GPO printing cost. Some of it as far as the things that are for administrative and in-house use only, something comes to mind and somebody jump up and tell me if I am wrong. Wasn't there a document that was recalled a little while ago about -- actually was something about a test. I think it was for a census taker and it included the answer key. So there certainly going to be some exceptions to that to be made but the statute is again written very broadly as far as their have to be some exceptions. But the legislation doesn't tell us what that exception has to be. But this is again one of the big advantages of having GPO getting involved in the lifecycle. Whatever that lifecycle is finally determined to be to help make determinations as to what is actually in the public interest. They're the people best suited to assist with that.

>> I also just want to add that just because these things are coming through the FDLP doesn't mean they're not being preserved. We do have our partners at the national archive and so a lot of those materials could end up being on a record schedule and end up with archives. Just because we don't get them doesn't mean they don't go away.

>> Larry Meyer from the law library of San Bernardino County for those of you that do not know, it is the geographically largest county in the United states. I appreciate the fact that you put the word authenticate into the proposal. I would hope that stays in there through the various reiteration. The wordsmithing, whatever. The one thing I did notice is somewhere along the way, it would be great if you developed standards for identification that would be uniform across all the different agencies.

>> Thank you.

>> Stephen Woods Penn State University. One of the things that I think is important for us to do is to think about putting ourselves in the place of the information provider or the information producer. Think about you are that agency creating whatever documentation it is or you might be doing that tweak, you might be doing that log or what have you. I feel like we are kind of putting GPO and a really strange and awkward situation here. By having to define what is I'm going to use the word publication as when I create something and I say this is a publication or representation of my agency. And if we say if we say anything that you create is public, where putting them in a place where they are having to make that decision and I don't know that that is quite possible. Do you hear what I am saying? We do a



lot of work in our own institutions where we create publications in the activity of what we do in our jobs. That we don't want public. We're just thinking out loud. We are brainstorming, we are doing activities and at some point we have a final product. That government information or that publication we say this is our final product. But everything that led up to that process isn't necessarily public, right? Or we don't want to put GPO in that place where they are having to make that kind of a decision, because no one probably should be in that kind of place of power and authority, and we are putting them in an untenable situation. That's all I'm saying. As we think through this we don't want to put GPO in an untenable situation where they are having to Dick Tate to this agency because they can't. No one is going to be able to do that. What is ultimately that publication or government information that is coming in, that has to be a decision in some part on the producer themselves. Does that make any sense? I was wondering if you guys could comment on stepping back and thinking about what does it mean as a producer of that and what that would look like with what you guys are looking at.

>> Thank you Sir for that comment. I actually think in our recommendation on section 1901 just before, there was that in there as yet undeveloped formats created to inform the public. And to me that implies that the product itself was designed to go out to the public. And that might address them of your concern there and the other thing that popped into my head as you were commenting was all across this land all 50 states the public record laws are all over the place and I know as an employee of the state of the University of Nebraska in the state of Nebraska my e-mail is discoverable. This is already there are probably ways to address this. It's not a new situation. But thank you for the comment. I'm sorry, because I happen to be chair of the session our colleague, please come up to the microphone. You will be the last on the section before we move on.

>> Suzanne Carl University of Montana. I think it's great to say that agencies are going to be required to provide this information, but I think sometimes required is a very nice way to say please. And I'm wondering if there is any kind of recourse possible for the GPO if an agency just doesn't provide that documentation.

>> That's above our pay grade. Florida State depository library as well as federal deposit Tori library. Back and I want to say 1997 or 1998, I went to a state depository library meeting. At the University of Florida and the people from the Florida Department of State who was running the state depository there were saying there is -- this may have changed since then. There is a requirement that if a state agency in Florida publishes a document with more than 50 copies, they're required to print the additional copies and send them out to be depository program. guess I'm in a state agency now print 40 copies? There is a way around almost anything. But the problem we are having now is the existing definition of publication is literally and I do mean literally bound up in the idea that it is a physical thing, tangibly printed, as an individual document. So data sets. They are not only accepted from, they are actually excluded from the current definition of publication. As are a great many other information resources that we all take for granted and want to have. We are trying to cut down on the fugitive documents and to make sure a lot of this other stuff is at least brought under the umbrella where GPO can go to an agency and say we need to have a talk. As it is, the way way the current legislation is written, the current statutes, GPO can barely go out there with a hat in in hand and say can we at least have access to this. This would at least give them some basis upon which they can begin negotiating with other agencies.

>> Thank you everybody. This is been a good discussion so far. We will move on to the next session. I want to remind everybody and counsel is Ashley when you activate your microphone start with your name and your institution. A couple of us forgot and I have done that and I am standing here as the chair. I am Jim Shaw. Here we go. Magic liquor. Magic liquor clicker. And chair of the acting chair of DLC. US code section 1904, amend section 44 -- amend title 44 US code section 1904 to permit the superintendent of documents to develop and maintain a mechanism to enable depository libraries to select only those publications they need. In whatever format is most appropriate. Reference to a

classified list. The rationale. The current item list is based on issuing agency, agency broadly defined. And has proven very odd word in supporting selections based on topic or geography. This amendment would permit the superintendent of documents to create a new selection mechanism that would afford greater flexibility to depository libraries as they shaped their collections to address local needs. I will say that when the comments came in, there were a lot of comments about item selection and item profiles and things like that. Or related things. And I think it's fair to say counsel got a pretty good sense that folks would like different ways of building their local collection to focus on local needs, ways that were more flexible than the current process. And the word mechanism, I remember we talked about this quite a bit. In August when we met here in Washington. And we ultimately came up with the word mechanism quite deliberately to leave as much flexibility for GPO is cost will, to develop whatever this new selection thing would be. So that's -- and I bring that up because in your packets you also have from GPO their title 44 modernization recommendations that they developed at the request of the house committee on administration. In this context they also use the word mechanism and I think maybe counsel gets credit for suggesting it. I don't know. I haven't asked but if anyone has a question about the word mechanism, what does that mean, that is the genesis of it there.

>> University of Georgia. If you can go back and slide. My one concern is you are saying that they can select -- [ Indiscernible ] and I'm not quite sure but was choosing from available formats. The one that is most appropriate for collections.

>> Bill [ Indiscernible ] University of California -- North Carolina. On counsel that was maybe a section that was more operational and does not raise this to a level of statutory? That needs to be in law? And one way of looking at it very operationally and mechanically.

>> Tom Broward County main library. Yes. In fact I asked that question actually and is this something we really need to go up to actual statutory revision? Yes. Because at this point the item list is 10,000 some long. If we want to add subjects to that which gives us the flexibility to choose by topic, by geography, et cetera you may as will throw in the LC subject heading to go along with it and GPO is getting to the point where they can't manage a list that is going to be 100,000 plus items in length. It's just getting to the point where it's not tenable. Looking back at the forecast buddy, the questions that were asked at that point, there were a lot of responses, nothing uniform in terms of what they do want. Libraries want to be able to search to select by topic, select or geography, and the only consensus is what they don't want and what they don't want is the item list. But unfortunately -- I was a bit taken aback when I looked at title 44. It says the superintendent of documents will create an itemized list. Add more items to the list. This is getting to be not working so well. With the only way to do this is to get rid of the concept of list statutorily and put in mechanism. We did in fact debate that to some degree.

>> Ranitidine Abbott. In my talking to the small depository libraries run the country particularly the public libraries, they don't want to be discriminated against about their ability to get paper. Just having the originals get paper simply is not working. A lot of little libraries, the reason they are in the program is they can get the paper. Now most people can get the digital without having to be a depository. A lot of these public libraries are dropping out because they can't get the thing they really need for their users, the paper. I think that needs to be eliminated. That happens in the appropriations process to save money. It really does not save that much money to deny all the libraries, the law says that every depository library should be able to get everything in every format issued. So if something comes out in video, paper, and digital, a library should be able to select all three of those formats if it works for there constituency. And now that everyone can get digital most people don't want microforms. A lot of things that people do not want which you all have identified, the things they really do want, they are not getting because Congress thinks they are saving a lot of money on the backs of the American people.

>> Thank you.

>> Kiersten [ Indiscernible ] state library of Ohio. I believe that hasn't been allowed by GPO in many years for libraries to select -- select multiple formats. I think that's part of the program regulations.

>> The regionals can take multiple formats but that's all.

>> [ Indiscernible - low volume ] University of South Carolina thank you for your wrist wants. I would like to use this opportunity to say that one of my favorite sections is 1914. And that my first comment would actually fall under a use of 1914 and again take this out of statutory law, and bind hands and tell people what to do.

>> Thank you. This is Jim Shaw again up here at the podium. As there is no one at the microphone we will go ahead and move -- and I'm looking at my watch. We will go ahead and move onto the next section. Thank you everybody for your comments. You will notice there is a lot of notetaking going on. How did I do that? Clearly I don't do enough video gaming. Our next section, 1909, and this is the last section up for comment during the current session. Amend title 44 US code code section 1909 to remove the requirement that a depository library hold at least 10,000 books and stipulate instead that the library has physical and/or electronic records to indicate capacity to successfully participate in the FDLP. And the rationale. The 10,000 book requirement is served as a proxy for organizational capacity. Marking a threshold at which staffing and other resources would likely support depository operations. Changes in library collections and services in recent years have rendered the 10,000 book requirement antiquated and insufficient. I think of all of the comments we received, this this is probably the second most common comment we got that the 10,000 book requirement either just needs to vanish or be done with it or replaced with something that is more sensible. That doesn't mean there is not room for concern or contention, but again, of all the comments we received, this was very common. Would anyone on counsel care to comment?

>> Broward County library. The main reason behind this in case anyone was wondering is you have several different things all going on at the same time. You've got some educational is to since moving to facilities with no tangible materials. That precludes them by definition. Another is that you have for example Native American tribal colleges, you have world colleges, world public libraries, that would benefit greatly from participation in the FDLP but ours touch a tour early excluded because they simply do not have a budget, and infrastructure or staff large enough to accommodate 10,000 books. And we felt the 10,000 book requirement was quite arbitrary. And again indicative of 1960s thinking based upon print ship collect and store, which most everyone else is getting away from. That is why we are looking at repealing this but we are not hitting rid of it entirely from the standpoint of there should be no infrastructure, no staffing, no facility requirement. This would allow GPO to set up some form of standard by which libraries could be reviewed for inclusion and continued participation in the FDLP.

>> Eric back University of Colorado Law school as a proxy for organizational the 10,000 book is rather arbitrary. There would be another criterion for organizational capacity that would be more relevant more service based in -- instead of collection management oriented.

>> Carmen University of Kansas. As a service perspective, I would like to see a certification that you have staff to have knowledge. And not base this designation on by the collection.

>> Arlene Waibel from the state library of Oregon. I would echo what Carmen said very much so. I also think there is this notion of organizational capacity, has to do with funding and organization as well of a library. In my state, we we have officially designated public libraries that the only reason they can be officially designated is because the city gives them a building and absolutely nothing else. I think that while there is an ability to define what capacity is, I think there also needs to be some of that flexibility piece in there as well, where if you don't have a huge budget, but you you still have a dedication and commitment to the mission of the program, and that is reflected in organizational documents at the library itself, I think those are the kinds of things that should be looked at as a whole rather than you check this because you have 10,000 books and you have a budget of so much, you have one person, how will are they trained and how do you measure that? I think it's a combination of things that really need to go into it. But when it comes down to it is a commitment to moving the values of the program forward. So I think that can be demonstrated in a lot of different ways that aren't really that quite

measurable in that capacity. I am thrilled to see this removed. Just because the Libra has 10,000 books doesn't mean it can be a depository either. Thanks.

>> Beth Williams stand for law library. I have a question in response to these very insightful comments about certified capacity of libraries to be eligible as depository. I love the sentiment behind that but I wonder would you feel comfortable having that requirement in shrine and into law? That makes me nervous.

>> That's why you need to be able to put the universe of the kinds of things that you want to see -- what makes this a successful depository which will change over time and say these are the kind of values we want to see but have that assessment be taken by the experts of the program itself. I agree that putting numbers into the statute is a very bad idea. So it's really more a matter of using some of the organizational values of the program to be the criteria where you start to assess the library's ability ability to participate in a program but leave the experts who I hope there are experts at GPO at designation and what would be successful, what our our best practices, those kinds of things and leave that up to the staff at GPO to use as a framework for whether they should qualify or not.

>> Thanks very much.

>> [ Indiscernible ] University of Georgia. Even that we not only allow but encourage all electronic depository libraries, it seems like the requirement that a depository library have a 10,000 tangible tangible collection is kind of ridiculous. I very much applaud doing away with it but as others have said a library is more than just the number you have on the shelf. We have depository libraries with hundreds of thousands if not millions of books and quite frankly they not be meeting the requirements of a depository. Just because you have the things in your collection doesn't mean you are a great depository.

>> Amy Quinn Central Washington University. I am channeling the spirit of [ Indiscernible ] so forgive me. In looking back at library history, we don't want to make the mistakes that were made when they depository first started and depository law was written back in 1962. And that is where depositories were created without really thought and care as to why people created depositories left and right, and not given the idea that not every institution needed a depository. And so we had depositories that were unfunded and not well staffed and collections were built, and we all know ramifications of some of those. Many of us in this room have gone through and cleaned up those depositories. So I would say I applaud the idea of a service and looking toward certification, Arlene and Carmen gave really great ideas for the electronic depository. We need to look at also the idea of with service in our communities, I think within our certification we really need to focus on not only what is our community today but what is our community and ten years or 20 years? We are visionaries. We always have been. Even though some of us remember we talk about the same thing over and over again because we try to remember what is our community and [ Indiscernible ]. So I would challenge the Council and everybody here to think about as we think about a service model and getting rid of this area which I have never understood, because how do you count 10,000 books? Don't get me started on that. But what is that we really want as our service model? For the future FDLP?

>> Thank you.

>> Suzanne Carl University of Montana. Thank you I was one of the people who put forward this is something to consider. Montana has three tribal libraries and they were the first tribal libraries in the FDLP program, and I very much would like to see that if somebody would like to be a depository, that goes to the FDLP and they take a look and they work with them. Especially no sense there is been so much effort on providing educational opportunities and certifications and everything else. I very much think if a library really feels that this is something they want to do and they work with their original and they work with the FDLP, that they should be able to get in and not have to count every single piece of microfiche and a collection to try to bump up to that 10,000 items. Thank you very much.

>> Thank you.

>> I want to respond to the question of whether or not this should be in the law or regulatory. I would support having flexibility in the law and making having a full regulatory process. And I also want to echo the fact that I believe it is -- would be visionary to allow other types of libraries into the program that I've excluded. Not only the tribal but perhaps a school library.

>> I'm sorry Carmen [ Indiscernible ] University of Kansas.

>> This is Robbie [ Indiscernible ]. Came up in this conversation as part of the [ Indiscernible ] so thank you for that.

>> Sherry Lassiter University of California Santa Barbara. I want to first of all echo the support for this type of change to something that allow us more meaning into the process, and I also want to continue to support the idea that more and different kinds of libraries should be able to join the program, particularly to provide services. Also for myself and my institution we continue to see the federal depository library program has having a strong long-term role when it comes to managing collections and as we are looking at the types of requirements far for participation for service oriented participants. Electronic depositories, there could also be requirements about managing different kinds of collections that would fit into making this a meaningful role even for libraries that don't have a large physical collection but want to have depository collections of some type in print or potentially digital something. I think that that could be managed in this system as well so I think this changes open open to this kind of interpretation.

>> University of South Carolina. I think the last four speakers have really hit the nail on the head. 1909 when it was written is punitive. And prescriptive. And it should be flipped on its head and become proactive.

>> Tom Fishel -- [ Indiscernible ] Broward County library. When we are given this charge by director Vance Cook I was struck very much by the concept of the flexibility that she was requesting we look at. And flexibility I know is a word that scared a lot of people because it means what might happen. The thing is, if you're not going to build flexibility into the statute, all you are going to do ultimately a substitute a horse collar for an ox yoke. And we will have to do this process again. So when you come to the question of what makes a depository? Is it 10,000 books, a, a budget, a certification. Ultimately that is not as important as did you have the ability to make those decisions? Right now you don't have that ability because the statue precludes it. The same with publication. By 2240, will psychic emanations be deposited? Will we all have government information directly downloaded to our front to load chip? I don't know. But we don't want to make those decisions. We just want to make sure that GPO has the flexibility to make sure this program continues the best way it can I definitely getting more institutions into the program that can benefit from it is one way to do that.

>> This is Mary Clark from the library Virginia. My first consul session on this side, and I'm really thrilled to be here and I just love how long it takes us all to say yes. It's just the most wonderful process ever. Thank you.

>> I am Marie University of Missouri in regarding the 10,000 book think I'm sure that that was created at a time when books were the big thing about libraries. Of course this will or by we're moving into an age of more digital information much of our information will be digital, data sets, all that all that kind of stuff. I think we might consider the possibility that in order to serve the public effectively a depository library will need to have that kind of equipment and software, workstations, in order to look at and -- access and use digital information and regarding the size of the library. The number books are not so important as are they still able to welcome the general public into their depository? And provide the workstations to use that digital information.

>> Thank you.

>> Carmen University of Kansas. I just want to echo that idea of public access. And meeting that need without being overly surveyed. Would be in my opinion part of that value that Arlene was talking about earlier.

>> I'm going to exercise chair prerogative since we are getting close to 3:00. I will ask counsel any last comments or thoughts from counsel? Hearing on, we will adjourn this session and return after the break to take up sections 1911 and 1912. See you again in a little while folks. [ Event Concluded ]