
The Federal Depository Library Program: Anachronism or Necessity?

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The rise of the Internet has had an enormous impact on library collections and services, and nowhere has this impact been more apparent than to the 1,250 libraries that participate in the Federal Depository Library Program (FDLP). The FDLP has provided the public with free access to government information since the nineteenth century, playing a vital role in helping to maintain the informed citizenry that is essential to our democracy. The underlying principle behind the FDLP is relatively simple: documents are distributed by the Government Printing Office (GPO) to participating libraries, on the condition that the public is allowed free access to those materials. Just 10 years ago, the FDLP distributed 100% of its items in tangible format (print, microfiche, and CD-ROMs). Things have changed dramatically in the ensuing decade. In Fiscal Year (FY) 2003, 65% of the titles “distributed” by the FDLP were items located on the World Wide Web. Within five years, this figure is expected to rise to 95%.¹

The impact of this change on depository libraries and librarians is enormous. Depository collections, like others, are now faced with the challenge of transitioning from serving as storehouses containing physical collections to becoming gateways to electronic collections outside of the library’s control.² Some observers have questioned whether the depository library system is even needed in an electronic age. With the transition to primarily electronic distribution of government publications, theoretically any library willing to provide the proper level of access could become a de facto depository library. Has the depository system, created in the nineteenth century for a vastly different information and publishing environment, become an anachronism? Or is the FDLP still a useful and valuable, indeed necessary, structure for distributing and providing access to government information?

The FDLP: Origins and Background

The Federal Depository Library Program traces its origins to the year 1813, when Congress passed an act authorizing the distribution of one copy each of the *House* and *Senate Journal* to selected libraries and other institutions. The American Antiquarian Society in 1814 became the first known depository. In 1858, the principle of having depository libraries tied to congressional districts was established as representatives were allowed to designate one depository library from their own district. Two years later, the Printing Act of 1860

created the Government Printing Office (GPO) and gave it primary responsibility for overseeing government printing.³

The Federal Depository Library Program as we know it was created by the Printing Act of 1895. It transferred the position of Superintendent of Documents, which had been created in 1869 as part of the Interior Department, to GPO; sought to further centralize printing under GPO; and provided for the inclusion of executive agency documents in the depository system. Perhaps most importantly, the Printing Act of 1895 was “the first piece of legislation to contain a free public access clause.” The act stated that “all government publications delivered to designated depositories or other libraries shall be for public use without charge.”⁴

With GPO taking responsibility for the depository program, the core elements of the current system of bibliographic access and control were soon put in place. The *Monthly Catalog of US Government Publications* made its debut in 1895, and the Superintendent of Documents (SuDoc) classification system was introduced soon after. The last major legislative change to the system occurred with the passage of the Depository Library Act of 1962. This act provided for the dissemination via the FDLP of government documents not printed by GPO, thus greatly expanding the volume of publications available to member libraries. It also allowed up to two depositories per congressional district. Finally, the act created the system of regional depository libraries. There are approximately 50 regional depositories, usually one per state, and they perform several major functions within the FDLP. Regional depositories are required to select virtually all items available via the depository program, and to keep them permanently. This allows the other depository libraries in that state, known as selective depositories, to discard items that are no longer needed. Thus, the regional depository serves as a “collection of last resort” for the state and/or region. The regional depository also serves as a resource for selective depositories in terms of guidance and advice, and helps ensure compliance with FDLP rules and regulations.

In essence then, the FDLP, as John Shuler puts it, is “a centralized distribution system that services a network of geographically dispersed private or public libraries.”⁵ Since the creation of the FDLP in 1895, the number of depository libraries grew from 420 to a peak of approximately 1,400 a century later.⁶ Depository libraries, with the exception of regionals, need only select those items considered relevant to the needs of their user communities, and, of course, can also take into account factors such as available space, resources, etc. For example, Joyner Library, East Carolina University, as a large academic library that serves over 20,000 students and faculty, as well as the broader region, selects 79% of all available items distributed via the FDLP. Documents are distributed to depository libraries for free, on the condition, as stated in Title 44 of the United States Code, Section 1911, that “(d)epository libraries shall make Government publications available for the free use of the general public.”⁷

While the depository system worked remarkably well for most of the twentieth century, the FDLP has been forced to adapt to both the rapidly growing volume of publications available from the federal government, and to changes in information technology. The first such change occurred in 1976, when GPO adopted MARC format cataloging. This “provided standardized MARC records which could be integrated into online databases and used to create CD-ROM indexes for networking.”⁸ A year later, in response to the growth of available publications, and resulting concerns over space expressed by many depositories, the FDLP began distribution of some items in microfiche. Another important milestone came in 1988, when the first CD-ROM was distributed via the FDLP. The growth of tangible electronic information products necessitated that depository libraries provide the workstations and other technology to allow their patrons to utilize these items effectively.

However, it would be the creation of the World Wide Web in 1992 that truly promised to transform the FDLP.

The Evolution of the Electronic FDLP

The road towards a primarily electronic FDLP began in earnest in 1993, with the enactment of the Government Printing Office Electronic Information Access Enhancement Act of 1993. This act required GPO to “maintain an electronic directory of Federal electronic information”; “provide a system of online access to the *Congressional Record*, the *Federal Register*, and other appropriate publications”; and to “operate an electronic storage facility for Federal electronic information.” GPO was permitted to charge “reasonable fees” for access in the same way that it sells print publications, as long as depository libraries were provided free access to the database. Under this act, the Public Printer was required to report to Congress on the progress of this resource, and on any cost savings that might be gained by relying on electronic as opposed to tangible distribution.⁹

The result of this law was the creation of *GPO Access* in June 1994. Originally a restricted access resource (depository libraries received free password access), *GPO Access* was made freely available to all in 1995 and has proved to be an enormous success. From 1996 to 1999 the number of annual retrievals from *GPO Access* grew from over 27 million to over 181 million.¹⁰ As of 2003, *GPO Access* has experienced over 1.6 billion total retrievals since 1994, and now averages 32 million retrievals a month. At the same time, the site has grown in size to include over 147,000 titles housed on GPO servers, with links to 93,000 additional titles located on other government servers.¹¹ *GPO Access* has become the centerpiece of what is now known as the FDLP Electronic Collection.

The principles behind the FDLP Electronic Collection are outlined most explicitly in an October 1998 document entitled *Managing the FDLP Electronic Collection*. The provision of permanent public access to government information in electronic format by GPO was described as a “continuation of its historic role in providing permanent public access to printed information products in conjunction with regional depository libraries.”¹² Just as with print documents, “these electronic products can be best managed as a library-like collection.” The FDLP is defined as including “all Government information products, regardless of format or medium, which are of public interest or educational value.” The only exceptions are items that are either of strictly administrative value, classified due to national security, or whose use raises privacy concerns.¹³

The FDLP Electronic Collection is defined as all “electronic Government information products that are in scope for the FDLP.” The collection contains four major parts:

- “Core legislative and regulatory GPO Access products”; i.e., *Congressional Record*, *Code of Federal Regulations*, etc, permanently preserved on GPO servers.
- Web-based items managed either by GPO, or by organizations that have formal agreements with GPO.
- Web-based government resources that GPO catalogs and links to, but are controlled by the creating agency.
- “Tangible electronic Government information products distributed to Federal depository libraries.”¹⁴

The key decision outlined in this document was to preserve the basic structure of the FDLP even in the electronic environment. The FDLP Electronic Collection “requires standard library collection management policies and techniques, such as selection, acquisition, bibliographic control, access, organization, maintenance, deselection, and preservation for access.”¹⁵ Web-based

government publications, therefore, are treated as simply just another format within the FDLP bibliographic control and distribution system. They are cataloged with MARC format records, classified with item and SuDoc numbers, and "distributed" to selecting depositories just as tangible FDLP information products are. Depository libraries select whether or not to "receive" Web-based government information products in the same way that they decide whether or not to order print, microfiche, or CD-ROM items. Depositories that subscribe to MARCIVE or other documents cataloging services receive full MARC records for all electronic publications on their selection profile, with a link to the item. As critics such as John Shuler have noted, this contradictory mix of a nineteenth century system of bibliographic control and distribution with twenty-first century information technology is at the heart of the dilemma facing the depository library program.¹⁶

This contradiction is only exacerbated by the fact that electronic access is now the FDLP's preferred method of distribution. GPO's official distribution policy, which went into effect in January 2001, states: "As directed by Congress, the primary method of making publications available to the FDLP is online dissemination."¹⁷ Documents available in both print and online formats are only distributed in print if the online version is incomplete, unverifiable, subject to random changes, difficult to use, not cost-effective, or requires fee-based access. With the exception of the few dozen publications listed on GPO's *Essential Titles for Public Use in Paper Format*, and specialized items such as maps, most government publications included in the FDLP will soon only be distributed in online format.¹⁸

The impact of this change on the format and quantity of publications distributed via the FDLP has been enormous. The number of tangible information products distributed via the FDLP has declined enormously in the last decade, going from over 69,000 in Fiscal Year 1990, to 44,734 in FY 1995, to 14,517 in FY 2001. In addition, the total number of titles distributed in all formats has also declined during this period.¹⁹ Joyner Library's experience over the last several years has reflected this trend. Between 1999 and 2003, Joyner Library's item selection rate has remained essentially unchanged at 79%. Yet, during this same period, the number of paper documents received and processed per year has declined from over 10,400 to just over 5,000 (see Table 1). At the same time, the number of FDLP shipments containing paper documents received at Joyner has also dropped substantially, though this trend has been somewhat more fluid (see Table 2).

Table 1: Paper FDLP Documents Processed by Joyner Library per Year

Fiscal Year (July-June)	# of Paper Docs Processed
1999-2000	10,436
2000-2001	7,018
2001-2002	5,032
2002-2003	5,012

Table 2: Paper FDLP Shipments Received by Joyner Library per Year

Fiscal Year (July-June)	# of Shipments Received
1999-2000	617
2000-2001	492
2001-2002	710
2002-2003	359

Impact of the Electronic FDLP

The effects of this transition on depository libraries have been pronounced. One obvious change is the impact on librarian and paraprofessional workflows. While the shift to electronic publication and distribution has lessened, though

not totally eliminated, the need to process documents physically, it also carries with it a new set of responsibilities. Web directories and subject guides must be created and regularly maintained. MARC format records must be checked and corrected, with links to URLs tested and fixed, and other changes made as necessary. As with other library materials, the shift to increasingly virtual depository collections has created an increasingly virtual depository library work environment.

A second major change has occurred in the area of collections and the physical layout of the library. In the era of the electronic FDLP, depository libraries are transitioning from being physical storehouses of government information products to becoming virtual gateways to Web-based government information resources. GPO has stated that "(e)very depository is expected to be able to offer public access to electronic information made available through the FDLP."²⁰ Depository libraries must supply the necessary technological infrastructure to fulfill their new mission as gateways to electronic FDLP resources. All depository libraries are required to fulfill GPO's set of "Minimum Technical Requirements for Public Access Workstations" which are updated annually.²¹ At the same time, print documents collections are gradually evolving into either small, primarily reference collections, or large archival retrospective research collections, depending on the library and its selection profile.

As with other electronic formats such as journals, the issue of online access versus physical ownership also has long-term preservation and archival implications. The issue of permanent public access to government information is a vital one, and GPO has made it a priority in the electronic era. All *GPO Access* resources will be permanently available, according to GPO, and even items not housed on GPO servers are being archived electronically by them. Recent agreements negotiated by GPO with the Office of Management and Budget (OMB), and with the National Archives should aid in these efforts.²²

Another important issue involves equity of access. Users can access the FDLP Electronic Collection from anywhere via depository library Web sites, or can even bypass the depository library gateway altogether and go directly to resources such as *GPO Access* without any library mediation. Clearly, this has been a tremendous boon in terms of making FDLP information products directly available to the public. Anyone with an Internet connection can now access hundreds of thousands of government publications 24/7, almost literally at the click of a mouse. Unfortunately, even this wonderful expansion of the ability of citizens to obtain government information has a downside. In such a technology dependent information environment, those on the wrong side of the digital divide risk having even less ability to access government information than they did during the pre-electronic era.

With most FDLP electronic materials available to all libraries anywhere, the unique role of depository libraries is increasingly defined by provision of services as opposed to access to collections.²³ As noted above, depositories must have the technological infrastructure to enable their users to access electronic government publications. Along with this infrastructure, depositories must also offer the necessary services to assist their patrons in using it. GPO requires that the level of public service FDLP member libraries provide for electronic government information products "should be at the same level as those accorded to products which are purchased for the library's collection."²⁴ Therefore, a depository library must offer someone using *GPO Access* or a Census Bureau CD-ROM the same level of reference and other assistance that they would offer to a patron using a full-text-subscription-article database such as Proquest, or a commercially produced CD-ROM.

However, the factors inherent in Web-based information resources have had a far more profound influence on public service in depository libraries than have GPO's mandates. As has been the case with other library resources

that have migrated to electronic format, “much traffic has moved from tangible library collections to the Internet.”²⁵ Even the nature of service to those patrons who continue to visit depository libraries is changing. As Duncan M. Aldrich, Gary Cornwell, and Daniel Barkley phrase it, “the increasing availability of government information resources on the Web, and the universal nature of Web access, are dramatically extending access to government information resources beyond documents departments.” With Web-based government publications available from any library workstation, assistance with using such resources can be offered from any library public service point. In essence, then, the longstanding organizational and practical distinction made by many libraries between documents and general reference has become increasingly blurred.²⁶

The electronic information environment has not just blurred differences within the depository library; it has increasingly erased the distinctions between depository and non-depository libraries. In the electronic environment, any library wishing to fulfill the function of a gateway to online government information can do so, regardless of affiliation with the FDLP. Such access can be as simple as linking to *GPO Access* from the library Web site, or as involved as downloading MARC records for Web-based documents from OCLC or MARCIVE, and loading them into the library catalog. It is, of course, true that the phenomenon of non-depository libraries providing access to government information is not new. After all, any libraries not in the FDLP who so desired could always purchase copies of government publications from GPO and add them to their collections. However, the creation of the FDLP Electronic Collection has enabled non-depository libraries to provide access to far more government information products much more cheaply and easily. With 65% of current FDLP products available on the Web, a figure predicted to approach 95% within five years, this raises the question of whether the FDLP remains viable in the digital era.

Is the FDLP Still Viable?

Is the Federal Depository Library Program, with its late nineteenth century model of centralized bibliographic control and distribution, still viable in the digital twenty first century? Even if it is, what benefit do depository libraries gain by remaining in the system when most government information is freely available online? Both GPO and the depository library community have invested much time and effort over the last decade in seeking to answer these two questions.

In the last several years, the number of libraries in the FDLP has declined noticeably, and the trend has continued to accelerate. From August 1998 to August 2001, the number of libraries dropping out of the depository library program increased by more than a third over the previous three-year period.²⁷ A 2002 survey of 14 academic libraries that relinquished their depository status during this period found that they shared two main characteristics. One, all of these institutions were smaller depositories, with selection rates of 25% or less. Two, most of them were located within 50 miles of at least one other depository library. The survey results show that the prevalence of government information on the Web was indeed a major factor in these libraries' decisions, with 13 of 14 institutions citing it as a contributing factor. However, it was not the only reason these libraries withdrew from the FDLP. “In every case,” as the study's authors point out, “the departing library pointed to at least one other reason for leaving — staffing priorities, space constraints, or the retirement of a documents librarian.” Thus, so far, electronic access has been a necessary but not sufficient reason in persuading libraries to drop out of the depository library program. It should also be noted that most of these 15 institutions are private colleges, and thus do not have the stated commitment to serve the needs of the broader community in their area that many

public colleges and universities do.²⁸

A vital issue in terms of the future viability of the FDLP as a mechanism for dissemination of government documents via the Web is that of fugitive documents. Fugitive documents, traditionally, are government publications that should be included for distribution by the depository library program but for whatever reason are not. In essence, the FDLP has never encompassed the entire universe of government publications. In fact, it has been estimated that up to 50% of print government publications are “fugitives,” i.e., not distributed by the FDLP.²⁹

Typically, tangible fugitive documents were a result of government agencies making their own printing arrangements without going through GPO. Many executive branch agencies, in particular, have long believed that they have no need to respond to the dictates of GPO, since GPO reports to Congress and, in these agencies' view, has no right to issue orders to the executive branch, due to the doctrine of separation of powers enshrined in the Constitution. GPO has, of course, never accepted this interpretation.

The issue of fugitive documents has long been regarded as a major problem by GPO and the depository library community. In particular, it has been recognized as an even more pressing problem in the electronic environment. As the 1998 document *Managing the FDLP Electronic Collection* noted, “(t)he transition to publishing and disseminating Government information electronically has expanded the universe of Government information to which current and permanent access must be provided.”³⁰ The same document went on to discuss the problem in even more detail.

The experience of the FDLP with tangible products demonstrates that obtaining full compliance by the originating agencies with the requirements of the FDLP has been an elusive goal. The electronic environment differs from the print environment in that there is no clear statutory requirement that agencies include their electronic products in the FDLP, nor even to notify GPO about such products. At the same time, GPO's responsibility for disseminating information is ongoing. Recognizing that one of the outcomes of the electronic information environment is to increase the overall number of information products, and to displace the notion of the “fugitive” or noncompliant document, the management of the Collection will encompass active practices to discover and include all products which meet the criteria for inclusion in the FDLP, and to encourage agency cooperation in the FDLP.³¹

Among the measures that GPO has implemented to deal with the problem of fugitive electronic documents is a service called Lostdocs, where librarians who encounter fugitive publications can inform GPO of their existence and location.³² GPO also has a Web form that allows federal agencies to submit information about Web-based resources they produce to GPO for inclusion in the FDLP.³³ GPO has also undertaken several partnerships with depository libraries such as the University of Arizona, which as part of a broader pilot project has discovered and cataloged several thousand online publications, and shared this data with GPO.³⁴ Another such initiative is the University of North Texas' “Cybercemetery” which archives the Web sites of a number of now-defunct government commissions and agencies.³⁵

Unfortunately, in spite of all these efforts, the fugitive problem has grown even worse in the electronic era. For the 250,000 online information products available via *GPO Access*, it is estimated that there are at least another 250,000 federal publications on the Web not in the FDLP Electronic Collection.³⁶ So far, GPO has been unable to come up with a comprehensive solution to this issue. It is hoped that a recent deal between GPO and the Office of Management and Budget (OMB), requiring all agencies to furnish GPO with two print and one electronic copy of every document they have printed, will help alleviate the fugitive documents problem. In the words of Gil Baldwin, Director of GPO's Library Programs Service, “(t)he agreement should go a long way toward

eliminating the fugitive document problem and bring many more titles into the FDLP."³⁷ However, the new agreement will not go into effect until FY 2005, and only appears to address items that are published in print, and not items that are published on agency Web sites.³⁸ Its effectiveness in curbing the fugitive document phenomenon, especially in the electronic environment, remains to be seen.

Since no more than half of all federal government publications on the Web are included in the FDLP Electronic Collection, and since non-depository libraries already have access to what is in the electronic FDLP, why would depository libraries wish to continue participating in the program? One reason is that not all government publications are yet available on the Web. A recent study has found that "one-third of government publications are not accessible on the Web roughly two years after being sent to depository libraries."³⁹ More importantly, many of the agencies that publish content on their Web sites independent of the FDLP do not share GPO's commitment to permanent public access for electronic government publications. In some cases, agencies have kept only the most recent copy of a particular document, and removed earlier versions. In others, documents have disappeared altogether.⁴⁰ As with any form of online information, the content of government agency Web sites can be changed at any time for any reason. By remaining in the FDLP, depository libraries in the short term can continue to receive tangible copies of these publications. Over the long term, the FDLP remains the best hope for preserving and archiving electronic government publications, especially if suitable cooperation is received from depository libraries and other federal agencies.

Conclusion

It is clear that the traditional, geographically based FDLP model for distributing government publications is increasingly less relevant in an era when most new documents are available online. The digital era has resulted in a fundamental breaking down of barriers on several fronts. It has eroded the distinctions between in-house and remote users, between documents and general reference, and between depository and non-depository libraries. Even the distinction between FDLP and "fugitive" documents has begun to disappear. Anyone with Internet access can use a search engine such as Google Uncle Sam and instantaneously retrieve documents from both *GPO Access* and from agency Web sites that are not cataloged by GPO. Most importantly, the prevalence of electronic government publications has greatly reduced the mediating role traditionally played by depository libraries, as users can now obtain much of the information they need directly from the government. In this sense, the traditional, geographically based depository library system is indeed becoming an anachronism.

However, this does not mean that the FDLP no longer has a role to play. GPO, in many ways, is ideally positioned to establish itself as an overall portal or aggregator for federal government Web resources. For one thing, it has a long tradition of effectively providing the public with free access to government information, and has proven its continued ability to do so in the electronic environment. The coverage provided by *GPO Access* and the *Catalog of U.S. Government Publications*, while far from complete, has been tremendously effective and helpful, as evidenced by the enormous number of hits received by *GPO Access*. In particular, GPO's commitment to provide permanent public access has been indispensable considering the often fleeting and ephemeral nature of digital information. The depository program also provides a uniform set of standards and guidelines for depository libraries, and thus helps guarantee some consistency of access and service among them. The FDLP is also an effective mechanism for fostering collaboration, both between GPO and member libraries, and among depositories.

None of these activities, however, necessitate retaining the FDLP as a large, geographically dispersed network of depository libraries. The only way to

preserve this system beyond the short term is to emphasize the unique role of depositories in providing user services. While depositories no longer enjoy their status as almost exclusive access points for government information, they can continue to play a unique and vital role as service points. Among the measures that the FDLP can implement in this regard are collaborative public service projects between depository libraries, for example, virtual reference. GPO can also provide public service training and certification for depositories, thus ensuring that depository libraries can provide a level of service and technology support beyond that offered by many non-depositories. GPO has, in fact, initiated several pilot projects along these lines. Non-depository libraries can, of course, provide reference and other user services to those seeking government information, and often quite well. However, it is primarily depository libraries that possess the necessary expertise, technology support, and institutional commitment to ensure that the public can continue to enjoy free access to government information. While the FDLP will ultimately no longer be needed as a geographically based network for distributing government information, it can continue to survive and even thrive if it focuses its efforts on assisting users in finding this information.

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