

## FEEDBACK:

### Legislative Proposals to Revise Chapter 19: Depository Library Program



July 26, 2021

#### CLOSED REQUESTS FOR COMMENTS RECORD:

TOPIC: Legislative Revisions to Title 44 U.S.C., Chapter 19: Depository Library Program

PROPOSAL: [Legislative Proposals of the Government Publishing Office](#) (July 2020)

COMMENTS: Comment Period Closed

DEADLINE: ~~March 5, 2021~~ Extended to March 21, 2021

FOR MORE INFORMATION: [Legislative Revisions](#) on FDLP.gov

NOTICE: [Seeking Feedback: GPO's Legislative Proposals for FDLP](#) (January 28, 2021)

NOTICE: [FDLP Legislative Proposals: Feedback Deadline Extended](#) (March 2, 2021)

COMMENTS RECEIVED: [Legislative proposals feedback](#) (July 7, 2021)

#### FEEDBACK

There were 20 responses to the call for comments, including a [letter](#) from the Association of Southeastern Research Libraries (ASERL).

#### I am ... (check all that apply)

Commenters self-identified, I am ... (select all that apply)			
General public user of Federal Government Information			3
A depository library coordinator			7
A regional depository library coordinator			6
A government information librarian			8
A librarian, other than a government information librarian			2
An administrator at a library with a designated depository library			2
From a library association/organization			2
From a library consortium			0
From a Federal agency			0
From a non-profit organization			2
From the public sector			1
From the private sector			1
Other, please specify: JCP Professional Staff retired			1
From this type of depository library:	Academic: 11	Public: 4	Public Law: 1

**Which provisions of the proposed legislation do you like best? List up to 3 or use N/ A. The number in ( ) represents the number of occurrences of the response.**

- §1918, Establishment of the National Collection of U.S. Government Public Information (19)
- §1917, Cataloging and Access Services (8)
- §1912, Regional depositories; designation; functions; shared responsibilities, disposal of publications (8)
- §1909, Requirements of depository libraries; reports on conditions; consultations and training; termination; replacement (5)
- §1911, Free use of Government public information in depositories; disposal of unwanted public information (4)
- §1900, Purpose and establishment of the Public Information Programs of the Superintendent of Documents (3)
- §1901, Definitions (2)
- §1902, Notification language, which makes it more format-neutral (2)
- §1907, Revise the disposition of materials process Federal agencies (2)

**What provisions of the proposed legislation do you like least? List up to 3 or use N/ A. The number in ( ) represents the number of occurrences of the response.**

- §1905 Appears not to allow digital-only depository libraries (4)
- §1912, involvement of the Superintendent of Documents in the disposition of materials process (4)
- §1901 Prefer the use of an alternative term to “fugitive” documents (2)
- §1917a, Didn’t specify that cataloging standards should be library standards developed by and adopted by LC and library associations (1)
- Tangible and digital materials are treated differently (2)
- Needed a better definition of the National Collection (1)
- No requirement for or provision that:
  - Libraries must accept digital files (2)
  - Regionals must take everything (1)
  - Libraries deleted from the program should have an appeal process to the JCP (1)
  - Declassified materials be included (1)
  - The biennial survey be conducted (1)
  - Minimum number of copies in the FDLP for preservation and access (1)
- The number of libraries eligible for the FDLP is limited (1)

- Cataloging/access are treated separately from preservation (1)
- Lowered requirement on rules for retention by regional depositories (1)
- Remove requirements for FDLP libraries to have any depository holdings, of any format (1)

**Share items you would have liked to have seen in the proposed legislation that were not included. List up to 3 or use N/ A. The number in ( ) represents the number of occurrences of the response.**

- Transparent structure for establishing SOD policy and guidelines (3)
- New depository designations (3)
- Scope of the preservation program and how it will work (3)
- Usability of government information (2)
- Retention of tangible and digital publications (2)
- LostDocs (2)
- Share responsibility/collaborating to provide access (2)
- Make government publications discoverable (2)
- Collaborative collection development (1)
- Provision for the Depository Library Council (1)
- Shared regional responsibilities within states (1)
- Digital deposit (1)
- Inclusion of digital content (1)
- How the National Collection will be built (1)
- Accept cataloging records from contractors and other entities (1)
- Format comments (1)

**Please provide any comments about the proposed legislative revisions. If you have no other thoughts or opinions to share, respond with N/A. Comments are presented as received.**

N/A
I think the proposed revisions are excellent and especially approve of the provision allowing regionals from different states to enter into agreements and share responsibilities. I do think that entering the terms 'fugitive public information' into law is ill advised as I can see the term fugitive coming into disrepute and being objectionable. I think a more neutral term would be better.
I think Section 1912 needs more study to understand potential impact on disposition procedures. Moving from a decentralized to centralized approach is a big change and we need to make sure language doesn't have unintended consequences.

Regarding 1912, it is unclear to me how GPO proposes to have the Superintendent of Documents be involved in the regional disposition of materials process. For example, would the Superintendent of Documents be involved in the review process in FDLP eXchange? If so, how would that work? It would be helpful to have specific examples for how this might work.

n/a

I think it is beyond time for the FDLP to come into the 21st century. I would love to see more of an emphasis on bringing gov info into people's daily lives, and libraries playing an active role in bridging that gap. I do not think that is possible by relying on print anymore. The internet is where our users are and where we must meet them with their information needs. We are all very busy and to respect the time of our users we should be helping them navigate the resources the web can provide for their research.

Looks good! Good luck with it!

N/A

We at Free Government Information (FGI) have analyzed GPO's proposed language. While there are positive aspects to the proposal, there are also not so good aspects as well as some gaps that need to be filled as we move forward with a 21st century FDLP. We have edited GPO's proposal with our suggested additions to make an "FDLP modernization Act" much stronger.

<https://freegovinfo.info/node/14116/>

<https://freegovinfo.info/wp-content/uploads/2021/02/T44-modernization-FGI-edits-20210227.pdf>

Thank you for these proposals, hopefully many of them can go forward.

I strongly support the revisions proposed by Freegovinfo, which focus on ways to strengthen the partnership between GPO and depository libraries and to adapt the FDLP to a broader set of user needs and future opportunities. See <https://freegovinfo.info/wp-content/uploads/2021/02/T44-modernization-FGI-edits-20210227.pdf>

While many government publications, including public review documents are available online, they can be difficult to find due to the sheer number of publications and places to look for them. This problem will only get worse over time. Inclusion of items in the Catalog of Government Publications (CGP) makes them identifiable and discoverable. Documents that are required by law to be made available for public review should also be required to be reported to the Government Publishing Office (GPO) for inclusion in the CGP. They should also be required to include information such as title and publication date to make them identifiable and discoverable. I would like to see language included in Title 44 U.S.C that makes it clear that government information required by law to be made available to the public should be reported to the GPO even when published by a contractor and not a government agency.

I hope the coordinator is someone not connected to the federal government in any way a knowledgeable person with several years of library experience but interested in our government and our history someone who'll blow the whistle on corruption in the library

n/a

n/a

Thank you for this opportunity to comment on GPO's proposal for revisions to Title 44, Chapter 19.

I am grateful to see the recent announcement that GPO will adopt "unreported publications" terminology and hope to see this change in the legislation, should it be introduced. I will say, it is a bit odd to have its definition first, when the definition for public information is at the end of the list. I would also like to see the definitions clarify that "government publications" includes both print and digital publications, so that it is clear that, for example, a PDF is a government publication.

I support the approach demonstrated in this proposal to streamline the print management network function of the FDLP. It is better for selectives to have GPO more involved in the process because not all regionals provide the same level of service to participants, and therefore these changes are in the interests of the majority of participating libraries. I also support the change to consultation rather than inspection. I think GPO can help to increase a shared understanding of best practices for access to government information resources, including digital access.

I am glad to see the end of a limit of designated depositories per Congressional District, since that limit was long outdated and made further so by redistricting. I do think there should be no limits to the number of new depositories designated by a Member of Congress. If a Senator or Representative is willing to sponsor new designations, these libraries should be welcomed into the program. There is little danger here of the costs far outstripping resources since many new participating libraries can be recruited on the basis of providing access services. I would also like to see the end of the two-per-state limit for regionals. I suspect that there is very little danger of libraries rushing in for regional designation, and given overall attrition of regionals, if one or two more libraries are willing to step up for this critical service, they should be welcomed.

However, the FDLP as a program should preserve and provide access to content in all formats directly, not only "access-as-service." Libraries that are not providing access to print collections or locally controlled digital collections provide an important service to the public and should be designated as participating libraries. However, it is inaccurate to say that they are participating in a depository function. These libraries that provide services rather than collections should have a different designation status.

While I agree with the need to free up regionals somewhat in terms of print management,

there is no strong alternative here for distributed digital collection ownership and management. A more robust network of libraries that are collecting and preserving digital content under the FDLP umbrella will absolutely translate to better long-term access for all libraries and the public. Having an agreed-upon trusted partnership role for digital lifecycle management would help with this and may further incentivize innovation that leads to new use cases for digital collections.

Even if Title 44, Chapter 19, cannot strengthen the requirement for agencies to make their digital content fully available to GPO (or improve incentives for cooperation), there is a real opportunity to strengthen digital collection management. I am glad to see that GPO is proposing that its responsibility for the National Collection should include preservation and lifecycle management. However, there is a “donut hole” between what is treated for Cataloging and Access Services, and what is included in the repository system. GPO cannot guarantee access to the National Collection if the resources that comprise the National Collection are not hosted and preserved in the FDLP (whether in GPO’s Trusted Digital Repository or hosted by a trusted partner such as a depository library). I can understand the hesitance to state that the system of access should be comprehensive, which is another argument in favor of a digital preservation participant status in the FDLP. So, to some extent, this donut could also be addressed by proposing the scope for GPO’s Preservation Program as a Public Information Program to address information lifecycle management for the National Collection, with the goal of ensuring preservation of the National Collection.

March 19, 2021

Laurie B. Hall, Superintendent of Documents  
U.S. Government Publishing Office  
732 North Capitol Street, NW  
Washington, DC 20401

RE: Legislative Revisions to Title 44 U.S.C., Chapter 19 Depository Library Program

Dear Superintendent of Documents Hall

Thank you for the opportunity to provide feedback on the proposed legislative revisions to Title 44, the law that undergirds the Federal Depository Library Program (FDLP). As you are aware, the depository libraries within the Association of Southeastern Research Libraries (ASERL) region have a long history of working collaboratively to manage, preserve and

provide print and digital access to legacy collections of government information. The need for flexibility in managing these assets is crucially important.

ASERL firmly believes the following continue to be integral to the FDLP:

- No-fee, permanent public access to government information from all branches of government, regardless of format, must be assured.
- FDLP collections must be fully cataloged, inventoried, digitized and preserved.

We also believe it is imperative that revisions to Title 44 acknowledge and ensure:

- Depository libraries are supported in their efforts to design and implement innovative intra- and inter-state shared Regional collaborations to manage collections and services to selective depository libraries.
- The disposition processes for unwanted government public information are streamlined to lessen the administrative burdens while also facilitating the efforts of Preservation Stewards and other entities engaged in preservation activities. These processes ensure gaps are filled in the print preservation collections and previously unknown or overlooked rare/unique items are identified, cataloged as needed, digitized if feasible, and appropriately preserved.
- Depository libraries are permitted to adopt a portion of the cataloging, digitizing and preservation of the National Collection of Government Public Information as they may desire, supported by GPO. These additional responsibilities must be optional, and in no way diminishes GPO's central role in these actions.

We believe greater clarity is needed in the following areas:

- We recommend a definition for the "National Collection of U.S. Government Public Information" be included in Section 1901. The scope of the newly-established national collection — and its relationship to depository libraries' responsibilities for existing collections — is unclear.
- As written, the definition of "government publication" (1901) does not adequately convey the many types of formats — both print and digital — disseminated through the Superintendent of Documents and stewarded by depository libraries. Format or medium should be more explicitly included or excluded.
- The nuances in definitions for "government publication" and "public information" are confusing, as is the application of these terms. Most sections refer to material made available to depository libraries through the Superintendent of Documents as "Government public information" which includes government publications or information resources regardless of form or medium. Sections 1907 and 1912 use the narrower term of "government publications" for both receiving and disposal, while Section 1911 uses the broader term of "Government public information" for both receiving and disposal.
- We recommend the definition of "information lifecycle management" (1901) include disposition/withdrawal as a stage through which tangible or digital information assets pass.
- Section 1911 lays the foundation for depository libraries to "dispose of unwanted public

information in accordance with Superintendent of Documents **policy and guidance.**” We firmly believe the procedural aspects of lifecycle management are better addressed through policies/guidelines than legislation. Moreover, such policies/guidelines should be established in a manner that allows full and timely vetting by all members of the program, and that no responsibilities are assigned to depository libraries without their full understanding and consent.

- Additionally, we believe the state/region-centric framework upon which much of the FDLP is currently based will become less workable as content is increasingly made available online and more depository libraries enter into multi-state agreements. Specifically, we recommend removing the prescriptive region-centric process detailed in Section 1912 (d) *“After first offering the publications to the regional depository and to other depository libraries within their area, the Superintendent of Documents will ensure depository libraries nationwide have an opportunity to obtain them, and then will authorize the withdrawal of the materials from the depository library program.”*

We appreciate the work the Government Publishing Office has done on the proposed legislative changes and look forward to continued opportunities to support GPO in ensuring public access to these critical resources into the future.

John Burger, Executive Director  
Association of Southeastern Research Libraries  
(ASERL)

cc: ASERL Board of Directors, CFDP Steering Committee

N/A

I commend GPO for developing a draft legislative proposal to revise Chapter 19 of Title 44 and offering it to the depository community for comment; taking such a leadership role in a transparent way can hopefully facilitate progress toward achieving the reforms the community so desperately desires and the program deserves.

This targeted proposal addresses the overriding principles and objectives that the community has focused on for the past three decades (and more); namely: clearly defining the scope of government information in the FDLP to include digital content; and establishing within the federal government (and the FDLP) the affirmative responsibility to provide permanent public access to government information in all forms, from all branches of government, now and in the future. In addition, the proposal provides for a number of key practical reforms that align the program with the 21st century needs of managing and servicing digital content as well as alleviates some of the pressures of managing historical tangible collections. This is a great start, and I'm hopeful for its progress and the resulting improvements for the FDLP.



1901 definition should replace indefinite with permanent.

The bill is good for 1) it focuses on just the changes needed for public access programs 2) it consolidates most of the chapters dealing with public access programs - many people do not know about all the sections. 3) it preserves the role of Congress in designation of libraries and honors the hard-fought efforts to include various categories of libraries un the program. 4) it preserves the role of the JCP in oversight - the program needs JCP as its champion on the hill with its access to the appropriations process and its relationship with the publishers in all 3 branches of government. 5) it recognizes the need to provide and preserve gov pubs in all formats. 6) it provides for changes in technology so we do not have to fight to include gov info using new technologies in the program. Declassified gov info needs to be included in the bill.