

Chapter

2

Chapter 2 Legal Requirements

Highlights the legal requirements of your Federal depository library as outlined in Chapter 19 of Title 44 USC

What's New or Important

Legal Requirements is a chapter not previously found in the *Instructions to Depository Libraries* or the *Federal Depository Library Manual*. This section brings conveniently to one location the statutory mandates of both selective and regional Federal depository libraries from Chapter 19 of Title 44. You no longer have to skim all the chapters to identify the legal requirements of Federal depository libraries.

Legal Requirements

The structure of the FDLP that is in place today comes from the Depository Library Act of 1962 (DLA). This Act, among other things, doubled the number of libraries per Congressional district, eliminated the requirement that libraries pay postage for their depository receipts, allowed for the distribution of non-GPO publications, and created regional depository libraries.

The authority for the Federal Depository Library Program (FDLP) and the legal requirements of Federal depository libraries are found in [Chapter 19 of Title 44 United State Code](http://www.gpoaccess.gov/uscode/index.html) (<http://www.gpoaccess.gov/uscode/index.html>). In addition to the provisions of the DLA of 1962, Chapter 19 includes who designates depository libraries and which libraries are eligible for Federal depository designation.

The chapter also provides the access, service, and collection statutory mandates of your depository library:

- Make government publications available for free use by the general public;
- Properly maintain government publications and make them accessible to the public;
- Report the conditions of your depository library to the Superintendent of

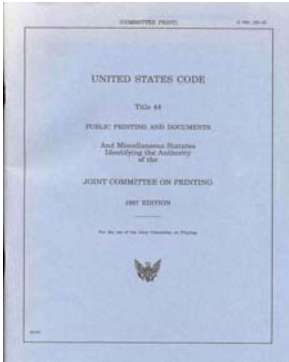
Documents every two years by completing the Biennial Survey (see Chapter 11 for more information on Collaboration with GPO);

- Maintain a library collection, other than Government publications, of at least 10,000 books;
- If your library is a selective depository served by a regional depository, you MUST retain Federal publications for at least five years, unless they are superseded or the discards are authorized by the Superintendent of Documents;
- If your library is a selective depository not served by a regional, you MUST retain permanently at least one copy of all government publications in print or microfacsimile, unless they are superseded or the discards are authorized by the Superintendent of Documents. For more information on the superseded policy, see chapter 5 on Depository Collections in this Handbook.
- If your library is a Federal library, you are not required to maintain depository titles for five years. Materials may be withdrawn at any time and disposed of after they have been offered to the Library of Congress and the Archivist of the United States. Your discards are not handled by a regional depository library.
- If your library is the highest state appellate court library, Chapter 19 provides special privileges:
 - No obligation to provide free public access to depository resources;
 - No five-year retention requirement before discarding depository publications; and
 - No requirement to discard property through a regional depository library.
- If your library is a regional depository, Chapter 19 delineates additional responsibilities that come with the regional designation:
 - Provide interlibrary loan and reference service to depositories within the region;
 - Assist selectives with the disposal of unwanted government publications; and
 - Retain permanently at least one copy of all government publications in printed or microfacsimile, unless they are superseded or the discards are authorized by the Superintendent of Documents.

Related Title 44 Chapters affecting depository libraries include Chapters 17 and 41. Chapter 17 authorizes the distribution and sale of public documents and the Cataloging and Indexing Program; chapter 41 authorizes GPO Access and allows GPO to provide access to Federal electronic information. For a complete version of Title 44, chapters 17, 19 and 41, please click on the display below.

United States Code Title 44

PUBLIC PRINTING AND DOCUMENTS



[Title 44](http://www.gpoaccess.gov/uscode/index.html) (http://www.gpoaccess.gov/uscode/index.html)
Browse through a list of all chapters and link to the full text

[Chapter 17](http://www.gpoaccess.gov/uscode/index.html) (http://www.gpoaccess.gov/uscode/index.html)
Browse through the laws governing the Distribution and Sale of Public Documents and the Cataloging and Indexing Program

[Chapter 19](http://www.gpoaccess.gov/uscode/index.html) (http://www.gpoaccess.gov/uscode/index.html)
Provides the laws governing the Federal Depository Library Program

[Chapter 41](http://www.gpoaccess.gov/uscode/index.html) (http://www.gpoaccess.gov/uscode/index.html)
Provides the enabling legislation for GPO Access and the locator services

Tips, Practical Advice and lessons Learned

- Become familiar with Title 44, chapters 19 and 41 which apply to the FDLP and GPO Access so you can easily inform your library administrator of the legal requirements of your depository.
- Familiarize yourself with the FDLP Desktop and all it offers beyond a location for policies and guidelines.

Did you realize that you don't have to.....?

- Select a certain percentage of government publications in order to remain in the Federal Depository Library Program. Your selection rate should be whatever rate meets the needs of your users.
- Compromise local security to provide public access. GPO permits various actions by administrators to ensure the security of their facility and personnel as long as a balance exists between the safety of personnel and property and public access. **Public access may be provided in a manner and at a time and a location that secures the safety of personnel and property, but public access to Federal Government information MUST still be provided.**

Important for Library Administrators

- You, as the library director, are the designated official responsible for ensuring the legal requirements of the FDLP are met.
- As mentioned above, related Title 44 Chapters that affect depository libraries are Chapters 17 and 41. Chapter 17 authorizes GPO's Cataloging and Indexing Program and Chapter 41 authorizes GPO Access and allows GPO to provide access to Federal electronic information through it.
- You must report the conditions of your depository library to the Superintendent of Documents every two years.