

October 22-24
2018
Arlington, VA



Depository Library Council & Federal Depository Libraries
**FEDERAL DEPOSITORY
LIBRARY CONFERENCE**



#FDLConference

FDLP Modernization

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Laurie Hall, Superintendent of Documents, GPO

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Priorities of the CHA



January 2017: Representative Gregg Harper (MS 3rd District) becomes Chair of the House Administration Committee.

Stated goal: To modernize the Government Publishing Office.



What Does “Modernize” Mean

- Expand GPO’s role as a publisher of digital information
- Redefine congressional oversight of the Joint Committee on Printing
- Re-assert the obligation of Government offices to deposit documents with the GPO
- Grant GPO new powers such as maintaining its own collection, accepting gifts, and awarding grants (though grant-making authority was cut from final bill)
- Alleviate pressure on regional depository libraries by allowing flexibility with housing and discarding collection



The Discussion Begins...

Winter 2017

CHA staffers assigned to study Title 44 reform

Spring/Summer 2017

CHA holds series of hearings titled “Transforming GPO for the 21st Century and Beyond”

Summer 2017

FDLP community offers recommendations for Title 44 revision

Fall 2017

DLC submits recommendations for Chapter 19 revisions

Winter 2018

CHA begins drafting bill with input from GPO and library associations



Congressional Hearings: Transforming GPO for the 21st Century and Beyond

Part 1, May 17, 2017

Witnesses

Davita Vance-Cooks,
GPO Director

Part 2, July 18, 2017

Witnesses

Davita Vance-Cooks,
GPO Director

Part 3, Sept. 26 2017

Witnesses

Laurie Hall, Superintendent of Documents

Mike Furlough,
Executive Director, HathiTrust

Celina McDonald, Gov. Docs.
Librarian, University of Maryland

Beth Williams,
Library Director, Stanford Law

Stephen Parks,
State Librarian of Mississippi

Part 4, Oct 11, 2017

Witnesses

Eric Petersen, Congressional Research Service

Robin Dale,
Deputy Director for Library Services, IMLS

Roger Schonfeld, Director of Library and Scholarly Communications, Ithaka S+R



Comments From The FDLP

From Individuals

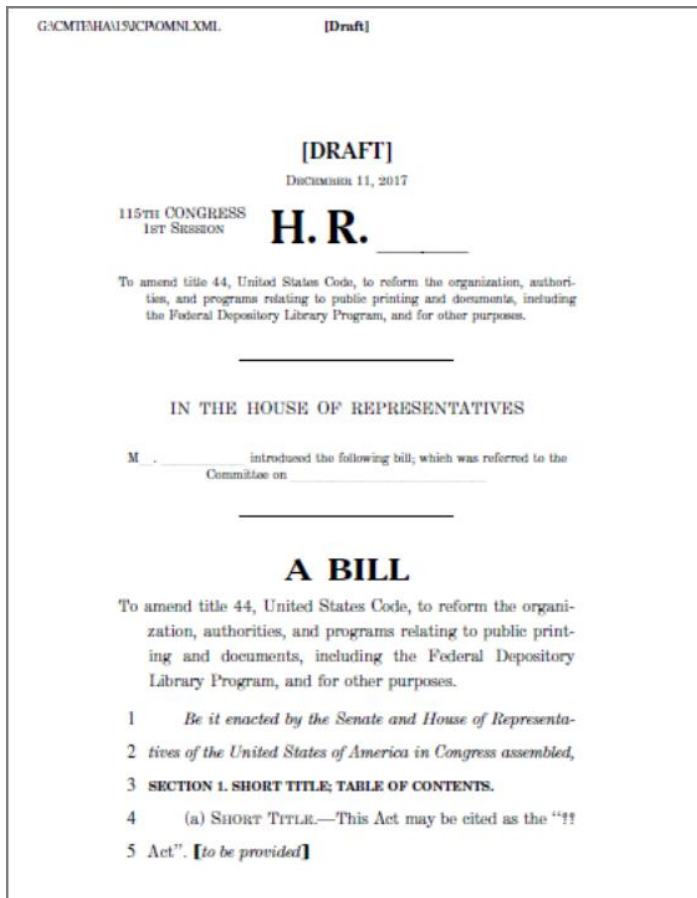
- Preservation
- Free access
- Definition of publication
- More digital offerings
- Protection of user privacy
- Flexible item selection
- Discard process
- Shared print archives
- Deposit of digital files in FDLs
- Regional discard/substitution
- Regional flexibility
- Grant authority

From Organizations

- Definition of publication
- Free access
- Preservation
- Protection of user privacy
- Deposit of digital files in FDLs
- Regional flexibility
- Grant authority and Gift Authority
- New categories of libraries
- Strengthen relationship with federal agencies
- Protect integrity of digital content
- Repeal 10,000 book requirement



First Draft of the Bill to Modernize Title 44



- Drafted by Committee on House Administration
- Released to GPO and shared with FDLP Community on December 11th, 2017
- Never introduced
- Complete re-write of Title 44, included three chapters:
 1. Government Printing Office
 3. Implementation of Authorities
 5. No-fee Public Access to Government Information



Strengths of the First Draft

- Reaffirms the public's right to no-fee access to Government information
- Protects user privacy
- Defines documents as "Information Dissemination Products" (IDPs) and expands scope of GPO's mission beyond print
- Obligates agencies to furnish Superintendent of Documents with tangible and Digital IDPs
- Provides for digital deposit in FDLs
- Allows regionals to share collections across state boundaries
- Confers grant and gift authority onto GPO
- Names education and training as part of GPO's operations



Objections to the Draft

- Allows agencies to award their own print contracts and circumvent GPO.
- Allocates regulatory authority on GPO to compel Government agencies to deposit, which could present a Separation of Powers issue.
- Eliminates tangible distribution of *Statutes at Large*.
- Eliminates production of the *Congressional Record Index*.
- Allows House and Senate to establish new publications guidelines each Congress, which could lead to problems with consistency.
- Eliminates the Joint Committee on Printing and assigns oversight of GPO to two separate and independently operating committees in the House and the Senate.
- Reversion back to “Government Printing Office” agency name and “Public Printer” title.



A New Bill: The FDLP Modernization Act

H.R.5305 - FDLP Modernization Act of 2018

115th Congress (2017-2018) | [Get alerts](#)

BILL Hide Overview ✕

Sponsor: [Rep. Harper, Gregg \[R-MS-3\]](#) (Introduced 03/15/2018)

Committees: House - House Administration; Oversight and Government Reform

Latest Action: House - 03/15/2018 Referred to the Committee on House Administration, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned. ([All Actions](#))

Tracker:

Introduced → Passed House → Passed Senate → To President → Became Law

- Introduced March 15th, 2018. Committee review took place April 12.
- Drafted by CHA with considerable input from GPO and library associations.
- Special focus on FDLP and the Superintendent of Documents.
- Does not include general changes to GPO or delegation of authority issues which had been objected to in previous draft.



Main Features of H.R. 5305

The purpose of the new bill, as stated in §1701 is “to promote the greatest possible public access” to Government information by authorizing the Superintendent of Documents to:

- Establish a national collection of information dissemination products (IDPs) and to provide no-fee, permanent public access to collection;
- Carry out a cataloging and indexing program;
- Carry out a by-law distribution program; and
- Collaborate with offices of the Federal Government, Federal depository libraries, and library associations and consortia.



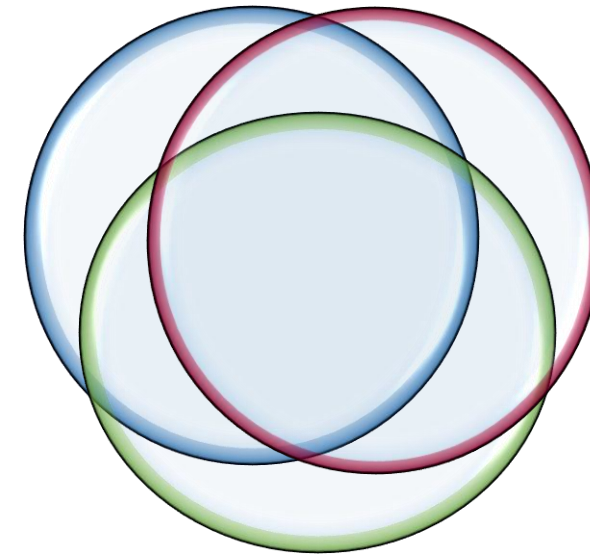
Expanded Role for the Superintendent of Documents

- Supt Doc “shall be an accomplished general manager and practitioner of library and information sciences...” (§1702)
- Supt Doc defines what shall be included in national collection (§1721)
- Requires Government offices to furnish Supt Doc with IDPs and allows SuDoc proactively to collect IDPs that offices fail to deposit (§1722)
- Allows GPO and Supt Doc to digitize IDPs at any time (§1725)
- Supt Doc responsible for preservation and authentication of IDPs in online repository, and for user privacy (§§1731-1733)
- Supt Doc given broad power to establish and alter policy for FDLP (§1742)
- Supt Doc responsible for providing training and continuing education programs to FDLs and to the public (§1743)
- Supt Doc designates Federal depository libraries and may terminate designation (§1747)



FDLP Modernization Act of 2018

Information Dissemination Products
Agency Deposits
Selective Depositories
Modernization Privacy
Regardless of Format
National Collection
Gift Authority Preservation **FDLP** Training Collaboration
Trustworthy Online Repository
Comprehensive Catalog
Authentication Flexibility **Free access** Digital Deposit Data Integrity
Digitization
Regional Depositories
Strengthen Agency Relationships
Preservation Depositories



Intersection of Ideas

- Depository Community
- Depository Library Council
- Government Publishing Office



H.R. 5305 and the National Plan



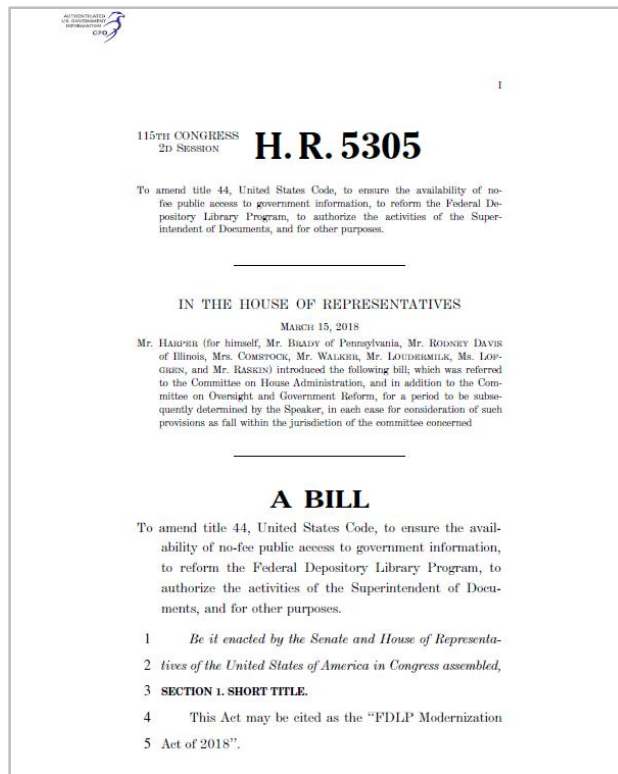
The provisions in The FDLP Modernization Act of 2018 support the National Plan and will allow GPO to work toward achieving our desired outcomes in a more robust manner.



Amends Chapter 17, Title 44

Chapter 17 — No-Fee Public Access to Government Information

- A. Superintendent of Documents
- B. National Collection of Information Dissemination Products
- C. Online Repository
- D. Federal Depository Library Program
- E. Sales Program
- F. Other Programs and Authorities



Repeals Chapters 19 and 41



Current Program Elements not in H.R. 5305

- Firsthand investigations of libraries for which need is indicated
- Libraries reporting on condition of libraries every two years
- By-law designation of depositories
- Classified list for items available for selection
- Regionals providing reference service, ILL, and assistance to selectives with disposition of materials
- Minimum requirement of 10,000 books in the library



New Responsibilities

- Deposit of digital content in depository libraries
- Preservation services
- Gift authority
- Regulatory process
- Processes for Federal agencies for the delivery of content to the Superintendent of Documents
- Training



Minimum Requirements for FDLs

- Provide members of the public with no-fee access to all of the IDPs furnished to the library by GPO.
- Ensure that a member of the library staff is knowledgeable about the use of the collection – online and tangible.
- Meet other Superintendent requirements established by promulgated regulations.



Selective Depository Libraries

- Provide access to selected IDPs in tangible form as provided by the Superintendent.
- Maintain its collection of tangible IDPs for a minimum of 5 years after receipt, unless authorized to by the Superintendent withdraw materials earlier.
- Collaborates with a regional depository library on the maintenance of a regional collection of tangible IDPs.
- No limit on the number of selective depositories.



Regional Depository Libraries

- Provide access to selected IDPs in tangible form as provided by the Superintendent.
- May decline to receive IDPs in tangible form.
- Provides access to all IDPs regardless of form or format.
- Coordinate and collaborate with selective depository libraries to maintain access to its collection of tangible IDPs.
- Agree to provide services to selective depository libraries.

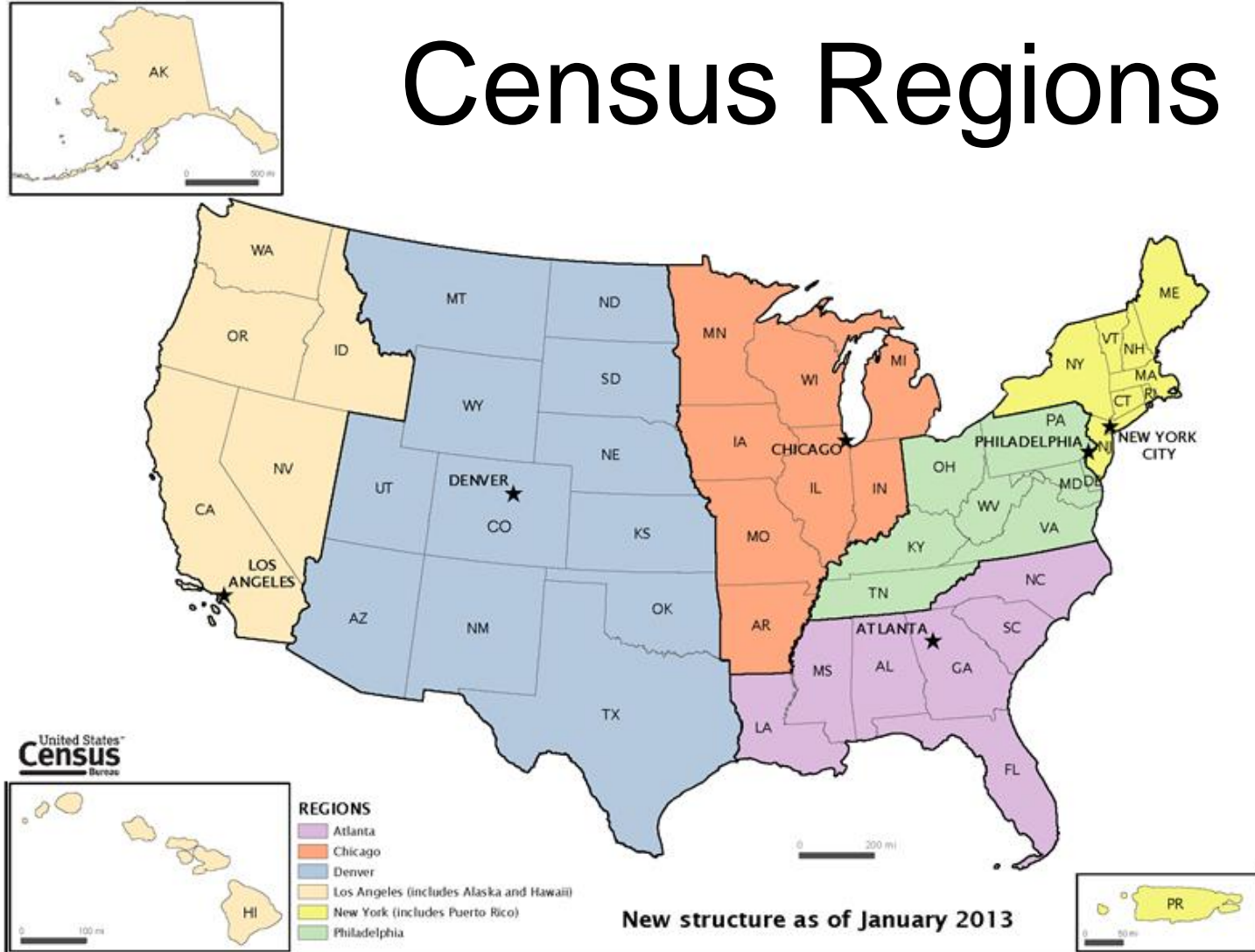


Number of Depository Libraries

- Provide regulations that limit the number of libraries designated as selective depository libraries.
- Limit the number of regional depository libraries located in any state to two.
- Provide for the designation of at least two regional depository libraries in each census region.
- Any depository library may request to be designated a preservation depository library.



Census Regions





Challenges — Depository Library Perspective

The Minimum Requirements

- Ensure that a member of the library staff is knowledgeable about providing the public with access to the collection, online and tangible.
 - What is knowledgeable?
 - What is reasonably available?
- Meet additional requirements as established by rule promulgation.
 - How will we participate in a timely rule making process?
 - What might that review process look like?
 - How will we keep up with the new rules?
- Exclusion of grant authority . . .
- Are there other challenges you foresee for the FDLP libraries?



Challenges — GPO Perspective

- Implementing the rulemaking regulatory process
- Developing the technical infrastructure for digital deposit
 - For depository libraries
 - From Federal agencies
- Managing §1723, “Requirements for agreements to produce or procure products” — notifications, certifications, timelines
- Hiring additional staff in a timely manner



GPO Priorities in the meantime...

- Hiring more staff
 - Technical Services Librarians
 - Curriculum Development/Instruction Librarians
 - Preservation support
- Building relationships with agencies
- Preservation services
- Preservation Steward inventories
- Ramping up
 - Identification and acquisition of content
 - Web harvesting
 - Cataloging



FY 2019 Appropriations

- GPO requested and received \$117M
- SOD requested and received \$32M
- Increase to be spent on:
 - U.S. Code distribution
 - Additional positions
 - Locating and acquiring content
 - Agency outreach
 - Digitization of historic documents
 - Preservation of tangible collections in FDLs



GPO is Working On...

- Preservation services pilots
- Investigating digital deposit
- Systems modernization
 - Implementation of Primo
 - Salesforce CRM implementation
 - Future phases of FDLP eXchange
- Review of service model for FDLs



If H.R. 5305 does not pass...

The Superintendent of Documents is committed to moving forward with implementing the National Plan and achieving the outcomes and vision conveyed in it.

The only operational elements in H.R. 5305 that are not in the National Plan are:

- Gift authority
- Regulatory process



If H.R. 5305 passes...

- Library designations currently in place will remain in place
- Need to make some decisions about what we are currently doing that is not in H.R 5305
- New provisions will not happen overnight
- Priorities to be established based on whether the following will be needed:
 - Additional staff
 - Increase in appropriations
 - Research and development
 - Contracts to be awarded
 - New processes established

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Remember, whether H.R. 5305 passes or not...

GPO will be working to modernize the FDLP with the National Plan as the guide and with the provisions of H.R. 5305 in mind.



What happens next?

- If the 115th Congress passes H.R. 5305 and it is signed into law, GPO will work hard to implement the provisions.
- If the Congress does not pass H.R. 5305, the bill will have to be introduced in the 116th Congress, starting the process all over again.
- A lot of unknowns for the 116th Congress:
 - Outcome of the midterm election
 - Membership of the new Committee on House Administration
 - New chairperson



Learn how to advocate for all things FDLP

- “F” is for “Federal”: How to Talk to Your Lawmakers about the FDLP
 - Tuesday, October 23, 8:30-9:30
 - Washington Ballroom
 - Streaming live, recording, and archiving the session

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Questions? Comments?

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