



ADMINISTRATIVE NOTES

Newsletter of the Federal Depository Library Program

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Policy Issues for Discussion at Fall 1991 Depository Library Council Meeting

DLC Seeks Input from the Depository Library Community

Janet Fisher, Chair
Gary Cornwell, Chair-Elect

The first meeting of the newly re-focused Depository Library Council will be held in Washington, D.C. this fall. The dates for the meeting are Tuesday, October 22 and Wednesday, October 23, 1991. At the request of the Public Printer, the Council, in its enhanced role, will be working to advise GPO on new directions for the Depository Library Program.

In light of the profound fiscal and technological challenges confronting the program, the Council will be advising Mr. Houk with what it hopes will lead to bold new approaches to these challenges. Perhaps no issue of greater magnitude than the dissemination of government information in electronic format has ever impacted the program. Consequently, it should come as no surprise that this topic was chosen for the fall Council meeting.

The items provided below give details about the issues to be addressed and the process that Council will follow:

- I. An explanation from the Council of how it is preparing to address the policy issues selected for discussion at the fall Council Meeting;
- II. A list of the policy issues and the Council members assigned to each;
- III. An excerpt from the June 25, 1991, letter from the Public Printer to the members of the Depository Library Council discussing the new role of the Council and providing guidance on preparing for the policy discussion at the fall Depository Library Council Meeting; and
- IV. Instructions for members of the Depository Library Community who wish to provide their comments and suggestions on these issues to the Council.

Please take the time to read this material carefully. GPO and the Council want you to be informed and to have an opportunity to provide your suggestions and comments to us. Your participation is important!

I. Explanation from Council of its Preparations for the Fall Meeting

While the exact structure and format of the new Council meetings has not been finalized, the Depository Library Council has begun its preparation for the October meeting. Indeed, in consultation with Mr. Houk and Superintendent of Documents, Wayne Kelley, ten issues associated with the dissemination of electronic products and services have been identified for discussion. Since only ten of the fifteen current members of Council will still be members of Council in the fall, it was decided that each returning Council member would be assigned one of the ten issues to develop into a "Discussion Paper". It was also decided that members of Council's outgoing "senior class" would be assigned the job of conducting a literature search on the three broader topics that were identified.

The "Discussion Papers" will consist of a one to two page introduction, designed to familiarize the Public Printer, other Council members and the depository library community with key components of the issue. The papers will also include an outline, suitable for use in leading a discussion of the topic. Council members will not, at this time, be attempting to make specific recommendations on the issues, but rather they will be gathering relevant information, so the Public Printer and the Council can explore all aspects of the question. Thorough discussion of the issues, including consideration of possible ramifications from following specific courses of action, will be valuable assets to Mr. Houk in his decision making process.

II. Policy Issues for Discussion at the Fall Council Meeting

Provided below are the ten topics that will be discussed in October. The name of the Council member assigned primary responsibility for each topic is enclosed in brackets following the description of the topic.

1. Since staff and monetary resources for the DLP are limited, what criteria can Council recommend to assist GPO to prioritize its efforts to identify and obtain electronic information products and services for dissemination to the depository libraries? Some specific issues include: [Literature Search: **Erminio D'Onofrio**]
 - 1a. Are there some specific documents or databases that can be identified as the "first" or "highest" priority for electronic dissemination? If so, what are they and what criteria can be used to identify such materials? [Discussion Paper: **Janet Fisher**]
 - 1b. Are there different criteria for material already in the DLP in paper or microfiche than for information not otherwise available through the DLP? If so, what are they? [Discussion Paper: **Gary Cornwell**]
 - 1c. Are there different criteria for electronic information that can be physically disseminated (on diskette, CD-ROM, etc.) than for information that can be downloaded by the depository libraries from a bulletin board or accessed through "online" interactive information services? If so, what are they? Should any

format have a higher priority than the others? Why or why not? [Discussion Paper: **Sioux Plummer**]

- 1d. Under what circumstances should the availability of government information from other sources be a factor in setting GPO's priorities for making additional dissemination through the DLP? Does it make a difference if the other source is free or at low cost? Does it make a difference if the other source is the Federal government or not? [Discussion Paper: **Bob Oakley**]
- 1e. If GPO is to increase the amount of electronic information in the DLP and remain within its current resources, it will have to reduce resources in other areas. One possible area of savings is to eliminate paper or microfiche distribution of data that is distributed electronically; another is to convert additional material from paper to microfiche. Are there criteria for implementation of these options that will minimize the impact caused by such actions? Are there other alternatives for resource reallocations that should be considered? [Discussion Paper: **Chris Kitchens**]
2. If an online service or bulletin board is made available for a limited amount of free use by depository libraries, how should that use be allocated? Currently all material distributed through the DLP, except the paper edition of the bound Congressional Record, is equally available to regional and selecting libraries, and each library receives a single copy. The analogous dissemination criterion for online information would be dividing the available use into equal parts, so that the regional libraries and each selecting library received the same amount of time online. While this appears to be the easiest dissemination criterion to implement and the "most fair," it may not optimize public access to information in an online environment that requires a time-based allocation, rather than physical distribution. What alternative criteria exist and what are the benefits and problems associated with those alternatives? Some alternatives that could be addressed include: [Literature Search: **David Cobb** and **Juli Hinz**]
 - 2a. Should GPO offer online access only, or in higher volume, to regional libraries? If so, what additional obligations should the regional libraries assume? [Discussion Paper: **Mark Vonderhaar**]
 - 2b. Should GPO offer a higher volume of online access to libraries with programs for broad public access? If so, what criteria should be used to evaluate public access? [Discussion Paper: **Sandy Morton**]
 - 2c. Should GPO avoid duplicative dissemination to those depository libraries who already have online access through another source in order to make more time available to libraries that do not have an alternative? If so, how should this be accomplished. If not, why not? [Discussion Paper: **Susan Tulis**]
3. Since it is often more difficult for the public to use the new electronic information sources, how should the criteria to be an "electronic depository library" be different than the criteria to be a traditional depository library? [Literature Search: **Bob Dugan**]

- 3a. How should the guidelines and inspection criteria be updated to incorporate changes resulting from the inclusion of electronic information in the DLP? [Discussion Paper: **B.J. Swartz (with Anne Diamond)**]
- 3b. How does the availability of electronic information affect or change standards for public access? [Discussion Paper: **Teresa Marquez (with Anne Diamond)**]

III. Excerpt from the Public Printer's Letter to Council Members

...

New Role for Council

We share the common objective of improving public access to government information through the DLP. There are many policy issues that will need to be addressed as we pursue that objective, and I expect the Depository Library Council to be a significant source of information to assist GPO in identifying and evaluating alternatives for the DLP and optimizing the resources available for operating the program.

Position Papers

I believe the most useful way in which Council can provide policy input is through the preparation of position papers on various issues. Such papers, and the dialogue resulting from their presentation, can serve as the means by which Council presents its insights to me. The development of the position papers will involve significant interaction with, and input from, all DLP stakeholders.

Position papers can be disseminated to the depository community, in draft and in final form, through Administrative Notes and the depository library bulletin board.

Let me stress that these policy papers need not express a consensus, or even necessarily a single recommended course of action. I am much more interested in understanding the diversity of the depository community, different alternatives available to GPO, and the impacts of those alternatives on the various stakeholder groups.

...

Guidelines for Council Action on These Issues

The ... questions are intended to provide overall guidance to the Council, to stimulate discussion and to facilitate work on various aspects of the issue. The questions should provoke a dialogue on the issue itself and be a catalyst for developing practical options for GPO's consideration. The resulting position paper should integrate the answers to specific questions into a description of those options.

In working on these issues Council should assume, as we do, that the DLP will be

allocated approximately the current level of resources during the next few years. This assumption is not a reflection on the merits of the program, but rather a recognition of the current fiscal environment.

I recognize that these are complex issues. Let me reiterate that I do not expect Council to produce a consensus or recommend a specific solution, but rather to summarize the benefits and disadvantages of a variety of options. We will not arrive at absolute answers at the fall Council meeting, but we will begin a dialogue and, hopefully, agree on some general principles and directions under which GPO can operate the DLP while we continue to examine our alternatives.

...

IV. Instructions On How to Provide Comments to the Council

Your comments and suggestions will be summarized at the Council meeting and made available to GPO and other interested individuals and groups. Comments should be provided to Council not later than Monday, September 16, 1991. Obviously, the earlier that comments are received, the more opportunity Council members will have to integrate them into their discussion papers.

If you have comments regarding any or all of the specific topics, please forward them to the appropriate Council member. If you have more general comments on the process, please contact either Janet Fisher or Gary Cornwell.

Your comments can be made by telephone, sent by mail or FAX, or posted on the Federal Depository Library bulletin board in the SIG called ISSUES. You are encouraged to use the bulletin board so others can see your comments. That may become a catalyst to further comments or allow for a simple "me, too" and therefore reduce the volume of redundant statements for Council to read and summarize.

In addition to appearing in Administrative Notes and on the Federal Depository Library Program bulletin board, this information will be posted on GovDoc-L. Also, individual Council members will be contacting other groups, organizations and individuals for their comments.

A current list of Council members with their addresses, phone numbers, FAX numbers and, where appropriate, E-mail addresses is printed in this issue of Administrative Notes.

The Federal Depository Library Program bulletin board phone number is 202-275-7923.



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Council Members Represent YOU!

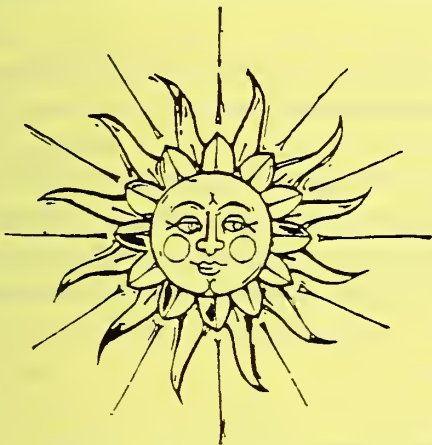
*Let Them Know Your Ideas
On Depository Issues*

TIGER/Line CD-ROMs Distribution Begins

The Library Programs Service (LPS) began distribution of the Bureau of the Census TIGER/Line CD-ROMs with Depository Shipping List 91-0036-E. The dissemination of these microdata files marks a milestone for the Federal Depository Library Program, as, for the first time, "raw" or un-summarized data (previously available only on magnetic tape), is made more accessible to the general public through selecting depository libraries.

Since distribution of this approximately 45-disc series began, a number of libraries have called LPS inquiring about the availability of documentation and software to use the discs. As the Bureau of the Census has placed documentation directly on the CD-ROMs (in a README file, sub-directory "Document"), LPS did not distribute paper copies of documentation. Paper copies of the documentation may be purchased by calling the Census' Customer Service desk at 301-763-4100.

Application software to access the digitalized data on the TIGER/Line discs is sold through commercial vendors. For a list of firms that have indicated that they have software that can process these files, call the Bureau of the Census at 301-763-1580.



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the Heat
o' the Sun**

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Federal Depository Library Program

ELECTRONIC CORNER

CD-ROM Software & Policy on Assistance to the User (Continued from v. 12, no. 17, 7/31/91)

Question: What is your library's current policy regarding the provision of staff assistance with the various electronic products in your depository?

Question: What is the difference between the "Go" and the "EXTRACT" public domain software provided to depositories for use with the Bureau of the Census CD-ROMs? How are libraries making available software to use these CD-ROMs?

Response: Duncan Aldrich, Documents Librarian from the University of Nevada, Reno, submitted the following description of his library's policy and operation in regard to the various CD-ROM products and software available in his library's depository. Special focus is on materials provided by the Bureau of the Census. Because of the length of the article, it will continue in future issues of Administrative Notes. Thank you, Duncan!

The Reference Setting:

GPD has six Census products available for end user access on an EPSON Equity III Plus (286 chip) microcomputer workstation in the department's reference area. The six Census CDs are loaded in a Pioneer CD drive six-disc cartridge which is swapped out with a six-disc cartridge loaded with four CIS CDs, PAIS, and the Readex Corporation's United Nations Index. All CD products are itemized on a front end menu and are executed through batch files that boot the selected product's software. For several products, the software is loaded on the workstation's hard drive; for others, the software is run directly from the CD. The Epson has a 5 ¼" floppy drive for downloading data and is hooked up to a Citizen dot matrix printer.

The six Census products are the 1987 Economic Census (Disc 1C), the 1987 Economic Census by Zip Code (Disc 2A), the 1988 County and City Data Book, the 1987-88 County Business Patterns, Foreign Trade Data, and Public Law 94-171 Census of Population and Housing. Three types of software are used to access the data on these products: Census windows (GO), EXTRACT, and a dBASE clone.

The Census windows software is comprised of several separate programs that look very much alike and work similarly. Census first released a simple, easy-to-use pop-up windows software with Census Test Disc No. 1 in 1988. Until release of Foreign Trade Data (FTD) on CD in 1990, however, the windows software had such limited capabilities that it was, for the most part, useless. An updated version of Census windows released with the FTD CD, on the other hand, included several improvements over earlier versions that added some flexibility and power, including download options. It's usefulness, however, remained marginal. With release of the PL 94-171 Census CD in

1991, the windows software has become a viable product. Users can easily identify data they seek, then display, print or download the data (in ASCII delimited, or dBASE). The windows software for County Business Patterns has similar capabilities to the PL 94-171 software

The key to the recent releases of Census windows software is that they are both "Useful" and "Usable." Patrons can generally get what they want with little need for reference assistance.

and is equally easy to use. The key to the recent releases of Census windows software is that they are both "useful" and "usable." Patrons can generally get what they want with little need for reference assistance. The major shortfall of Census windows in terms of "usability" is that display, print, and download of data are limited to data for one geographic location per retrieval. This is acceptable for those who need data on only one city, county, voting district, etc. Perhaps it is acceptable even to those researching only three or four counties. However, windows is of little use to patrons pursuing customized data for multiple geographic units.

EXTRACT, also a Bureau of the Census product, is specifically intended to provide Census data users with a relatively easy interface with which to create customized subsets of Census data on CD. Using EXTRACT, patrons can quickly generate tables which they can display to screen, print, or save to disk in dBASE, comma delimited, or fixed format. The utility of EXTRACT is that users can select columns (variables/ characteristics) and rows (records/cases) from traditional Census data to create their own tables. Users familiar with database or spreadsheet software can EXTRACT data from several CDs to create custom designed tables. Users preferring word processing software can save tables in straight ASCII for importation into text documents.

The main limitation of EXTRACT is that it is intended only to perform these transfer functions. There are no significant data manipulation capabilities other than the functions needed to create subsets of data for downloading or printing. Programming bugs also limit the viability of EXTRACT. Some EXTRACT routines dump the user back to DOS or freeze the system. In some cases, users are allowed to select options that take so much time that it is unclear whether the program is still cranking away or has become lost in space. This is particularly true when using EXTRACT with the FTD CDs. Bugs or glitches that are consistent can be identified and worked around. Bugs that seem to arise out of nowhere are unfriendly. EXTRACT appears to be most effective on the PL 94-171, County and City Data Book, and County Business Patterns CDs.

EXTRACT is definitely "useful" to library patrons. Library users should expect to be furnished the level of access EXTRACT provides in libraries that house Census CDs. Without EXTRACT, the "usefulness" of Census CDs is too limited. Because EXTRACT is relatively easy to learn without extensive intermediation by library staff, EXTRACT is also "usable." Most library staff can acquire a high level of competency on EXTRACT with only a few hours of training, and, for the most part, need spend only ten to twenty minutes to get patrons up to speed on the software.

In GPD, Census CDs are also accessible through a dBASE clone. All data on Census discs (other than Census Test Disc 1) is stored in dBASE format. dBASE

provides users with considerable computing power for manipulating and transferring Census data. However, dBASE is "useful" and "usable" only to those who have dBASE experience. dBASE requires substantial training and practice to master even simple functions. Most patrons do not know dBASE, and librarians cannot be expected to provide the extensive training necessary to introduce patrons to the software. Most patrons would have neither the time nor patience to learn dBASE -- particularly those patrons seeking only a small amount of information. Therefore, to most patrons, dBASE is not "usable" in the library reference setting. The only other option -- training staff in dBASE in order to generate subsets of Census data on call -- is also not practical in the reference setting. At best, it may be expected that one or two staff members could provide this service on an appointment basis -- much like that provided for online searching.

*** To Be Concluded In The Next Issue ***



The FDLP Bulletin Board and How to Use It

The Federal Depository Library Program Bulletin Board (FDLP/BB) has been in operation for more than 2 months, having gone online on June 3, 1991. A preliminary version of the board, called Hermes, had been operational since February 1991, and contained the U.S. Supreme Court slip opinions.

10 SIGS Available

The slip opinions are now accessible through the Court Special Interest Group (SIG) on the board. The following SIGs are available to all selective and regional depository libraries:

- | | |
|----------|--|
| HELLO | Important information about the FDLP/BBS |
| COURT | Consists of messages and attached files of Supreme Court opinions. |
| LPS_NEWS | Consists of messages which are time-sensitive news bulletins or alerts of immediate interest.
Message lifetime: 10 days. |
| AD_NOTES | Consists of articles, in the form of messages with attached files, from the pages of the <u>Administrative Notes</u> newsletter. |
| SHIPLIST | All types of shipping lists will be available pending development of file formats.
Message lifetime: 7 days. |

GUIDLINE	Consists of messages and files of program instructions and guidelines.
TECHNOTE	Contains messages concerning the file structure, operating characteristics, and other technical issues related to the board.
IT_HELPR	Consists of messages or files about electronic information products distributed to depository libraries.
MOCAT	Consists of messages and files concerning the Monthly Catalog.
ISSUES	Policy issues for discussion at Council meetings. (This is a new SIG, added 8/1/91.)

The names of some of these SIGs are being reconsidered and may be changed in the near future.

Getting on the Board

Each SIG contains messages that may be read, or downloaded, by any depository. To get into the board and read the messages, just follow these steps:

- 1) Make sure you have a PC (personal computer) with telecommunications software loaded, and connected with a modem.
- 2) Make sure your telecommunications software is set at a speed of 2400 (or 1200 or 9600, depending on your modem); parity = N (None); Data bits = 8; Stop bits = 1. Consult with your local techie if this looks like Greek, or call Tony Ford, the LPS sysop (systems operator) at **202-275-1126**. **Know how to operate your own software!**
- 3) Through your keyboard, dial in to the FDLP/BB on **202-275-7923**.
- 4) Your modem and the FDLP/BB modem will establish a connection. Since the FDLP/BB has 16 phone lines, and since there are rarely more than two or three users on them at any one time, you should not get a busy signal. If you repeatedly get a busy signal, call the sysop for assistance.

Signing Up and Registering

- 5) Once the connection is made, the FDLP/BB will prompt you for your ID. First-time users should type in NEW and sign up, following the instructions that will appear on the screen. (Note: Screen width, for which you will be prompted, is normally 80.)

One of the prompts will be for your unique password. **Do not lose your password!** You cannot get on the board without it, and LPS cannot retrieve it if you lose it.

Another prompt will be for your ID number. Use your depository library number, in the form of 4 digits, followed, when needed, by a letter, i.e. 0001A. If several users at the same library would like their own ID number and password, just put the letter N and a number in sequence, at the end of the library number: 0001An1, 0001An2, 0001An3, etc.

- 6) The board allows a few minutes for this initial session, and then the connection will be cut off. However, if Tony Ford happens to be on-line at the same time, he will monitor the session, and once you have successfully signed up, he will issue you some "credits" that translate into time. If you are disconnected, either call Tony or wait until the next day, by which time your account will be fully credited and you can browse in the bulletin board as long as you like.
- 7) The first time you call in after you sign up, you will see the main menu. (Other callers will be placed in the last SIG they used.) At this point, **please register!** Choose R, and follow the prompts to fill in the requested information. (Commands may be entered in either upper or lower case.)
- 8) When you are finished registering, type X <Enter> twice (once to get out of the Registry, and again to get out of the Registry menu). Then type ? <Enter> to return to the main menu. (<Enter> means to press the Enter or Return key.)

Reading the Messages in the SIGs

- 9) Now you are free to look through any of the messages in the SIGs. To get a list of the SIGs, type in S <Enter>. Then type S? <Enter>.
- 10) To choose a SIG, just type in its name after the prompt. If you haven't already read the contents of the HELLO SIG, do so now, by typing in HELLO.
- 11) To see a list of the messages in the SIG, type in RLB1 and press <Enter>.
- 12) To read a message, type in the stacked command: RS<message number>R <ENTER>. For example, to read message #1, type in RS1R and then press <Enter>. The message will then appear on your screen.

You can get the same result, but more slowly, by entering each portion of the command separately. For example, from the menu listing the messages in a SIG, you can follow the prompts as follows:

R <Enter> (Read a message)
 S <Enter> (Scan a message)
 1 <Enter> (Message number)
 R <Enter> (Read the message)

- 13) If you want to read the next (or previous) message in the SIG, just type NR (or PR), following the prompts. You can view all the messages in the SIG this way.

Moving From One SIG To Another

- 14) A quick way to move to another SIG and see a list of its messages is to enter S<SIGNAME>RLB1. For example, when you are through looking at the messages in the HELLO SIG and want to see what's in the LPS_NEWS SIG, type: SLPS_NEWSRLB1 <Enter>.

For SIG names with fewer than 8 characters, add spaces after the SIG name before using this stacked command. For example, to move from LPS_NEWS to MOCAT, first type X <Enter>, then type SMOCAT RLB1 <Enter>, leaving 3 spaces after the T in MOCAT, so that the SIG name takes up a total of 8 spaces.

If you have just finished reading a message and want to see a list of all the SIGs, type X <Enter>, then type S? <Enter>. The list of SIGs will appear. To choose one, just type in its name, followed by RLB1.

Exiting the FDLP/BB

- 15) To exit from the board, type X <Enter> as prompted, until you are notified that the line has been disconnected.

Help!

- 16) Most menus include help screens which can be accessed by entering a question mark. Follow the prompts at the bottom of the screen.

If you are experiencing problems, don't hesitate to call Tony Ford at 202-275-1126. The LPS sysop is user friendly!



memorandum

DATE: March 25, 1991

REPLY TO
ATTN OF: General Counsel

SUBJECT: **“Cost Sharing” for the Dissemination of Government Information in Electronic Formats**

TO: Public Printer

This responds to your memorandum to me dated December 19, 1990, in which you raise several issues and questions concerning the legality of “cost sharing” arrangements in connection with the dissemination of Federal documents through the Depository Library Program. As we understand it, these issues arise primarily in the context of access to online data bases developed and published under the auspices of a particular agency function or program, but also include other forms of electronic deliverables. Although our response is derived from a thorough analysis of statutory provisions and legislative history, we have also considered the views and opinions of those interested in cost sharing and free access issues, including the discussions and recommendations expressed at the meeting of the Depository Library Council last Fall.

“Cost Sharing” with the Public

You have requested our opinion as to whether it is permissible under existing law for depository libraries to impose library user fees upon depository library patrons who desire to obtain Government information which is available in electronic format. It is our opinion that depository libraries are prohibited under existing law from charging the public for accessing Government information supplied under the aegis of the Depository Library Program.¹

¹Our review of the legislative history indicates that technological advancements in the field of information compilation and dissemination have outstripped, in many instances, the expectation of Congress when it passed The Depository Library Act of 1962. Pub. L. 87-579. Regardless of this anachronism, both this office and the Joint Committee on Printing have construed Title 44 to encompass Government information presented in electronic format, although electronic products are not expressly included within the definition of Government publications. “The fact that technology changes does not alter the purposes and policies that underlie the statutory scheme of Title 44, and should not be the means by which those purposes and policies are eviscerated.” Letter from Senator Wendell H. Ford, the past Chairman of the Joint Committee on Printing, to the Honorable Richard Darman, Director, Office of Management and Budget, April 6, 1989.

The law provides that "(d)epository libraries shall make Government publications available for the free use of the general public..."² 44 U.S.C. § 1911. In an earlier opinion of this office dated December 17, 1990 (copy attached), we said that Government information presented in an electronic format constitutes a "Government publication" within the meaning of 44 U.S.C. § 1901.³ Consequently, we conclude here that Section 1911 prohibits the depository libraries from charging the public for the use of Government publications furnished under the Depository Library Program, including electronic information products.⁴

"Cost Sharing" with the Depositories

You have also inquired whether the GPO has any responsibility under existing law to pay the costs associated with accessing electronic information through the Depository Library Program; and if so, whether such costs may be shared with the depository libraries. A review of the Depository Library Act, contained in Chapter 19 of Title 44, United States Code, leads us to conclude that the Government is required to fund electronic access charges for the depositories to the extent that Congress has appropriated monies for such purpose.

The Superintendent of Documents, under the control of the Public Printer, is entrusted with the responsibility of providing the depository libraries with Government publications. 44 U.S.C. §§ 1902, 1904, and 1905. All Government components are obligated to make their publications available to the depository libraries through the Superintendent of Documents.⁵ The

²The term "Government publication" is defined by 44 U.S.C. § 1901, as "...informational matter which is published as an individual document at Government expense, or as required by law."

³We have also concluded, however, that the definition of "Government publication" does not include information in a computer data base which has never been "published" by the host agency. "Publish" we have construed to mean whenever an agency intends to and does disseminate information [in a data base] to the general public - in whatever form. Opinion of GPO General Counsel, dated May 22, 1989, at 5.

⁴While one might argue that the phrase in Section 1911, "free use", refers simply to the accessibility of publications, the legislative history indicates that the phrase was intended to mean free of cost to the user. From 1895 through 1936, the antecedent statutory provisions required that Government publications delivered to depository libraries be for "public use without charge." (The Printing Act of January 12, 1895, ch. 23, § 74, 28 Stat. 620). The phrase was changed to "free use of the general public" in 1936, when four sections of the law were consolidated into a single paragraph. (Act of June 20, 1936, ch. 630, title VII, § 11, 49 Stat. 1552). There is no indication in the legislative history that any substantive change was intended.

⁵Government publications "determined by their issuing components to be required for official use only or for strictly administrative or operational purposes which have no public interest or educational value and publications classified for reasons of national security," need not be made available to depositories. 44 U.S.C. § 1902. In addition, "cooperative

agency responsible for the publications' issuance bears the expense of furnishing one copy for each selecting depository; unless such publications are requisitioned from the Government Printing Office (GPO), in which case the costs are borne by GPO. 44 U.S.C. § 1903.⁶

Except for the regional libraries, which are required to receive and retain one copy of all Government publications, the depository libraries are entitled to receive one copy of each such Government publication as they may choose from the classified list issued by the Superintendent of Documents. 44 U.S.C. §§ 1903, 1904, and 1912. GPO pays the costs of delivering the selected Government publications to the depository libraries.⁷ Having received the Government information at its doorstep, free of charge, the depository library is responsible for making the publications accessible to the public.⁸

Based upon the statutory framework of the Depository Library Act, it is clear that Congress intended the various components of Government to be responsible for paying the costs of publishing their respective publications and for furnishing them to the Superintendent of Documents, which serves as the intermediary with the depository libraries. It is also clear, in our view, that Congress intended GPO to bear the costs attendant to conveying such Government information to the depositories.

More specifically, if Government agencies furnish their publications to the Superintendent of Documents in electronic format, and if the information is not available (or made available) in any other format, GPO is responsible, within the limit of available appropriations and other programmatic considerations, for the attendant costs of conveying the information to the depository libraries. For electronic publications issued on CD-ROMs or personal computer diskettes, as with paper or microfiche publications, GPO is responsible for the transportation costs incurred in shipping the publications to the depository libraries.

Although GPO is responsible for the analogous costs for conveying online information, which are the telecommunication charges, we do not intend to

publications which must necessarily be sold in order to be self-sustaining" are excluded from the Depository Library Program. 44 U.S.C. § 1903.

⁶See our opinion, dated December 17, 1990, where we determined that Section 1903 applies also to Government publications in electronic format.

⁷In 1962, in response to protests from the libraries, Congress repealed the law which imposed upon the libraries the obligation to pay the transportation costs incurred in shipping the Government publications to the depositories. S.Rep. No. 1587, 87th Cong., 2d Sess. 12 (1962).

⁸44 U.S.C. § 1912. The depository libraries bear all the expenses involved in cataloging, housing, and servicing the collections and making them available to the public. S. Rep. No. 1587, 87th Cong., 2d Sess. 3 and 9 (1962).

suggest that the depository libraries have unlimited access to electronic publications through the Superintendent of Documents; nor, that the depository libraries are entitled to each and every medium in which a Government publication is offered. On the contrary, the focus of Congress was upon assuring that one copy of the information was made available to each depository library. Thus, if a given publication is published online, on CD-ROM, microfiche, or in the traditional ink and paper format, it is up to the Superintendent of Documents to determine which format(s) to provide free to the libraries. Of course, this would include discretionary authority to afford depositories an opportunity to select among available formats when it is appropriate to do so.⁹

The Depository Library Program was not intended and has not been operated to fill the totality of the depositories' needs for Government information. For example, if a depository requires more than one copy of a printed publication, it must be purchased by the library. Similarly, if a depository library elects to make the Government information supplied under the Program in microfiche available also in hard copy, the library pays for such cost.¹⁰ If the depository library desires to obtain the Government publication in electronic format in addition to the paper or microfiche copy distributed under the Program, the depository library must pay for it.¹¹

Furthermore, we recognize that online information products entail very different and potentially limitless costs in comparison to the familiar costs of traditional information dissemination. Information contained in a book, microfiche document, or CD-ROM may be provided with a one-time outlay

⁹As noted above (fn. 8), it is the responsibility of the libraries to provide the necessary equipment and personnel to make the Government information accessible to the public. A survey of depository libraries, entitled "Depository Library Access to Information Technology," undertaken by the General Accounting Office, indicates that most depository libraries are equipped to handle electronic information. The survey results, reported in U.S. Congress, Office of Technology Assessment, Informing the Nation: Federal Information Dissemination in an Electronic Age, October 1988, disclosed that 83 percent had access to microcomputers with modems for online access, 95 percent had access to microfiche readers with printers, 41 percent had access to a CD-ROM reader, and 36 percent had access to a mainframe computer facility. (The foregoing is based upon responses from 403 depository libraries out of the sample of 451 libraries).

¹⁰S. Rep. No. 1587, 87th Cong., 2d Sess. 17 (1962).

¹¹Currently, there are two electronic information dissemination pilot projects involving online telecommunications access to data on Department of Commerce and Department of Energy (DOE) computers. In addition, Project Hermes provides access through a GPO computer to United States Supreme Court opinions. Each of these are largely duplicative of the information furnished by the Depository Library Program in hard copy and/or microfiche. The depository libraries must pay the telecommunication charges under these programs, except for a limited subsidy offered in connection with the DOE Pilot Project.

of an identifiable sum. The cost of online information dissemination, on the other hand, may be dictated by the amount of use thereof.

In the event it is anticipated that available funds will be insufficient to fulfill GPO's obligations under the Depository Library Program, the Public Printer may implement, with the approval of the Joint Committee on Printing, a practical and economical method to allocate the finite resources. 44 U.S.C. § 1914. The GPO/DOE Pilot Project is illustrative of one way in which GPO has worked with an agency and the Committee to provide a formula for dividing the costs of online service, within the limits of available resources. Under the arrangement, DOE provides access to the data base without charge, and GPO provides the pilot libraries with up to 40 hours free of telecommunication charges. The libraries pay the telecommunications costs, if any, above the level provided by GPO.¹²

The House Appropriations Committee has expressed its agreement with the necessity for seeking creative programmatic solutions for electronic dissemination. In its report accompanying the Legislative Branch Appropriations Bill, 1989, the Committee stated the following:

The Committee agrees with providing cost-effective methods of electronic dissemination of information to depository libraries such as CD-ROM. Other methods, however, such as on-line access, which may increase funding requirements, must be submitted to the Committee before being implemented.

H.R. Rep. No. 100-621, 199th Cong., 2d Sess. 30 (1988).

Conclusion

In summary, we have concluded that under existing law, depository library patrons cannot be asked to pay a fee to access Government publications provided through the Depository Library Program. To the extent that depository libraries wish to provide their patrons with Government information which is supplemental to the information furnished through the Program, GPO will not bear that cost.

Furthermore, it is our opinion that when a Federal agency publishes a Government publication exclusively in an electronic format, the agency is responsible for the costs of furnishing access to the data base and GPO is obligated to pay the costs of conveying that Government information to the depository libraries in an electronic format or in such other format(s) as may be produced and made available under the Program. This would include the payment of telecommunication costs for the transmission of

¹² Letter from Senator Wendell H. Ford, Chairman of the Joint Committee on Printing, to the Public Printer, dated September 18, 1990.

online publications when published only in that format. However, such obligation may be limited, and must be viewed in the context of available funds and Program priorities, as determined by the Government Printing Office, the Joint Committee on Printing and the Congressional appropriations committees.

Should you have any questions or wish to discuss this matter in greater detail, please contact me or Assistant General Counsel Susan McNary.



ANTHONY J. ZAGAMI
General Counsel

Attachments

ARCHIVES II RESEARCHER BULLETIN

National Archives and Records Administration

Spring 1991

No. 1

INTRODUCTION - WELCOME

This National Archives and Records Administration (NARA) *Bulletin* is being distributed to keep researchers informed of developments in the building of Archives II, the new state-of-the-art archival building being constructed on the campus of the University of Maryland in College Park, Maryland and of the move of records to it. Archives II will be completed in 1993, and records will be moved into the building starting in 1994.

In the interim, we want to provide news and information about the building and our plans for the movement of records, so that researchers can plan their trips to Washington knowing that the records they want to use will be available. In addition, we are using the occasion of the move as an opportunity to reexamine our allocation of records to the 12 regional archives. We will also use this *Bulletin* to announce these decisions.

THE NEW BUILDING

Archives II will be a multi-level building containing 1.7 million square feet of floor space. In the central part of the building there are six floors. The research room complex will have an initial consulting area on the first floor near the main entrance to the building. The textual research room with a seating capacity of ca. 175 is on the second level.

Research rooms for non-textual media include cartographic records on the 3rd level, motion pictures, sound, and video recordings on the 4th level, and still pictures on the 5th level. The research areas for electronic and classified records are on the 6th level. The library is on the 3rd level

and the microfilm research room is on the 4th level.

The building also has a cafeteria, an auditorium, conference rooms, and a parking garage that accommodates 763 cars.

Construction on the building began in 1991 and is on schedule. The garage was completed recently and will be used as a staging area for the construction of the main building.

ALLOCATION OF RECORDS BETWEEN ARCHIVES I AND II

In 1989 NARA officials, after consultation with researchers and historical and other organizations, made preliminary decisions on the allocation of records between the new building and Archives I. Categories of records that will be in Archives I include Congressional and Supreme Court records; genealogical records (Census, Veterans Administration, Bureau of Land Management [Land Entry Files], State Department [Passport Applications], and War Relocation Authority); Bureau of Indian Affairs and other records related to the American Indian; Navy and pre-World War II Army records; and some small miscellaneous record groups.

All other record groups, civilian and military, and all special media records such as motion and still pictures, electronic records, cartographic records and aerial photography, will be moved to Archives II. Microfilm copies of textual records will be located with the original records.

NARA staff members are working on a refined record group and series delineation of the above categories, which will be published in this bulletin.

RESEARCH TRIPS

While records will be closed during their move from Archives I to Archives II, in 1994-1995, the closure periods will be limited and a schedule of record group closings will be published. Textual records will be moved on a rolling schedule of record group moves with a minimum disruption of reference service on those records. No record group should be closed for more than a few weeks. Non-textual records will close down for specific periods of time, again probably no more than a few weeks.

NARA will also have a telephone recording or hot-line to provide up to date information through the entire move of records. Researchers should not have to greatly alter their research projects or plans because of the move.

CONTACT LIST & APPOINTMENTS

A "National Archives Primary Reference Contact List" from the Office of the National Archives in the Washington area is available from the Textual Reference Division, National Archives, Washington, DC 20408. The contact list has over 100 subjects with the names and room and telephone numbers of reference archivists responsible for records related to specific subjects.

In conjunction with the contact list, the Office of the National Archives has formalized a voluntary appointment system for researchers using records in the Washington D.C. area. We encourage re-

searchers to write or call before they come to Washington to assure that records they want to examine are in fact available and to plan research strategies with reference archivists. Researchers can then make specific appointments to talk with reference archivists who know the record groups and series for the specific research project. Such appointments are particularly important for first-time researchers or for researchers with complex research projects.

The telephone numbers for reference branches in the Washington area are the following (except where noted, the area code is 202):

Captured German Records - 501-5383

Cartographic Records - (703) 756-6700

Civil Records - 501-5395, 501-5425

Electronic Records - 501-5579

General Information - 501-5402

Legislative Records - 501-5350

Military Records - Old Army - 501-5390

Modern Military - 501-5385

Navy - 501-5671

Motion Pictures - 501-5446

Still Pictures - 501-5455

Suitland Reference Branch (civil and military) - (301) 763-7410

FEDERAL LIBRARY AND INFORMATION CENTER COMMITTEE

WASHINGTON, D.C. 20540

LIBRARY OF CONGRESS
Adams Building, Room 1026C

Phone: (202) 707-6055

From: Dee Dolan, Editor-in-Chief, FLICC
Contact: (202) 707-0060
Date: June 21, 1991

For your use and information

**As U.S. Forges Ahead
On Information Superhighway,
Librarians Must Shift Gear**

A call for the U.S. to remain competitive in high performance computing was issued at the Eighth Annual Forum on Federal Information Policies by keynoter, U.S. Rep. George Brown, Jr., (D-CA), chairman of the House Science, Space, and Technology Committee and sponsor of the High Performance Computing Act of 1991.

At the same time, warnings about information pollution were sounded in a vision statement on information networks presented by Dr. Robert Lucky, executive director, Research and Communications Science Division, AT&T Bell Laboratories, at the forum, sponsored by the Federal Library and Information Center Committee (FLICC) at the Library of Congress on March 20, 1991.

The key forum speakers stressed these themes: to stay ahead of competition from such sectors as Japan and a united Europe, the federal government needs to set up a National Research and Education Network (NREN) during the 1990s and establish ongoing research and development that exploits new supercomputer architectures and leads to secondary inventions; as members of the library and information center community help shape and then utilize such developments as NREN, the role of the librarian in regard to information will undergo a fundamental shift from curatorship to interpretation. Emphasis was placed on the economic necessity driving the establishment of a high-speed computer network able to deliver enormous amounts of information to researchers throughout the nation and the consequent transformation of librarians from "keepers of information" to professionals helping users deal with the problem of too much information.

The day-long forum, FLICC's annual spotlight on a critical aspect of information policy, also featured a presentation on the Bush administration's NREN initiative by Dr. Charles Brownstein, acting assistant director of Computer and Information Science and Engineering at the National Science Foundation and chair of the Federal Networking Council. Three separate panels of experts commented on networking issues, structure, and implications at the standing room only event.

The forum is a key program of FLICC, an interagency committee created in 1965 to help over 2,500 federal libraries and information center achieve better utilization of resources and facilities through professional development, promotion of services, and coordination of available resources.

High performance computing, which would drive a national network, is one high technology field in which the U.S. is still seen as a leader, formerly holding a 100 percent market share, Rep. Brown declared. But that share already is eroding with the Japanese holding the U.S. to 66 percent

while the European Community is examining a proposal to invest \$1 billion to connect the continent with a state-of-the art network, he said.

From the vantage point of 25 years of experience crafting technology legislation in the Congress, Rep. Brown said the American goal is to "stay ahead of the competition." He said a two-front approach was necessary: first, the creation of a high speed fiber optic network that would allow researchers and educators at over 1000 locations to transmit in one second information equal to the entire Encyclopaedia Britannica; second, the establishment of a continuing federal focus on the research and development of scientific computer software to prevent reoccurrence of a scenario he termed "invented here but commercialized elsewhere."

He said FLICC and the institutions it represents are part of these initiatives: "The libraries of the world are the embodiment of man's thinking through the ages. This will not change. The pace is going to accelerate and the process of serving patrons will differ in the future."

That future service by the library and information center community is likely to involve a leap into the interpretation of information, according to Dr. Lucky. "We don't know what they (libraries) know," he said of libraries in their present basic role as curators, pointing to similarities in the case of the computer, which he observed "doesn't know it knows."

Nature seems to have placed no actual limits on the processing of information, he said in his review of aspects of the initiative during this decade in order to build an infrastructure that will meet research needs. Optic fibers are allowing more information to be processed at faster speeds, in effect "shrinking the bit" of information during transmission to about an inch today compared to a length of 1000 miles by telegraph 30 years ago. If you have a problem in transmission, 100 million bits of information could quickly go to "bit heaven," he observed.

With such massive amounts of information involved, Dr. Lucky concluded that "too much information is the problem of the day." He visualized what he called the "Lucky Library," featuring professionals serving the public through a system with a hierarchy of card catalogues, "good stuff" readily accessible, and less useful information stored in "junk" basements and sub-basements.

Dr. Brownstein said the impact of the Bush administration's initiative on the National Science Foundation's network (NSFNet), regarded as an interim network preceeding the NREN, should be felt in several areas, including : increasing the number of university users from 100 to 600, establishing soon a T3 backbone (a development stage involving 600 to 800 connections and an operating speed of 45 megabit/sec), exploring connectivity for some 17,000 school sites, and providing for industrial users.

Complete coverage of the speakers and panels will be available soon in the full *Summary of Proceedings of the 1991 FLICC forum on Federal Information Policies*. Copies will be available through the ERIC system and the National Technical Information Service or can be ordered by sending an address mailing label to FLICC, Library of Congress, Washington, DC 20540.

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