



31 August 2017

Federal Depository Library Program
732 North Capitol Street, NW
Washington, DC 20401

Dear Members of the Depository Library Council:

This letter concerns potential changes to Title 44 of the United States Code.

We, the university librarians from each of the ten University of California campuses and the executive director of the systemwide California Digital Library, write in unanimity.

At the July 18, 2017 hearing of the Committee on House Administration, Government Publishing Office (GPO) Director Davita Vance-Cooks proposed a careful and thoughtful evaluation of Title 44. Director Vance-Cooks then called for comments from libraries and library directors to be submitted to your Council concerning possible changes to Chapter 19. We appreciate the opportunity to comment, and submit these views in response to this invitation.

The information produced by the United States government is of immense importance to researchers, students, and the general public. Our founding fathers knew the U.S. government needed to publish the work it was doing, with Thomas Jefferson writing “A well informed citizenry is at the heart of a dynamic democracy.” The federal government should commit to making its nonclassified public information and data accessible to the public for free. Providing access without fees allows the government to keep all of its citizens informed. Any changes to Title 44 should retain and expand current provisions to provide free public access and use of government information and data.

The University of California Libraries participate in the Federal Depository Library Program. As public university libraries, it is part of our mission to make these information resources freely and easily available to all members of the public. We are proud of our success in collecting, organizing, and making accessible the vast and important information resources produced by the federal government. This information improves lives and our society every day. Critical information is provided on topics including maternal and child health, agricultural practices, toxic substances, vehicle and highway safety, educational spending and impacts, and essentially every other area of individual and social activity.

While Title 44 codifies the FDLP into law, it also contains a number of provisions concerning federal information policy that we believe should be expanded and strengthened. Title 44 is the only legal guarantee that the U.S. government will provide its information for free to the general public. As leaders of the nation’s largest university library system, we firmly believe that any effort to reform Title 44 should reflect these four principles:

- Continue to provide free public access to information and data produced by the U.S. government (discussed above)
- Modernize the scope of information covered by Title 44
- Increase efforts to collect and preserve digital government information
- Increase privacy protections of users of federal government information

Modernize the scope of information covered by Title 44

Technology changes rapidly. References limited to print documents in Title 44 do not support the information needs of today. Researchers and the public need access to government information produced in a growing number of formats: print, electronic, databases, numeric data files, geospatial information, multimedia content, social media, and so on. If these and future formats are not covered under the parameters of Title 44, the public will be prevented from engaging and working with their government. Reforming Title 44 to include a broader definition of the types of information formats covered under the law would greatly improve public access now and in the future. This would also increase flexibility in maintaining complete and accessible collections of government-produced information.

Increase efforts to collect and preserve digital government information

The FDLP is a long-standing partnership between the U.S. government and libraries across the country, in which the government produces information and the libraries provide access to and preserve that information. This partnership worked seamlessly in a print-only world. As technology changed, the government began posting content solely on its websites. Web content is dynamic and unstable: information is removed to save space, reorganized to reflect changing organizational priorities, and at times neglected entirely, which endangers future access. Title 44 needs to expand the FDLP's ability to collect and push digital content to any library that elects to both receive the content and make it available for free to the public. The FDLP should have the tools to ensure access and preservation. When it comes to preservation, libraries are the intermediaries for the public. Any revision to Title 44 should include language about the collection and preservation of digital government information.

Privacy protections of users of federal government information should be increased

The ability to access government information without fear is one of the main public benefits of the FDLP. As federal information access migrates to the internet, and current technology allows websites to track users, the privacy and security of those accessing government information becomes a real question. The public and researchers need access to electronic government information without fear of being tracked by the government. Any reform to Title 44 should include strong provisions to prohibit the federal government from tracking individual users.

FDLP libraries and the federal government have partnered over the last two-hundred years to offer access to and preservation of the public's information, and continuing this partnership is essential for the digital age. Because of this, we also strongly support additional provisions in Title 44 that will empower FDLP libraries to continue serving their communities. We also support language that will modernize FDLP libraries partnership with GPO to enhance and strengthen the preservation of federal government information. By modernizing Title 44 with adherence to the principles laid out above, the FDLP can expand the services available to the general public in ways that the GPO cannot do under current statutory authority. The FDLP libraries in the University of California remain committed to this partnership, and to undertaking this work in collaboration with GPO and the FDLP community.

Thank you for your time and attention in this matter. The Libraries of the University of California look forward to working with the Council, and with relevant House and Senate committees, to help draft an update to Title 44 that reflects the principles discussed above.

Sincerely,

Jeff MacKie-Mason
University Librarian
University of California, Berkeley

Mackenzie Smith
University Librarian
University of California, Davis

Lorelei Tanji
University Librarian
University of California, Irvine

Virginia Steel
University Librarian
University of California, Los Angeles

Haipeng Li
University Librarian
University of California, Merced

Steve Mandeville-Gamble
University Librarian
University of California, Riverside

Tammy Nickelson Dearie
Interim University Librarian
University of California, San Diego

Christopher Schaffer
University Librarian
University of California, San Francisco

Alan Grosheider
Interim University Librarian
University of California, Santa Barbara

M Elizabeth Cowell
University Librarian
University of California, Santa Cruz

Günter Waibel
Associate Vice Provost and Executive Director
University of California, California Digital Library

Cc:

Honorable Gregg Harper, Chairman
House Administration Committee
U.S. House of Representatives
1309 Longworth House Office Building
Washington, D.C. 20515

Honorable Robert Brady, Ranking Member
House Administration Committee
U.S. House of Representatives
1309 Longworth House Office Building
Washington, D.C. 20515