

ALA American Library Association

RESOLUTION REGARDING FEDERAL AGENCY COMPLIANCE WITH TITLE 44 U.S. CODE

WHEREAS, Title 44 U.S. Code and Office of Management and Budget (OMB) Circular A-130 require federal agencies to provide public access to federal government information products through the Federal Depository Library Program (FDLP); and

WHEREAS, Many federal agencies have not complied with 44 U.S.C. 1710, which requires agencies to provide government publications to the Government Printing Office for comprehensive cataloging; nor have they complied with 44 U.S.C. 1902, which requires that agency publications be made available to libraries through the FDLP for public use; nor have they complied with 44 U.S.C. 1903, which requires agencies to supply the Government Printing Office (GPO) with the requisite number of copies for distribution to depository libraries of publications that are produced or procured elsewhere than from GPO; and

WHEREAS, Many federal agencies have not complied with OMB Circular A-130, which encourages agencies to participate in the FDLP for depository distribution of electronic government information products to the maximum extent possible for the public good; and

WHEREAS, The May 31, 1996 memorandum from Walter Dellinger, Assistant Attorney General, Office of Legal Counsel, to the General Services Administration (GSA), presents an opinion which interprets established laws and policies to provide agencies with a rationale for not complying with the existing statutes; and

WHEREAS, The April 11, 1996 memorandum from White House Chief of Staff Leon Panetta to heads of Executive Departments and Agencies instructs federal executive agencies to make maximum use of the capabilities and expertise of the GPO in handling agencies' printing and duplicating procurements; and

WHEREAS, GPO's historic role of central coordination of printing, procuring, indexing, cataloging, and distributing government information products has facilitated public access to government information for over a century; now, therefore, be it

RESOLVED, That the American Library Association request that Congress and the Office of Management and Budget instruct agencies to comply fully with Title 44 U.S. Code, sections 1710, 1902, 1903, and other appropriate sections, unless legislative or judicial action alters these statutes; and be it further

RESOLVED, That the American Library Association contact the Department of Justice to express the concerns of the library community over the May 31, 1996 Dellinger memorandum that encourages non-compliance with existing laws; and be it further

RESOLVED, That the American Library Association urge the Department of Justice to issue a revised memorandum requiring full participation and compliance of agencies with laws relating to the Federal Depository Library Program (FDLP) unless legislative or judicial action alters present statutes; and be it further

RESOLVED, That the American Library Association urge Congress to revise Title 44 U.S.C. to enact adequate enforcement mechanisms for agency participation and compliance in order to ensure continued identification, dissemination, and public access through the FDLP for government information products produced by all branches and agencies of the federal government.

Adopted by the Council of the
American Library Association
New York City, New York
July 10, 1996
(Council Document 20.7)