



COUNCIL ON LIBRARY AND INFORMATION RESOURCES
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19 September 2017

Dear Mr. Tapella, Ms. Vance-Cooks, and members of the Depository Library Council, Joint Committee on Printing, and Committee on House Administration,

As leaders of the Digital Library Federation (DLF) and its cross-sector Interest Group on Government Records Transparency and Accountability, we are pleased to respond to a call by the Depository Library Council for comment on modernization of Title 44 of the U.S. Code. Although this request for input focuses narrowly on changes which could generate “more flexibility” in Chapter 19 (the section of the Code that establishes and defines the Federal Depository Library system), we note that GPO director Davita Vance-Cooks, in a July 18 hearing, has urged the Committee on House Administration to undertake “a careful and thoughtful reevaluation of all chapters of Title 44.”

We therefore address not only Chapter 19 but the underlying goals of Title 44 more broadly, and urge you to base any draft bill on four principles that would update and strengthen a law that has long served as the foundation and *only statutory guarantee* of the American public’s free access to government information.

1. **Modernized Scope.** Any revision to Title 44 should explicitly modernize the scope of information covered to *include digital information*. We join others in suggesting you change references in §1901 and §4101 from “Government publication” to the broader “public information” as already defined in 44 U.S. Code § 3502 (12).
2. **Privacy.** Because technologies of digital dissemination are by nature technologies of surveillance, Chapter 41 (“Access to Federal Electronic Information”) must be updated with a privacy provision to §4101 that will *prohibit any tracking* of individual-user level activity. §1909 should likewise be modernized with appropriate provisions to protect user privacy in Federal Depository Libraries.
3. **Free Access and Free Use.** Any change to Title 44 must *prohibit fees and bolster free access* to information. Fees as outlined in §4102 must be prohibited for public information accessed in digital form through govinfo.gov or similar access points,

with a revision that makes “use of the directory and the system” available to “the general public” as well as to depository libraries without charge.

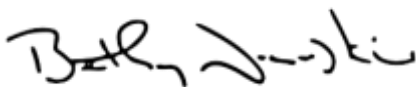
4. **Preservation of Digital Information.** We urge you to take steps to protect long-term access and archiving of digital records by changing to §1904 and §1905 to explicitly include “digital public information,” and requiring GPO to preserve all digital content added to its “electronic storage facility for Federal electronic information” (§4101). Modify §1911 to define and support a class of FDLP digital preservation libraries that will agree to retain and freely deliver all digital content sent through the depository program.

Further, DLF encourages you—before making changes to the Federal Depository Library Program and Title 44—to seek much broader input from the professional library and archives community and from cognate government agencies such as NARA and the Library of Congress. It may be tempting to enact swift change, but a great deal of user-centered professional expertise is available to lawmakers and should be brought to bear. A deliberative process that additionally engages the general public and leaders of nonprofit and community organizations that rely on free, unfettered, and reliable access to government information would result in a stronger law, better suited to contemporary needs and challenges.

Our information landscape has changed, and a review of Title 44 is timely and appropriate. However, modernization efforts and the cost savings that are surely one goal of calls for greater flexibility in the operations of the Government Publishing Office and depository library system must be balanced with attention to the core values underlying the law: democratization of access to reliable and well-stewarded public information, in order to foster the development of a better informed and engaged American populace and promote greater transparency and accountability on the part of the Federal government that serves them.

These values should meet bipartisan support and must be championed by GPO leadership, advisors, and the Committee on House Administration.

Sincerely,



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cc:

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via contact form or USPS to all members of the
Depository Library Council: <https://www.fdlp.gov/dlc-contact-form>
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and Joint Committee on Printing: <https://cha.house.gov/jointcommittees/joint-committee-on-printing>

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