

November 26, 2019

Laurie Hall
Superintendent of Documents
U.S. Government Publishing Office
732 North Capitol Street, N.W.
Washington, D.C. 20401

RE: Government Publications Authorized for Discard by Regional Depository Libraries Discussion Document

Dear Superintendent of Documents Hall,

The American Association of Law Libraries and the American Library Association welcome the opportunity to respond to the Government Publications Authorized for Discard by Regional Depository Libraries Discussion Document.

Our associations are pleased that the Government Publishing Office (GPO) has carefully implemented the current Government Publications Authorized for Discard by Regional Depository Libraries Policy, more commonly known as the regional discard policy. The purpose of the regional discard policy is to allow regional depository libraries the option to discard certain tangible materials which have been retained by the regional for a specified length of time, while ensuring that permanent public access to an authenticated digital version of the discarded material is available.

The discussion document proposes several changes to the original regional discard policy approved by the Joint Committee on Printing in 2016. The changes include decreasing the time regionals must retain a publication in tangible form from seven to five years and allowing that an equivalent version may be accessible from govinfo, a Digital Preservation Steward partner, or from a federal agency's trusted digital repository. Previously, equivalent versions must have been available in govinfo to be eligible for discard.

Our associations support the proposal to lower the retention time for tangible items from seven years to five years. We also support allowing Digital Preservation Steward partners to provide access to equivalent versions. We believe these changes will allow regional depository libraries more flexibility to discard while ensuring permanent public access to official, authentic government information. However, our associations are concerned that allowing libraries to discard if a publication is available from a federal agency's trusted digital repository would put the comprehensiveness of the FDLP collection at risk unless GPO ingests the publication for preservation or establishes a memorandum of understanding with the agency.

Library Association Concerns

GPO's mission to produce, publish, and provide access to information from all three branches of government is unique in the federal government. With a few exceptions—

including the National Archives and Records Administration, the Library of Congress, and the other national libraries¹—most federal departments, agencies, and institutions do not share GPO’s access and preservation priorities or its depth of understanding of the lifecycle of government information, including content integrity and authenticity of official publications.

In the discussion document, GPO states: “In accordance with the collection development plan for GPO’s system of online access, and as good stewards of taxpayer dollars, GPO will not replicate Federal agency repositories in govinfo.” However, GPO should not expect other federal agencies to provide permanent public access to publications at the level required by the FDLP. Cabinet departments with political appointees are particularly susceptible to loss of information because of changing priorities of the departments’ leadership and the priorities of whichever Administration is currently in office.

Many sources have extensively documented the disappearance of online government information. In a report published this month, the Preservation of Electronic Government Information (PEGI) Project—a two-year initiative to address national concerns regarding the preservation of electronic government information by cultural memory organizations for long term use by the public—described several instances of information and data loss including:

- The National Guideline Clearinghouse and the National Quality Measures Clearinghouse from the Agency for Healthcare Research and Quality were taken offline in July 2018 due to a loss in funding.
- The Environmental Protection Agency has changed or deleted several websites since 2017, including removing its “Climate and Energy Resources for State, Local, and Tribal Governments” website, and replacing it sometime later with “Energy Resources for State, Local, and Tribal Governments.”
- NASA abruptly took its Technical Report Server offline in 2013 due to a comment from Representative Frank Wolf about concerns that export-controlled information was contained in the collection.²

Because the potential loss of access to government information on federal agency websites is an ongoing concern, GPO should take steps to ensure permanent access to all publications in the FDLP that are eligible for discard, including those available in federal agency digital repositories.

Recommended Changes

Our associations understand GPO’s need to prioritize items for ingest according to the collection development plan for govinfo. However, in line with the FDLP’s mission to

¹ The National Library of Agriculture, National Library of Education, National Library of Medicine, and the National Transportation Library.

² Halbert, Martin, Katherine Skinner, Roberta Sittel, Deborah Caldwell, Marie Concannon, James R. Jacobs, Shari Laster, and Scott Matheson. *Toward a Shared Agenda: Report on Preservation of Electronic Government Information (PEGI Project) Activities for 2017-2019*. Atlanta, Georgia: Educopia Institute, 2019.

ensure permanent public access to in-scope publications, we believe GPO should ingest a digital copy for preservation before permitting regional depository libraries to discard a publication. This will ensure that GPO can provide access to the eligible titles if the agency content becomes unavailable in the future. An exception may be made for publications available from the national libraries because of the shared mission of those libraries to provide permanent public access to and preservation of information.

If GPO is unable to ingest a digital preservation copy of a publication, then GPO should *only* allow for discard of an equivalent version in a federal agency's trusted digital repository if GPO has a memorandum of understanding with the agency to ensure permanent public access and preservation. Publications should not be available for discard unless and until these conditions are met.

Conclusion

We appreciate the opportunity to comment on GPO's Government Publications Authorized for Discard by Regional Depository Libraries Discussion Document. Please contact Emily Feltren at efeltren@aall.org or (312) 205-8010 if you have any questions about these comments.

Sincerely,



Emily Feltren
Director of Government Relations
American Association of Law Libraries



Gavin R. Baker
Deputy Director, Public Policy & Government Relations
American Library Association