

Changes to Chapters 17 and 19, Title 44

Changes to chapters 17 and 19, Title 44, U.S. Code would facilitate the transition to a more electronic Federal Depository Library Program (FDLP). The changes discussed below support Part III, Principles for Federal Government Information, and Part IV, Mission and Goals for the Federal Depository Library Program, of the Study To Identify Measures Necessary for a Successful Transition to a More Electronic Federal Depository Library Program.

TITLE 44--PUBLIC PRINTING AND DOCUMENTS

CHAPTER 19-- ~~DEPOSITORY LIBRARY PROGRAM~~ PUBLIC ACCESS TO GOVERNMENT INFORMATION THROUGH LIBRARIES: THE FEDERAL INFORMATION DISSEMINATION AND ACCESS PROGRAM

Analysis:

The program should be redescribed to reflect the electronic information environment and the key goal of public access. "Depository" is strongly linked to the old paradigm of shipping physical products, and does not adequately express the goal of public access to Government information. To more fully express this aspect of the program, and to emphasize the affirmative role of all agencies to make their information available, the title of chapter 19 and the program should be changed.

This change would be supported by new definitions of the "Federal Information Dissemination and Access Program" and "program library" in the proposed revisions to section 1901.

Sec. 1901. Definitions of Government publication

The "Federal Information Dissemination and Access Program" is a nationwide geographically-dispersed system, administered by the Superintendent of Documents, consisting of program libraries acting in partnership with the United States Government, established within this chapter for the purpose of enabling the general public to have local capability for timely, current public access and permanent, future public access to Federal Government information at no cost.

"Government ~~publication~~ information," as used in this chapter, means ~~informational matter which is published as an individual document~~ that information, regardless of form or format, which is created or compiled by employees of a component of the Government, or at Government expense, or as required by law, *except that which is required for official use only, is for strictly administrative or operational purposes having no public interest or educational*

value, or is classified for reasons of national security.

"Component of the Government; Component" as used in this chapter, means any Federal Government department, military department, independent regulatory agency, Government corporation, Government controlled corporation, or other establishment in the executive, legislative, or judicial branch.

"Government information product," as used in this chapter, means a Government publication or other discrete set of Government information, either conveyed in a tangible physical format including electronic media, or disseminated via a Government electronic information service.

"Tangible Government information product," as used in this chapter, means any Government information product that can be distributed to program libraries in a physical format.

"Government electronic information service," as used in this chapter, means the system or method by which a component of the Government or its authorized agent disseminates Government information products to the public via a telecommunications network or successor technology.

"Dissemination," as used in this chapter, means the act of distributing tangible Government information products to program libraries, or the act of making Government information products accessible to program libraries and the general public via a Government electronic information service.

"Access," as used in this chapter, means either the use of tangible Government information products which have been disseminated to program libraries, or utilizing a Government information product disseminated via a Government electronic information service.

"Program library," as used in this chapter, means a library designated under the provisions of this chapter which maintains tangible Government information products for use by the general public, offers professional assistance in locating and using Government information, and provides local capability for the general public to access Government electronic information services. These libraries shall be known as "Federal Information Access Libraries."

"Service area," as used in this chapter, means either the geographical area of the several program libraries served by a given regional program library, or the geographical area of the user community of a given program library.

"Permanent public access," as used in this chapter, means that Government information products within the scope of the program remain available for current and future, no fee

public access through the program.

Analysis of this section:

Electronic Federal Government information must be included in the program, in order to provide the broadest possible public access. The current definition of "Government publication" in section 1901 of Title 44 needs to explicitly include electronic information. The purpose of this language is to clarify that the scope of the chapter includes information in electronic formats, whether published as a tangible product or made accessible via an electronic online service. We have intentionally avoided the term "public information" used in section 3502 of P.L. 104-13, the Paperwork Reduction Act of 1995, which is defined as "any information, regardless of form or format, that an agency discloses, disseminates, or makes available to the public." This term can be interpreted as restrictive, excluding many Government information products which are developed for internal use but have significant public interest and educational value. Instead, we have used the term "Government information," establishing that products included in the program should be reflective of the public's broader interest as expressed in section 1902 rather than being limited to just those products developed specifically for dissemination to the public.

We have also increased the comprehensiveness of the definition to eliminate the effect of certain publishing arrangements taking the information out of the public domain.

Sec. 1902. ~~Availability of Government publications information products to be made available through Superintendent of Documents; lists of publications not ordered from Government Printing Office~~ responsibility of components of the Government to notify the Superintendent of Documents; responsibility of components to provide electronic data

Notwithstanding other provisions of the law, Government ~~publications~~ information products, except those determined by their issuing components to be required for official use only or for strictly administrative or operational purposes which have no public interest or educational value and ~~publications~~ information classified for reasons of national security, shall be made available to ~~depository~~ program libraries through the facilities of the Superintendent of Documents for public information. The Superintendent of Documents shall make tangible products available through distribution to program libraries and shall ensure program libraries and general public access to Government information products available via Government electronic information services. Each ~~component of the Government shall furnish the Superintendent of Documents a list of such publications it issued during the previous month, that were obtained from sources other than the Government Printing Office.~~

Components of the Government shall immediately notify the Superintendent of Documents of their intent to initiate any Government information product and shall notify the Superintendent

of Documents at such time as they substantially modify; change media, means of access, or physical format; or terminate a product.

Upon request of the Superintendent of Documents, components of the Government shall provide the Superintendent of Documents with electronic source data files of any Government information products falling within the scope of this section.

Analysis of this section:

The "notwithstanding other provisions of law" language was added to clarify that other statutes which may require public dissemination or cost-recovery do not relieve an agency of its obligations under chapter 19.

The decentralized characteristics of the electronic information environment make it impractical for any single organization to obtain all electronic information for access and preservation, nor is such an approach cost-effective. In an electronic environment, the Superintendent of Documents can make information available to program libraries and the public in various ways. The centralized acquisition and distribution of tangible products would continue, as this activity has significant value to the libraries and the public which they serve. Access to remotely accessible electronic Government information products, however, will be provided from a variety of Government electronic information services, including the *GPO Access* services, services operated by the originating components or other entities acting as their agents, or by secondary disseminators. We believe the concept of directing users and providing access to electronic information products at non-GPO sites ("pointing") is consistent with the requirement in P.L. 103-40 to maintain an electronic directory of Federal electronic information.

We propose eliminating the requirement on components of the Government to "furnish ... a list of such publications it issued during the previous month." Even if this requirement were adhered to, the notification would be too late for the Superintendent of Documents to take timely action to acquire the products for the program.

In order for the program to function effectively in a decentralized electronic environment, timely notice is required so that Superintendent of Documents personnel can obtain and/or convert data, and provide complete and accurate locator services. A requirement is needed that publishing components notify the Superintendent of Documents at such time as they initiate, substantially modify, or terminate Government information products. Information provided in the context of the notification process should enable the Superintendent of Documents to provide cataloging and locator services for these products. (See proposed new section 1917.)

As nearly all Government information products exist in electronic form at some point in their life cycle, we believe that a cost-effective method of incorporating additional electronic information products into the program is to obtain that source data from the originating component of the Government.

Sec. 1903. Distribution of *tangible products to program libraries* ~~publications to depositories; notice to Government components; cost of printing and binding replication of tangible products; access to information products via electronic information services; availability of products from self-sustaining components of Government~~

(a) Upon request of the Superintendent of Documents, components of the Government ordering the ~~printing of publications~~ *replication of tangible products* shall either increase or decrease the number of copies of ~~publications~~ furnished for distribution to designated ~~depository program libraries and State libraries~~ so that the number of copies delivered to the Superintendent of Documents is ~~equal to the number of libraries on the list~~ *sufficient to provide copies to those program libraries which select the product*. ~~The number thus delivered may not be restricted by any statutory limitation in force on August 9, 1962.~~ Copies of publications furnished the Superintendent of Documents for distribution to designated ~~depository program libraries~~ shall include--

the journals of the Senate and House of Representatives;

all publications, not confidential in character, printed upon the requisition of a congressional committee;

Senate and House public bills and resolutions; and

reports on private bills, concurrent or simple resolutions.

~~; but not so-called cooperative publications which must necessarily be sold in order to be self-sustaining.~~

(b) The Superintendent of Documents shall currently inform the components of the Government ordering ~~printing of publications as to the number of copies of their publications required for distribution to depository libraries as to the requirements of the program for tangible Government information products.~~ The cost of ~~printing and binding those publications distributed replicating paper and microform publications, or tangible electronic products, made available to depository program libraries~~ obtained elsewhere than from the Government Printing Office shall be borne by components of the Government responsible for their issuance; those requisitioned from the Government Printing Office shall be charged to appropriations provided the Superintendent of Documents for that purpose.

Analysis of paragraphs (a) and (b):

Both of these paragraphs pertain solely to tangible Government information products. The language in both paragraphs has been updated to change the emphasis from "printing of

publications" to include the replication of any type of product, i.e. CD-ROMs.

The exclusion from the program of "so-called cooperative publications" has, at times, resulted in substantial information of "public interest or educational value" being kept out of the program, in

spite of significant investment of public funds in preparation of the product. Eliminating this exclusion will reduce the number of "fugitive" titles.

(c) Access to Government information products available via Government electronic information services will be available at no cost to program libraries. The cost of providing program libraries with access to Government electronic information services offered by components of the Government other than the Government Printing Office shall be borne by the component of the Government responsible for issuance of the Government information products available on the service or by the component of Government responsible for operation of the service; the cost of services requisitioned by the Superintendent of Documents from the Government Printing Office shall be charged to the appropriations provided to the Superintendent for that purpose.

Analysis of paragraph (c):

The general public, through the program, should have no-fee access to all Government information meeting program requirements. This paragraph establishes that the cost responsibility for providing access to electronic services is analogous to that for tangible products.

It also establishes organizational responsibility for the costs of program library access to Government electronic information services. We believe that the agency which originates the product content should bear the costs of a basic level (defined in para. (d)) of public access through the program; however, the language permits some flexibility for delegating this responsibility to the service provider, either administratively or through a contractual arrangement.

(d) Components of the Government which are required by statute to charge for access to any products available via a Government electronic information service operated under their authority shall establish administrative provisions with the Superintendent of Documents whereby each program library which requests access to the service will have access at no cost for at least a single simultaneous user. If additional access for program libraries is requisitioned by the Superintendent of Documents, the component of the Government shall make such access available and shall be reimbursed by the Superintendent at the incremental

cost of dissemination.

Analysis of paragraph (d):

This paragraph establishes the basic level of service obligation for the issuing components of the Government. Beyond that basic minimal level of service to program libraries, it also permits the Superintendent of Documents to requisition additional access at a reasonable cost. The costs charged to the Superintendent of Documents should be limited to those associated with providing dissemination and user support services to program libraries.

(e) If a component of Government which is required by statute to charge for any Government information products can demonstrate to the satisfaction of the Superintendent of Documents that distribution of, or access to, such products for program libraries will seriously affect the ability of the organization to fulfill its statutory mandate to be self-sustaining, and appropriations or other resources are not adequate to permit the organization to meet its program obligations, the Superintendent may requisition such products and reimburse the component of Government at the incremental cost of dissemination, whether the products are produced or made available by the Government Printing Office or elsewhere. Alternatively, components of the Government will, upon request, provide to the Superintendent of Documents a single copy of such Government information products for replication and dissemination as a tangible Government information product or will provide the electronic source file to allow for dissemination via an alternative Government electronic information service if that is more cost-effective for the program.

Analysis of paragraph (e):

The purpose of this paragraph is to establish an exception mechanism for the general cases described in paragraphs (a), (b), and (d). Under this paragraph, when it can be shown that making such access or copies available to the program would harm the economic viability of the product or service, the Superintendent of Documents has the option to reimburse an agency for access to an electronic service, to reimburse an agency for copies of a tangible product, to obtain a single copy and republish it for the program, or to obtain the electronic source file. It also eliminates agency discretion to declare that products available via an electronic information service must be sold to recover costs, by establishing that charging for such products must be required by statute.

Additional note concerning this section:

Historically there have been cases where Government information products have not been included in the program because they were not produced or procured through the Government

Printing Office. This problem can be addressed under the plenary authority of Sec. 1914, whereby the Public Printer, acting through the Superintendent of Documents, can use appropriated funds to obtain, on an incremental cost basis, copies of tangible products, including CD-ROMs, which are produced or procured elsewhere than through GPO. This approach will provide a practical remedy to many fugitive documents situations.

Sec. 1904. ~~Classified List of Government publications information products for selection by depositories available to program libraries~~

The Superintendent of Documents shall ~~currently~~ issue a *current*, classified list of *categories of Government publications information products, including in suitable form, containing* annotations of contents and ~~listed by~~ item identification numbers, to facilitate the selection of *or access to* ~~only~~ those *publications products* needed by *depository program* libraries. The ~~selected publications products shall be distributed~~ *available to depository program* libraries in accordance with regulations of the Superintendent of Documents, as long as ~~they~~ *the program libraries* fulfill the conditions provided by law.

Analysis of this section:

The intent of this section is to cause the preparation of a data base which describes, using suitable data elements, the types of Government information products available through the program. Where needed, language was changed to conform with new language defined in Sec. 1901.

Sec. 1905. ~~Distribution to depositories; Designation of additional program libraries; justification; authorization for certain designations~~

(a) ~~The Government publications selected from lists prepared by the Superintendent of Documents, and when requested from him, shall be distributed~~ *Government information products made available by the Superintendent of Documents may be selected or accessed by* ~~to depository program~~ libraries specifically designated by law and ~~to~~ libraries designated by Senators, Representatives, and the Resident Commissioner from Puerto Rico, by the ~~Commissioner~~ *Mayor* of the District of Columbia, and by the Governors of Guam, American Samoa, *the Commonwealth of the Northern Marianas*, and the Virgin Islands, respectively. Additional libraries within areas served by Representatives or the Resident Commissioner from Puerto Rico may be designated by them to receive Government *publications information* to the extent that the total number of libraries designated by them does not exceed two within each area. Not more than two additional libraries within a State may be designated by each Senator from the State. Before an additional library within a State, congressional district or the Commonwealth of Puerto Rico is designated as a ~~depository for Government publications~~

program library, the head of that library shall furnish his *or her* Senator, Representative, or the Resident Commissioner from Puerto Rico, as the case may be, with justification of the necessity for the additional designation. The justification, which shall also include a certification as to the need for the additional ~~depository program~~ library designation, shall be signed by the head of every existing ~~depository program~~ library within the congressional district or the Commonwealth of Puerto Rico or by the head of the library authority of the State or the Commonwealth of Puerto Rico, within which the additional ~~depository program~~ library is to be located. The justification for additional ~~depository program~~ library designations shall be transmitted to the Superintendent of Documents by the Senator, Representative, or the Resident Commissioner from Puerto Rico, as the case may be. The ~~Commissioner~~ Mayor of the District of Columbia may designate two ~~depository program~~ libraries in the District of Columbia, the Governor of Guam, *the Governor of the Commonwealth of the Northern Marianas*, and the Governor of American Samoa may each designate one ~~depository program~~ library in Guam, *the Commonwealth of the Northern Marianas*, and American Samoa, respectively, and the Governor of the Virgin Islands may designate one ~~depository program~~ library on the island of Saint Thomas and one on the island of Saint Croix.

Analysis of this section:

The revised section brings together all of the different means by which a library can become a program library, except for the designation of regional status, which appears in section 1912.

In the first sentence the language is updated, while still maintaining the ability of program libraries to select the information products which meet the needs of their local constituencies.

Pub. L. 101-219, title II, Sec. 202, Dec. 12, 1989, 103 Stat. 1874, provided that: "The Northern Marianas College is hereby constituted a depository to receive Government publications, and the Superintendent of Documents shall supply to the Northern Marianas College one copy of each such publication in the same form as supplied to other designated depositories." In this and following sections, new language has been inserted relative to the Commonwealth of the Northern Marianas. The previous specific language designating the Northern Marianas College is unnecessary now that the Governor of the Commonwealth of the Northern Marianas can designate a program library.

In this and following sections, the term "Commissioner" of the District of Columbia has been replaced by "Mayor" as established by law.

(b) ~~Sec. 1906. Land-grant colleges and State libraries constituted depositories designated program libraries~~

Land-grant colleges *and State libraries* are ~~designated~~ *constituted depositories* ~~program libraries~~ to receive Government ~~publications information~~ subject to the ~~depository program~~ laws.

Analysis of paragraph (b):

This section specifies the designation of State libraries as program libraries. This was formerly included in section 1903.

(c) ~~Sec. 1907~~. Libraries of executive departments, service academies, and independent agencies ~~constituted depositories~~ *designated program libraries*; ~~certifications of need~~; ~~disposal of unwanted publications~~

The libraries of the executive departments, of the United States Military Academy, of the United States Naval Academy, of the United States Air Force Academy, of the United States Coast Guard Academy, and of the United States Merchant Marine Academy are designated ~~depositories of Government publications~~ *as program libraries*. A ~~depository program~~ library within each independent agency may be designated upon certification of need by the head of the independent agency to the Superintendent of Documents. Additional ~~depository program~~ libraries within executive departments and independent agencies may be designated to receive Government ~~publications information products~~ to the extent that the number so designated does not exceed the number of major bureaus or divisions of the departments and independent agencies. These designations may be made only after certification by the head of each executive department or independent agency to the Superintendent of Documents as to the justifiable need for additional ~~depository program~~ libraries. ~~Depository libraries within executive departments and independent agencies may dispose of unwanted Government publications after first offering them to the Library of Congress and the Archivist of the United States.~~

Analysis of paragraph (c):

The disposal language was removed from this section so that all program libraries would be bound by the general disposal requirements expressed in sections 1911 and 1912.

Other language was changed to conform with new language defined in section 1901.

(d) ~~Sec. 1908~~. American Antiquarian Society to receive certain ~~publications~~ *Government information products*

One copy of the public journals of the Senate and of the House of Representatives, and of the documents published under the orders of the Senate and House of Representatives, respectively, shall be transmitted to the Executive of the Commonwealth of Massachusetts for the use and benefit of the American Antiquarian Society of the Commonwealth.

Analysis of paragraph (d):

Changed to conform with new language defined in section 1901.

(e) ~~Sec. 1915.~~ Highest State appellate court libraries as *depository program* libraries

Upon the request of the highest appellate court of a State, the Public Printer is authorized to designate the library of that court as a *depository program* library. ~~The provisions of section 1911 of this title shall not apply to any library so designated.~~

Analysis of paragraph (e):

Changed to conform with new language defined in section 1901.

(f) ~~Sec. 1916.~~ Designation of libraries of accredited law schools as *depository program* libraries

~~(a)~~ Upon the request of any accredited law school, the Public Printer shall designate the library of such law school as a *depository program* library. The Public Printer may not make such designation unless ~~he~~ *the Superintendent of Documents* determines that the library involved meets the requirements of this chapter, other than those requirements of the first undesignated paragraph of section 1909 of this title which relate to the location of such library.

~~(b)~~ For purposes of this section, the term "accredited law school" means any law school which is accredited by a nationally recognized accrediting agency or association ~~approved by the Commissioner of Education for such purpose~~ or accredited by the highest appellate court of the State in which the law school is located.

Analysis of paragraph (f):

Changed to conform with new language defined in section 1901. The reference to Commissioner of Education is deleted as the position no longer exists.

Sec. 1906. [**Reserved**] Now Sec. 1905 (b)

Sec. 1907. **[Reserved]** Now Sec. 1905 (c)

Sec. 1908. **[Reserved]** Now Sec. 1905 (d)

Sec. 1909. Requirements of depository program libraries; reports on conditions; investigations; termination; replacement

Only a library able to ~~provide custody and service for depository materials~~ *properly maintain and provide public access to Government information* and located in an area where it can best serve the public need, and within an area not already adequately served by existing ~~depository program~~ libraries may be designated by Senators, Representatives, the Resident Commissioner from Puerto Rico, the ~~Commissioner~~ *Mayor* of the District of Columbia, or the Governors of Guam, American Samoa, *the Commonwealth of the Northern Marianas*, or the Virgin Islands as a ~~depository of Government publications program library~~. The designated ~~depository program~~ libraries shall report to the Superintendent of Documents at least every two years concerning their condition.

The Superintendent of Documents shall make firsthand investigation of conditions *in program libraries* for which need is indicated and include the results of investigations in his *or her* annual report. When ~~he the Superintendent of Documents~~ ascertains that the ~~number of books in a depository library is below ten thousand, other than Government publications, or it has ceased to be maintained so as to be~~ *Government information products are not accessible to the public, or that the Government publications products which have been furnished the library have not been properly maintained, he the Superintendent of Documents* shall delete the library from the list of ~~depository program~~ libraries if the library fails to correct the unsatisfactory conditions ~~within six months~~. The Representative or the Resident Commissioner from Puerto Rico in whose area the library is located or the Senator who made the designation, or a successor of the Senator, and, in the case of a library in the District of Columbia, the ~~Commissioner~~ *Mayor* of the District of Columbia, and, in the case of a library in Guam, American Samoa, *the Commonwealth of the Northern Marianas*, or the Virgin Islands, the Governor, shall be notified and shall then be authorized to designate another library within the area served by him *or her*, which shall meet the conditions herein required, but which may not be in excess of the number of ~~depository program~~ libraries authorized by laws within the State, district, territory, or the Commonwealth of Puerto Rico, as the case may be.

Analysis of this section:

The commitment to provide public service should be emphasized as a responsibility of any program library. Program libraries are expected to provide no-fee public access to program information. For tangible products, all but the regional program libraries may select what products they wish to receive and add to their collections, based on their assessment of local

needs. For purely electronic Government information, program libraries are expected to be able to provide no-fee public access to such information as they decide to support based upon their local collection development plans and the needs of the local constituencies. Program electronic information may be accessible from GPO Access, or the Superintendent of Documents locator may direct and link users to another component of the Government's electronic information service.

Sec. 1910. Designations of replacement ~~depositories~~ *program libraries*; limitations on numbers; conditions

The designation of a library to replace a ~~depository~~ *program* library, other than a ~~depository~~ *program* library specifically designated by law, may be made only within the limitations on total numbers specified by section 1905 of this title, and only when the library to be replaced ceases to exist, or when the library voluntarily relinquishes its ~~depository~~ *program library* status, or when the Superintendent of Documents determines that it no longer fulfills the conditions provided by law for ~~depository~~ *program* libraries.

Analysis of this section:

Changed to conform with new language defined in section 1901.

Sec. 1911. *Provision of Government information products to program libraries; free use of Government publications in depositories information in program libraries; disposal of unwanted publications Government information products*

The Superintendent of Documents shall disseminate tangible Government information products to program libraries at no cost to the libraries and shall ensure that program libraries have access to Government information products available via Government electronic information services at no cost.

~~Depository~~ *Program* libraries shall make Government ~~publications~~ *information products* received or accessed through the program available for the free use of the general public. ~~, and may dispose of them after retention for five years under section 1912 of this title, if the depository library is served by a regional depository library. Depository libraries not served by a regional depository library, or that are regional depository libraries themselves, shall retain Government publications permanently, in either printed form or in microfacsimile form, except superseded publications or those issued later in bound form which may be discarded~~ *All tangible Government information products received by program libraries through the program remain the property of the United States Government. Program libraries may*

dispose of Government information products only as authorized by the Superintendent of Documents.

Analysis of this section:

The retention requirements on both regional and selective program libraries need to be clarified and updated. For selective program libraries, this should be accomplished by removing the specific five-year retention requirement from the statute, and allowing libraries to dispose of Government information as authorized under guidelines to be issued by the Superintendent of Documents.

Sec. 1912. Regional ~~depositories~~ *program libraries*; designation; functions; ~~disposal of publications~~; *permanent public access to Government information*

*(a) Not more than ~~two depository~~ **four** *program* libraries in each State and *two program libraries* in the Commonwealth of Puerto Rico may be designated as regional ~~depositories~~ *program libraries*, and shall receive from the Superintendent of Documents copies of *or access to* all new and revised Government ~~publications~~ *information products* authorized for ~~distribution to depository~~ *dissemination to program* libraries. Designation of regional ~~depository~~ *program* libraries may be made by a Senator or the Resident Commissioner from Puerto Rico within the areas served by them, after ~~approval by~~ *consultation with* the head of the library authority of the State or the Commonwealth of Puerto Rico, as the case may be, who shall first ascertain from the head of the library to be so designated that the library will, ~~in addition to fulfilling the requirements for depository libraries, retain at least one copy of all Government publications either in printed or microfacsimile form (except those authorized to be discarded by the Superintendent of Documents); and fulfill the requirements of a regional~~ *program library*. Within the region served, *a regional program library* will provide *or coordinate the provision of all program-related activities in the service area, including* interlibrary loan, reference service, and assistance for ~~depository~~ *program* libraries in the disposal of unwanted Government publications *as authorized by the Superintendent of Documents*. The agreement to function as a regional ~~depository~~ *program* library shall be transmitted to the Superintendent of Documents by the Senator or the Resident Commissioner from Puerto Rico when the designation is made.*

~~The libraries designated as regional depositories may permit depository libraries, within the areas served by them, to dispose of Government publications which they have retained for five years after first offering them to other depository libraries within their area, then to other libraries.~~

(b) The Superintendent of Documents, in consultation with the State library authority, and the

affected program libraries in the service area, may temporarily confer regional program library status upon an existing program library or group of program libraries, in order to ensure the continued availability of regional program library services within a defined service area, or to enhance regional program library services in a service area determined by the Superintendent of Documents to be under served. A temporary conferral of regional status may continue in effect pending designation as a regional program library in accordance with requirements of paragraph (a) of this section.

(c) Regional program libraries shall permanently maintain for public use at least one copy of all Government information products originally distributed either in printed, microform, or tangible electronic form, except those authorized to be discarded by the Superintendent of Documents.

(d) The Superintendent of Documents will coordinate with publishing components, the National Archives and Records Administration, and with regional and other program libraries to establish a system whereby Government information products available via Government electronic information services will be maintained permanently for program library and general public access.

Analysis of this section:

The changes in this section provide for a new role for regional program libraries which is critical to the successful transition to a more electronic program.

In paragraph (a), the maximum number of regional program libraries has been raised to four per State. The designation process has been changed to only require consultation of the State library authority, rather than approval. The basic responsibilities of regional program libraries are described.

In paragraph (b), the Superintendent of Documents is authorized to confer regional status (not to "designate"), in order to provide regional services to an area which is under served. This action may only be taken when consultation with the State library authority and the program libraries in the area to be served determines that a need exists. The temporary conferral would continue in a pending status, until such time as the library or group of libraries is designated as a regional program library as authorized in paragraph (a).

Paragraph (c) means that a regional program library's responsibility for retaining Government information permanently is limited to copies of tangible products, e.g. books, maps, CD-ROMs, etc., and is not automatically extended to electronic files made accessible via a Government electronic information service. Instead, a regional program library could elect to participate in the development of a distributed system for permanently maintaining

Government electronic information for no-fee public access.

Paragraph (d) is vital to the success of an electronic program. Historically, the program, through the mechanism of the regionals, has guaranteed permanent preservation of and access to tangible Government information products. With respect to purely electronic Government information, there is no parallel mechanism to ensure that this information is maintained for permanent public access. Most depository librarians and other program stakeholders are concerned about preserving electronic Government information for permanent public access. This language would authorize the Superintendent of Documents to coordinate the development of a distributed system including the publishing components, GPO, the National Archives and Records Administration (NARA), and program libraries which elect to participate for such purposes.

Sec. 1913. **[Reserved] Appropriations for supplying depository libraries; restriction**

~~Appropriations available for the Office of Superintendent of Documents may not be used to supply depository libraries documents, books, or other printed matter not requested by them, and their requests shall be subject to approval by the Superintendent of Documents.~~

Analysis of this section:

This section is no longer relevant to the administration of the program.

Sec. 1914. **Implementation of depository library program** *Federal Information Dissemination and Access Program by Public Printer*

The Public Printer, with the approval of the Joint Committee on Printing, as provided by section 103 of this title, may use any measures he *or she* considers necessary for the economical and practical implementation of this chapter.

Analysis of this section:

Changed to conform with new language defined in section 1901.

Sec. 1915. **[Reserved]** Now Sec. 1905 (e)

Sec. 1916. **[Reserved]** Now Sec. 1905 (f)

[Proposed New] *Sec. 1917. Cataloging and locator services*

The Superintendent of Documents shall provide cataloging and locator services which will direct program libraries and the general public to Government information products.

This will include creation of a comprehensive and timely catalog of Government information products which will be accessible to program libraries and the general public. The Public Printer, and the head of each component of the Government shall immediately deliver to the Superintendent of Documents two copies of every tangible Government information product falling within the scope of this chapter. When a component of the Government makes an information product available only via a Government electronic information service, the component shall immediately furnish information about those products to the Superintendent of Documents to enable the Superintendent to catalog, classify, and provide locator services. The Superintendent of Documents shall also prepare a consolidated index of Congressional documents.

Analysis of this section:

Incorporating electronic information into the program poses new challenges to users trying to find what they want. We need to coordinate the traditional Superintendent of Documents cataloging activity, covering tangible products, with the developing suite of locator services directing users to information available from Government electronic information services.

The proposed new section would replace the existing sections 1710 and 1711, thereby eliminating the archaic specification for the number of printed catalogs.

CHAPTER 17--DISTRIBUTION AND SALE OF PUBLIC DOCUMENTS

~~Sec. 1710. Index of documents: number and distribution~~

~~The Superintendent of Documents, at the close of each regular session of Congress, shall prepare and publish a comprehensive index of public documents, upon a plan approved by the Joint Committee on Printing. The Public Printer shall, immediately upon its publication, deliver to him a copy of every document printed by the Government Printing Office. The head of each executive department, independent agency and establishment of the Government shall deliver to him a copy of every document issued or published by the department, bureau, or office not confidential in character. He shall also prepare and print in one volume a consolidated index of Congressional documents, and shall index single volumes of documents as the Joint Committee on Printing directs. Two thousand copies each of the comprehensive~~

~~index and of the consolidated index shall be printed and bound in addition to the usual number, two hundred for the Senate, eight hundred for the House of Representatives and one thousand for distribution by the Superintendent of Documents.~~

Sec. 1711. ~~Catalog of Government publications~~

~~On the first day of each month the Superintendent of Documents shall prepare a catalog of Government publications which shall show the documents printed during the preceding month, where obtainable, and the price. Two thousand copies of the catalog shall be printed in pamphlet form for distribution.~~

Analysis:

Sections 1710 and 1711 are replaced by proposed new section 1917.