Federal Depository Library Program: Issues for Congress

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Summary

Congress established the Federal Depository Library Program (FDLP) to provide free public access to federal government information. The program's origins date to 1813; the current structure of the program was established in 1962 and is overseen by the Government Printing Office (GPO). Access to government information is provided through a network of depository libraries across the United States. In the past half-century, information creation, distribution, retention, and preservation has expanded from a tangible, paper-based process to include digital processes managed largely through computerized information technologies.

The transition to digital information raises a number of issues of possible interest to Congress. This report discusses those possible concerns as they affect FDLP. These issues, which are in some cases interrelated, may not only affect FDLP, but also extend beyond the program to a variety of contexts related to the management of government information in tangible and digital forms. Issues include the following: maintenance and availability of the FDLP tangible collection; retention and preservation of digital information; access to FDLP resources; authenticity and accuracy of digital material; robustness of the FDLP Electronic Collection; and the costs of FDLP and other government information distribution initiatives.

The emergence of a predominantly digital FDLP may call the capacity of the statutory authorities GPO exercises into question. Whereas GPO is the central point of distribution for tangible, printed FDLP materials, its responsibilities are more diverse, and may be less explicitly specified, regarding its distribution of digital information. In some instances, GPO carries out activities to distribute digital information that are similar to its actions regarding printed materials. In other instances, GPO provides access to digital content that it does not produce or control. The agency has archiving and permanent retention authorities for tangible materials, but those authorities do not envision digital creation and distribution of government publications. Digital distribution authorities provide for online access to publications, but are silent on GPO's retention and preservation responsibilities for digital information. These concerns may be addressed in their own right, or in the context of user demand for FDLP information, for which there is no uniform metric.

A number of efforts related to FDLP have been initiated by GPO and groups representing a number of libraries that participate in FDLP. These have included certain regional library activities; studies of the program by a private organization; proposals by a consortium of FDLP libraries to advance the consolidation, digitization, and cataloging of tangible collections; and a study of FDLP coordinated by GPO.

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Introduction

Congress established the Federal Depository Library Program (FDLP) to provide free public access to federal government information. The program's origins date to 1813, when Congress authorized the printing and distribution of additional copies of the Journals of the House and Senate, and other documents the chambers ordered printed. Quantities were to be "sufficient to furnish one copy to each executive, one copy to each branch of every state and territorial legislature, one copy to each university and college in each state, and one copy to the Historical Society incorporated, or which shall be incorporated, in each state."[1] At various times, the program was expanded to include federal executive branch publications. The current structure of the FDLP program was established in 1962.[2] Access to government information is provided through a network of depository libraries across the United States.

In the past half-century, information creation, distribution, retention, and preservation has expanded from a tangible, paper-based process to include digital processes managed largely through computerized information technologies. Today, government (and most other) information is typically "born digital," or originated as a digital product such as a word processing document or spreadsheet. The material may then be produced in tangible, printed form, but is with greater frequency distributed by electronic means via website or other electronic dissemination technology, and retained for archival purposes in searchable electronic databases. In many cases, born digital material that previously appeared only in paper form is available only in digital form. In other cases, digital information, including websites, blogs, datasets, and audio or video content, is not intended for tangible distribution. Some materials are available in both tangible and digital forms.

The transition to digital information raises a number of issues that may be of interest to Congress. Some of the possible concerns focus on access to government information in an environment in which tangible and digital materials are available,[3] and issues related to the security,[4] and authentication[5] of digital materials. Other areas of possible concern include the management and digitization of tangible materials,[6] permanent retention and preservation of digital content,[7] and

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[1] Resolution For The Printing and Distribution of an Additional Number of the Journals of Congress, and of the Documents Published Under Their Order, 13th Congress, December 13, 1813, 3 Stat. 140. A history of FDLP through the late 20th century is available in Sheila M. McGarr, "Snapshots of the Federal Depository Library Program," GPO, August 22, 2000, p. http://www.access.gpo.gov/su_docs/fdlp/history/snapshot.html.

[2] 44 U.S.C., Chapter 19.

[3] CRS Report 97-71, *Access to Government Information In the United States*, by Wendy Ginsberg; CRS Report R40238, *The Presidential Records Act: Current Policy Issues for Congress*, by Wendy Ginsberg; and Joseph A. Hurley, "Enhancing Access to Printed Government Documents," in *Government Information Management in the 21st Century: International Perspectives,* Peggy Garvin, ed. (Sussex, United Kingdom: Ashgate, 2011), pp. 61-93.

[4] See CRS Report R42114, *Federal Laws Relating to Cybersecurity: Discussion of Proposed Revisions*, by Eric A. Fischer.

[5] Timothy L. Coggins and Sarah G. Holterhoff, "Authenticating Digital Government Information," in *Government Information Management in the 21st Century: International Perspectives*, Peggy Garvin, ed. (Sussex, United Kingdom: Ashgate, 2011), pp. 133-156.

[6] Joseph A. Hurley, "Enhancing Access to Printed Government Documents," in *Government Information Management in the 21st century: International Perspectives,* Peggy Garvin, ed. (Sussex, United Kingdom: Ashgate, 2011), pp. 61-93.

[7] Shannon Kupfer and Aaron O'Donovan, "Digitization and Digital Preservation of Government Information," in (continued...)

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costs associated with these activities. While issues related to the emergence of digital information have implications for a number of government programs and policies,[8] this report discusses those implications as they affect FDLP. These concerns may be addressed in their own right, or in the context of user demand for FDLP information, for which there is no uniform metric over time, or comparatively among current FDLP institutions.

Acronyms or abbreviations used in this report are summarized in **Table 1**. A glossary in the **Appendix** provides definitions for the specialized information management terms used in this report.

FDLP Organization

FDLP is administered under the provisions of Chapter 19 of Title 44 of the United States Code by the Government Printing Office (GPO), under the direction of the Assistant Public Printer, Superintendent of Documents (SuDocs). Under the law, FDLP libraries receive from SuDocs tangible copies of new and revised government publications authorized for distribution to depository libraries, and are required to retain them in either printed or micro facsimile form. Depository libraries–which include state, public and private academic, municipal, and federal libraries–are required to make tangible FDLP content available for use by the general public, which GPO defines as including all people in a depository library's relevant region and congressional district. In support of that effort, depository libraries provide resources to manage collection development, cataloging, bibliographic control, adequate physical facilities, collection security and maintenance, and staffing.[9] Neither statute nor current GPO guidance specifies how depository libraries must deploy those resources in support of FDLP. Ownership of publications provided by SuDocs to depository libraries remains with the United States government.[10]

Observers note that distributing publications to depository libraries has the effects of long-term preservation of federal government information in widely dispersed settings, and free, local access to that information. The costs of providing preservation and access are also widely distributed.[11]

Under 44 U.S.C. 1912, not more than two depository libraries may be designated as regional depository libraries (hereafter regional libraries) in each state and Puerto Rico. Regional libraries are required to retain tangible government publications permanently, with the exceptions of

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Government Information Management in the 21st century: International Perspectives, Peggy Garvin, ed. (Sussex, United Kingdom: Ashgate, 2011), pp. 39-54.

[8] See CRS Report 97-71, *Access to Government Information In the United States*, by Wendy Ginsberg; and CRS Report R40897, *Congressional Printing: Background and Issues for Congress*, by R. Eric Petersen and Amber Hope Wilhelm.

[9] The FDLP program description is based on Government Printing Office, Office of the Superintendent of Documents, *Legal Requirements & Program Regulations of the Federal Depository Library Program*, Washington, DC, June 2011, http://permanent.access.gpo.gov/gpo9182/legal-requirements-guidance2011.pdf, and other sources as noted.

[10] For background on the 1962 law and its early implementation, see U.S. Congress, Senate Committee on Rules and Administration, Subcommittee on the Library, *Revising the Laws Relating to Depository Libraries*, committee print, 87th Cong., 2nd sess. (Washington: GPO, 1962); and Carper W. Buckley, "Implementation of the Federal Depository Library Act of 1962," *Library Trends*, July 1966, pp. 27-36.

[11] James A. Jacobs, James R. Jacobs, and Shinjoung Yeo, "Government Information in the Digital Age: The Once and Future Federal Depository Library Program," *The Journal of Academic Librarianship*, vol. 31, no. 3 (May 2005), p. 199.

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superseded publications, or unbound publications that are issued later in bound form, which may be discarded as authorized by SuDocs. There are 47 regional libraries in the FDLP.[12] Among their duties is to provide materials to patrons directly, or through interlibrary arrangements with selective libraries within their areas of responsibility. Further discussion related to regional libraries is provided in "Regional Library Activities," below.

Selective depository libraries (hereafter, selective), are partially defined in Title 44,[13] and include all FDLP participants that are not regional libraries. Whereas regionals receive all FDLP tangible content provided by GPO, selectives may choose among classes of documents made available.[14] Selective libraries that are served by a regional library may dispose of tangible government documents after retention for five years, subject to certain conditions. Those selective libraries that are not served by a regional library are required to retain government publications permanently, subject to the same limitations placed on regional libraries.[15] There are approximately 1,150 selective libraries in the FDLP.[16]

FDLP in the Digital Era

Authorities governing FDLP are based on a paper-based information creation and distribution environment.[17] Some tangible government publications are still distributed to depository libraries; during FY2011, GPO distributed approximately two million copies of 10,200 individual tangible items to depository libraries.[18] Some tangibles may have no publicly available digital counterpart if the owner of the information does not authorize GPO to make it available.[19] SuDocs maintains a list of titles that "contain critical information about the U.S. Government or are important reference publications for libraries and the public…." As a consequence, the agency has determined that "their availability … in paper format has been deemed essential for the purposes of the FDLP."[20] Nevertheless, much of the content that SuDocs has provided previously in

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[12] A directory of FDLP institutions is available at http://catalog.gpo.gov/fdlpdir/FDLPdir.jsp.

[13] Depository collections are housed in a variety of types of libraries, including: college and university libraries; public libraries; law school libraries; court libraries; state libraries; special libraries; research libraries; tribal college libraries; and libraries within federal executive departments, service academies, and independent agencies. See 44 U.S.C. 1906, 1907, 1915, and 1916.

[14] See Government Printing Office, Superintendent of Documents, *List of Classes of United States Government Publications Available for Selection by Depository Libraries*, Washington, DC, October 2011. Classes organize government information by the issuing agency.

[15] 44 U.S.C. 1911, 1912.

[16] A directory of FDLP institutions is available at http://catalog.gpo.gov/fdlpdir/FDLPdir.jsp.

[17] Depository libraries must have collections of at least 10,000 books other than government publications, be accessible to the public, "properly" maintain government publications provided to them, and agree to abide fully by the laws and regulations governing officially designated federal depository libraries. 44 U.S.C. 1909; and GPO, SuDocs, *Legal Requirements & Program Regulations of the Federal Depository Library Program*, http://permanent.access.gpo.gov/gpo9182/legal-requirements-guidance2011.pdf.

[18] Government Printing Office, *Budget Justification, Fiscal Year 2013*, January 25, 2012, p. F2, http://gpo.gov/pdfs/congressional/Budget_Justification_FY2013.pdf.

[19] See, for example, "About Congressional Hearings," http://www.gpo.gov/help/about_congressional_hearings.htm.

[20] "Essential Titles for Public Use in Paper or Other Tangible Format," http://www.fdlp.gov/collections/building-collections/135-essential-titles-list; and John S. Dowgiallo, GPO Staff, "Availability of the U.S. Congressional Serial Set," posted to GOVDOC-L Listerv, February 16, 2012, http://lists.psu.edu/cgi-bin/wa?A2=ind1202C&L=GOVDOC-L&T=0&F=&S=&P=4271. The current list of GPO-designated essential titles is available at http://www.fdlp.gov/collections/building-collections/135-essential-titles-list?start=1. Examples include the *Budget of the United States Government*, various Census Bureau materials, the *Code of Federal Regulations*, the U.S. (continued...)

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tangible formats is now available in digital formats through GPO's FDLP Electronic Collection, which provides access to government information to Internet users without cost.[21] The Collection consists of four elements:[22]

- Core legislative and regulatory products[23] that reside permanently on GPO servers and are made available through GPO's Federal Digital System (FDSys);[24]

- Other remotely accessible products managed by GPO or other institutions with which GPO has established formal agreements. Access to some of the products in this category are provided by GPO through resources outside the scope of FDSys.[25] Access to the products of official GPO content partners is provided by those entities.[26] GPO provides access to those materials through the *Catalog of U.S. Government Publications* (CGP);[27]

- Remotely accessible electronic government information products that remain under the control of the originating agencies that GPO identifies, describes, and to which it provides links;[28] and

- Tangible electronic government information products distributed to federal depository libraries.[29]

The emergence of a predominantly digital FDLP may call into question the capacity of GPO to manage the program given its existing statutory authorities. Whereas GPO is the central point of

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Congressional Serial Set, and the *Congressional Record*. The U.S. Congressional Serial Set, commonly referred to as the Serial Set, contains the House and Senate Documents and the House and Senate Reports bound by session of Congress. It began publication with the 15th Congress (1817-1819), http://www.gpo.gov/help/u.s._congressional_serial_set.htm.

[21] See http://www.gpo.gov/fdsys/search/home.action. Authority for FDSys is provided in 44 U.S.C. Chapter 41. For consideration of the transition of FDLP to a primarily digital service, see Gil Baldwin and George Barnum, "On My Mind: Government Documents for the Ages," *American Libraries*, December 2001, p. 38.

[22] This section is based on Government Printing Office, Superintendent of Documents, *Managing the FDLP Electronic Collection: A Policy and Planning Document*, October 1, 1998, http://www.access.gpo.gov/su_docs/fdlp/pubs/ecplan.html, and updates provided by GPO SuDocs staff, January 13, 2012.

[23] Examples include the daily edition of the *Congressional Record* and the *Federal Register*.

[24] See http://www.gpo.gov/fdsys.

[25] GPO harvests some information dissemination products from official federal government websites. The agency applies life-cycle management practices to the data and provides access through the *Catalog of U.S. Government Publications* (CGP), http://catalog.gpo.gov.

[26] Examples include content from the Homeland Security Digital Library, http://www.hsdl.org, which is sponsored by the Department of Homeland Security, National Preparedness Directorate, Federal Emergency Management Agency (FEMA), and the Naval Postgraduate School Center for Homeland Defense and Security; and the Cybercemetery, an archive of defunct government websites at the University of North Texas, http://govinfo.library.unt.edu.

[27] See http://catalog.gpo.gov.

[28] Agency-controlled content is accessible through the use of GPO-created persistent identifiers in the CGP and may also be available through the originating agency. See, for example, *Appalachia Magazine*, published by the Appalachian Regional Commission, http://purl.fdlp.gov/GPO/gpo4887, and http://www.arc.gov/appalachia; and the Educational Resources Information Center (ERIC) database, provided by the Department of Education, http://purl.access.gpo.gov/GPO/LPS54302 and http://eric.ed.gov.

[29] These include government information distributed in tangible formats other than paper, such as compact disc (CD) formats, digital versatile disc (DVD) formats, and videotape.

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distribution for tangible, printed FDLP materials–an activity that it continues–its responsibilities are more diverse, and may be less explicitly specified, regarding its distribution of digital information. In some instances, GPO carries out activities to distribute digital information that are similar to its actions regarding print materials. In others, GPO provides access to digital content that it does not produce or control.[30] SuDocs has archiving and permanent retention authorities for tangible materials, but those authorities do not envision digital creation and distribution of government publications.[31] Digital distribution authorities[32] provide for online access to publications, but are silent on GPO's retention and preservation responsibilities for digital information.

FDLP–Related Proposals and Actions

A number of efforts related to the program have been initiated by GPO and groups representing a number of libraries that participate in FDLP. These have included certain regional library activities; studies of the program by a private organization; proposals by a consortium of FDLP libraries to advance the consolidation, digitization, and cataloging of tangible collections; and a study of FDLP coordinated by GPO.[33]

Regional Library Activities

Although each state may have up to two regional libraries, the FDLP currently has 47 regional libraries. Six states have two regional libraries;[34] seven regionals serve more than one state, territory, or the District of Columbia;[35] and two states have no designated regional library.[36] Arrangements allowing multi-state regional libraries do not appear to be sanctioned in 44 U.S.C. Chapter 19, but according to GPO, some multi-state agreements date to the years following the passage of the 1962 FDLP program revisions.[37]

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[30] Beyond the FDLP program, some government information is provided by an agency directly, and that material may not be cataloged for inclusion in FDLP or other centralized government information resources. See, for example, Ed Metz, "Capturing Military Information on the Web and Elsewhere," *Online*, September-October 2004, pp. 35-39.

[31] 44 U.S.C. Ch. 19.

[32] 44 U.S.C. Ch. 41.

[33] In addition to various initiatives related to FDLP program structure, one legislative measure related to FDLP has been introduced in the 112th Congress. H.R. 3304, the Northern Mariana Islands Federal Depository Library Act, would permit the Delegate from the Commonwealth of the Northern Mariana Islands to designate depository libraries in the Northern Marianas in the same manner as other Members in their respective states and districts. The measure was introduced by Delegate Gregorio Kilili Camacho Sablan on November 1, 2011, and referred to the Committee on House Administration. No further action has been taken at the time of this writing.

[34] Alabama, Louisiana, North Dakota, Oklahoma, Texas, and Wisconsin each have two regional libraries.

[35] The Maryland regional serves Maryland, Delaware, and the District of Columbia; the Connecticut regional serves Connecticut and Rhode Island; the Florida regional serves Florida, Puerto Rico, and the U.S. Virgin Islands; the Hawaii regional serves American Samoa, Guam, and Micronesia; the Maine regional serves Maine, New Hampshire, and Vermont; the Minnesota regional serves Minnesota and South Dakota; and the Washington regional serves Washington and Alaska.

[36] In the FDLP directory, no regional library is identified for Nevada. The Library of Michigan/Michigan Department of Education, formerly the Michigan regional, became a selective library on October 3, 2011.

[37] In a draft document available on the FDLP website, GPO states that "As early as 1966 the University of Maine became the regional depository library for New Hampshire and Vermont, with the support and approval of their Senators. The first shared regionals at the University of North Dakota and North Dakota State University were (continued...)

In recent years, proposals have been offered by private research groups, individual FDLP libraries, and consortia of FDLP institutions for certain regional libraries to share or assume responsibilities for selective libraries in other states. One proposal, submitted to GPO in 2007, would have created a "shared" regional between the depository libraries of the University of Kansas and the University of Nebraska. Another proposal, submitted in 2011, would have authorized the Minnesota regional to assume responsibility for selective libraries in Michigan.[38]

GPO approved the Kansas-Nebraska regional plan and requested approval of the Joint Committee on Printing (JCP), which oversees the agency. On February 27, 2008, Representative Robert A. Brady, JCP Chair, denied committee approval of GPO's actions, based on an analysis that "that neither the language nor legislative history of 44 U.S.C. 1914 supports GPO's interpretation of the statute" authorizing the creation of a shared regional library.[39] As a result, GPO on September 15, 2011, denied approval to the proposal that the University of Minnesota serve as the regional depository for Michigan selectives.[40]

Ithaka Report

In September 2010, GPO contracted with Ithaka S+R (Ithaka), a private consulting and research entity, "to develop practical and sustainable models for the FDLP that retain and support the long-standing vision, mission, and values of the Program in an environment increasingly dominated by digital technology."[41] The resulting report, *Modeling a Sustainable Future for the United States Federal Depository Library Program's Network of Libraries in the 21st Century: Final Report of Ithaka S+R to the Government Printing Office*[42] (Ithaka Report), was delivered to GPO in May 2011.

Ithaka reported that their research drew conclusions in three categories, including collections and formats, services, and the network of depository libraries.[43]

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designated by their Senators in 1968." "Regional Depository Libraries in the 21st Century: A Time for Change?," undated, available at "Background" link, http://www.fdlp.gov/home/repository/cat_view/72-about-the-fdlp/80-regional-depositories.

[38] The proposal is available at http://www.arl.org/bm~doc/fdlp_mou_michminn14apr11.pdf.

[39] Letter from Representative Robert A. Brady, Chair, Joint Committee on Printing, to Robert Tapella, Public Printer, February 27, 2008, provided by JCP staff, available from GPO at "Letter from the Honorable Robert Brady" link, http://www.fdlp.gov/home/repository/cat_view/72-about-the-fdlp/80-regional-depositories. Under 44 U.S.C. 1914, the Public Printer, with the approval of JCP, may "use any measures he considers necessary for the economical and practical implementation of" 44 U.S.C., Chapter 19.

[40] Letter from Mary Alice Baish, Superintendent of Documents, to Nancy Robertson, State Librarian of Michigan, September 15, 2011, provided by GPO, available at http://www.arl.org/bm~doc/ltgpo_michfdlp_15sept11.pdf.

[41] Mary Alice Baish, *Statement from the U.S. Government Printing Office*, Government Printing Office, Superintendent of Documents, Washington, DC, August 5, 2011, http://www.fdlp.gov/home/repository/doc_download/2004-final-report-with-recommendations-and-accompanying-gpo-statement.

[42] Ross Housewright and Roger C. Schonfeld, *Modeling a Sustainable Future for the United States Federal Depository Library Program's Network of Libraries in the 21st Century: Final Report of Ithaka S+R to the Government Printing Office*, Ithaka S&R, May 16, 2011, http://www.fdlp.gov/home/repository/doc_download/2004-final-report-with-recommendations-and-accompanying-gpo-statement.

[43] This section is based on the Ithaka Report, pp. 3-109.

Collections

The report stated that users of government information increasingly prefer to access government documents and other collections in electronic form. At the same time, the report found that tangible collections support some types of access demand. Consequently, tangible and digital collections are expected to exist together for the foreseeable future.

Services

The report noted that since more content is available online, libraries are no longer exclusive points of access to collections, but remain a source of unique services such as search and reference assistance. The report asserted that current levels of support within the FDLP "are inadequate to effectively meet the needs of the American public,"[44] and suggested that some program growth may be possible by improving opportunities for libraries principally interested in providing government information services. The report did not specify which opportunities might be available to depository libraries.

Library Networks

The report noted that there may be new opportunities within FDLP related to the management and preservation of digital collections, and that some opportunities might be addressed by having existing networks of libraries work in collaboration on various projects.[45] One particular challenge cited by Ithaka is the distribution of regional libraries by state boundaries (instead of other factors like population density or collections usage), which the report argues creates strain on some regional libraries to provide services to selectives in their states or regions.

Ithaka-Recommended Direction for FDLP

Ithaka incorporated its findings into a number of research, analytic, and modeling activities, and proposed a broad direction in which GPO and depository libraries might proceed to provide access to government information. Without making specific recommendations, Ithaka focused on three broad areas in which the report asserted there was general agreement among depository libraries to support the following activities: respond to the demands of providing access to tangible materials; provide access to and preservation of digital materials; and provide government information services. In support of those efforts, Ithaka identified several themes it deemed important to sustaining FDLP, including allowing depository libraries to define their activities to match their local missions and circumstances; and embracing collaboration and coordination among depository libraries beyond the current state-centered regional and selective model. Ithaka asserted that some of the various themes it suggested might require statutory changes, new operating practices by GPO, or consideration of a better match between depository libraries' interests and capacities to participate in FDLP.[46]

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[44] Ithaka Report, p. 8.

[45] Projects identified in the Ithaka Report include digitization of tangible collections, preservation verification of digital formats, cataloging, and user services.

[46] Ithaka Report, p. 109.

GPO Response

In August 2011, GPO rejected the Ithaka Report, stating that "[a]fter a very comprehensive analysis by GPO, the final report prepared by Ithaka was deemed unacceptable under the terms of the contract. The models proposed by Ithaka are not practical and sustainable to meet the mission, goals, and principles of the FDLP. Nonetheless, GPO believes that the final report has some value as we move forward with the library community to develop new models and increase flexibility in the FDLP to ensure the vibrant future of the Program in the digital age."[47]

GPO did not provide a detailed, publicly available explication of its decision. At the same time, some Ithaka recommendations appear to be beyond the scope of GPO's current statutory authority to oversee FDLP, and the responsibilities of FDLP participants.

Tangible Digitization and Consolidation

On April 27, 2011, the Association of Southeastern Research Libraries (ASERL)[48] approved an implementation plan for the management and disposition of federal depository library collections in its member libraries. The implementation plan was a step in ASERL's efforts to develop what it called a "Collaborative Federal Depository Program."[49] In its implementation plan, the group asserted "that the best means of providing broad public access to these collections is through online access to digital and digitized copies. Management of the tangible collections should include efforts to support or participate in initiatives to create a comprehensive, authentic digital collection in the public domain."[50] ASERL argued that its plan would complement efforts to manage the tangible collections held by depository libraries in its member institutions. The ASERL plan would make efforts to define what constitutes a comprehensive FDLP tangible collection; establish two such comprehensive collections; and establish "centers of excellence," FDLP regional libraries that would focus on cataloging, inventorying, and acquiring publications in an effort to establish a comprehensive collection of agency-specific materials.

Part of the ASERL effort included the development of a documents disposition database. Under the ASERL plan, materials that depository libraries intend to withdraw from their collections would be made available for a period of 45 days prior to being withdrawn. During that period, the materials could be requested first by centers of excellence, and second by FDLP regional libraries, followed by FDLP selectives in the southeast region. At the end of the 45-day selection period, the ASERL plan called for the discarding of materials, "items not requested by another library within the southeast region, unless the items are rare or likely to be of significant interest

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[47] Mary Alice Baish, *Statement from the U.S. Government Printing Office*, August 5, 2011, http://www.fdlp.gov/home/repository/doc_download/2004-final-report-with-recommendations-and-accompanying-gpo-statement.

[48] According to its website, http://www.aserl.org/, ASERL is the largest regional research library consortium in the United States. Its 40 member libraries include academic research and federal libraries in Alabama, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia.

[49] For an overview of the collaborative program proposal, see "Overview of ASERL's Collaborative Federal Depository Program (CFDP)," http://www.aserl.org/programs/gov-doc/.

[50] Unless otherwise noted, this section is based on Association of Southeastern Research Libraries, *Implementation Plan: Southeast Region Guidelines for Management and Disposition of Federal Depository Library Collections*, (hereafter ASERL Implementation Plan) April 27, 2011 (quotation, p. 1), http://www.aserl.org/wp-content/uploads/2011/08/ASERL_FDLP_GUIDELINES.Approved-042011.pdf.

beyond the region and therefore should be included in the national 'Needs and Offers List'[51] maintained by the Superintendent of Documents."[52]

On November 4, 2011, SuDocs responded to ASERL, writing that the proposed disposition tool was "not in compliance with the legal Requirements & Program Regulations of the Federal Depository Library Program (FDLP)."[53] SuDocs recommended that ASERL's disposition tool be revised to allow FDLP regionals to acquire materials from among collections of selective libraries within the state the regional serves, followed by other selectives in the state, followed by FDLP libraries outside the state. On February 12, 2012 ASERL proposed to amend its implementation plan to give priority to regional and selective libraries within states, followed by depository libraries within the southeast region.[54] On February 13, 2012, SuDocs approved the proposed revisions and requested the opportunity to review a revised implementation plan.[55] Further response from ASERL and a final decision by SuDocs are pending at the time of this writing.

GPO FDLP Study

Since an October 20, 2011, public forum for the FDLP community, GPO has been developing a study of the FDLP program "to effectively assess the current needs and future direction of the FDLP for both individual libraries and states."[56] The study will be based in part on data collected through a questionnaire sent to individual depositories to identify issues.[57] Data generated by individual depository libraries will be incorporated into state-focused action plans incorporating the feedback of depository libraries within a state.

GPO states that "[c]onsensus of opinion about the key issues facing depository libraries today and in the future is the key to moving forward with change," and notes that the current study is a component of "a larger FDLP study that will also examine primary and secondary data, laws governing the program, and possible program models…" in an effort to develop a plan "for the future of the Program … based on a shared vision with member libraries."

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[51] Information on GPO's Needs and Offers (N&O) program is available at http://www.fdlp.gov/collections/collection-maintenance/144-needs-and-offers-nao.

[52] ASERL Implementation Plan, p. 9.

[53] Letter from Mary Alice Baish, Superintendent of Documents, to Judith Russell, Chairperson, ASERL FDLP Steering Committee, Dean of University Libraries, University of Florida, November 4, 2011, http://www.aserl.org/wp-content/uploads/2011/11/Letter-ASERL-FINAL-20111104.pdf. Under 44 U.S.C. 1912, regional libraries "may permit depository libraries, within the areas served by them, to dispose of Government publications which they have retained for five years after first offering them to other depository libraries within their area, then to other libraries."

[54] Letter from Julia Rholes, Chairperson, ASERL FDLP Steering Committee, Dean of Libraries, University of Mississippi, et al., to Mary Alice Baish, Superintendent of Documents, February 12, 2012, http://www.aserl.org/wp-content/uploads/2012/02/2012_02_13_Letter_to_GPO.pdf.

[55] Letter from Mary Alice Baish, Superintendent of Documents, to Julia Rholes, Chairperson, ASERL FDLP Steering Committee, Dean of Libraries, University of Mississippi, et al., February 13, 2012, http://www.aserl.org/wp-content/uploads/2012/02/GPO_Response-to-ASERL-2012-02-16.pdf.

[56] Information and quotes in this section are taken from FDLP Forecast Study, http://www.fdlp.gov/project-information, except as noted. See also, "From Collaborative Discussion to Questionnaire: GPO Asks the FDLP Community to Help Us Shape the Future of the Program," *FDLP Connection*, February 7, 2012, http://www.fdlp.gov/project-information/1165-gpo-asks-fdlp-community-to-help-shape-future.

[57] The FDLP Library Forecast survey instrument is available at http://www.fdlp.gov/home/repository/doc_download/2131-fdlp-library-forecast-questionnaire.

GPO has not publicly announced when the results of the depository survey or the state action plans will be available, or when those results will be integrated into the larger study of FDLP.

Potential Issues for Congress

A number of issues regarding FDLP and policy related to the transition to digital government information that might be of interest to Congress arise as a consequence of digital creation, distribution, and preservation of government information. These issues are in some cases interrelated, and may have been addressed in part in the Ithaka Report and ASERL proposals, or may receive further consideration in GPO's studies. Some of the issues may affect FDLP, and extend beyond the program to a variety of contexts related to the management of government information in tangible and digital forms, and include:

- Maintenance and availability of the FDLP tangible collection;

- Retention and preservation of born digital information;

- Access to FDLP resources;

- Authenticity and accuracy of digital material;

- Robustness of the FDLP Electronic Collection; and

- Cost of the FDLP and other government information distribution initiatives.

FDLP Tangible Collection

The FDLP collection, which incorporates materials dating to 1813, is estimated to contain approximately 2.3 million items. As much as one-third of the tangible collection,[58] including most items created prior to 1976, is not catalogued. Most depository libraries do not have a full complement of depository materials because they joined the program at various times after 1813, and are not required to acquire materials retrospectively, or retroactively in the event of collection loss.

Estimates of the usage of tangible FDLP materials are not readily available. This is due in part to the highly decentralized manner in which materials are stored and accessed, differences in the ways depository libraries might track collection use, and the lack of requirements to develop and maintain utilization metrics. There are some suggestions that parts of the collection might be underutilized, due to the lack of cataloging information for much of the collection distributed prior to 1976, when GPO began creating cataloging information.[59] Others suggest that some materials that are cataloged and available receive little use.[60] On the other hand, it has been suggested that some tangible items that had not been used were more frequently accessed when

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[58] A more precise estimate cannot be established, because no entity has been charged with maintaining a complete list of materials distributed since the establishment of the program.

[59] Judith C. Russell, "Challenges and Opportunities for Federal Depository Libraries in the Digital Age," *Against the Grain* (November 2010), pp. 32-26, http://www.against-the-grain.com/TOCFiles/v22-5/fea_russell_v22-5.pdf.

[60] A government documents librarian noted that in his library, one person had checked out pieces of the U.S. Serial Set in the past 10 years. Paul Belloni, Regenstein Library, University of Chicago, "Serial Set Concerns Follow-up," posted to GOVDOC-L Listerv, February 14, 2012, http://lists.psu.edu/cgi-bin/wa?A2=ind1202B&L=GOVDOC-L&T=0&F=&S=&P=27593.

made available online. In the absence of any systematic inquiry, it cannot be determined whether the lack of utilization is the result of minimal demand, lack of catalogue information for some materials in the FDLP collection, or inadequate communication of the collection's availability.

As seen in the ASERL proposals, some depository libraries see opportunities to digitize tangible FDLP collections to ensure their preservation and to make them more available to users who are better able to access the materials online than to visit libraries. Such efforts might provide broader access to the public, assuming that technological infrastructure is in place to ensure sufficient access to the Internet. Provision of digital government information in digital form could reduce the costs of maintaining a tangible collection, or provide the opportunity to reduce the number of copies of tangible government publications held by depository libraries through consolidation of collections. On the other hand, as discussed in more detail below, there is no consensus on what constitutes a sufficient number of paper copies. Further, it is possible that the costs of ongoing maintenance and technology upgrades necessary to support digitized materials could be higher than the current costs to maintain tangible collections. See "Retention and Preservation of Born Digital Information" and "Costs of FDLP and Other Government Information Distribution Programs," below.

Any effort to digitize or reduce the number of tangible copies appears to be beyond the scope of authorities granted to SuDocs or depository libraries under current law. Nevertheless, the question of how to retain and preserve government information contained in tangible form alone, and to provide access to that information to all who wish to see it, raises a number of questions. At the outset, these questions may lead in two directions: one related to the retention and preservation of tangible materials in their original form, the second focused on efforts to transition tangibles to digital formats.

Tangible Retention

Questions related to the retention and preservation of tangible materials in tangible formats arise with regard to the following: preservation of decaying tangibles; establishing how many complete, tangible copies may be necessary to ensure permanent retention of records of government activities; and access for the general public when digital materials do not meet user needs. With regard to preservation, it would be necessary to have a more fully cataloged FDLP collection to be able to determine what the preservation requirements are.

On questions about the number of tangible copies to be retained permanently, there is little consensus. Some studies note the opportunities to consolidate collections to free up storage space, and potentially reduce costs, while still ensuring that library users' needs are met.[61] Others cite a lack of data to demonstrate how many copies might be needed to meet those needs.[62] The ASERL plan calls for the development of two complete sets for the use of libraries within the southeast region. Another proposal calls for the creation by GPO of two national retrospective collections, to be housed separately in secure facilities.[63] One study, focusing not on government documents,

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[61] Emily Stambaugh, "Heading West: Circling the Wagons to Ensure Preservation and Access," *Against the Grain* (November 2010), pp. 18-22, at http://www.cdlib.org/news/publications/heading_west.pdf.

[62] Julia Gammon and Edward T. O'Neill, *OhioLINK—OCLC Collection and Circulation Analysis Project 2011*, OhioLINK Collection Building Task Force, Dublin, OH, September 2011, p. 8, http://www.oclc.org/research/publications/library/2011/2011-06.pdf.

[63] Patrick Ragains, "Fixing the Federal Depository Library Program," *American Libraries*, April 16, 2010, (continued...)

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but on the number of copies of scholarly journals in academic settings that must be retained in print form to ensure enduring access, ranges from as few as six to as many as 96 copies, depending on the manner of storage and the time period during which the materials are expected to be available.[64]

Tangible Digitization

A number of questions related to the retention and preservation of digitized materials are similar to issues that arise in the consideration of born digital materials, and are discussed in more detail in "Retention and Preservation of Born Digital Information," below. Questions specifically related to digitized tangibles arise in the following areas:

- The costs of digitizing tangible collections;

- The authenticity and ownership of digitized versions of tangible publications;

- The disposition of original publications that are digitized;

- The extent to which the costs of these efforts represent a resource savings or increase in comparison to current FDLP practices or a redistribution among FDLP participants; and

- Whether these efforts change the extent and nature of public access to government information.

In addition to the technical and procedural aspects, any discussion of tangible materials would likely involve consideration of the costs of activities necessary to preserve them in their original manifestations, or to ensure their access through cataloging or digitization. Estimates of the cost of such efforts across the FDLP program do not appear to have been developed.

Retention and Preservation of Born Digital Information

Digitization has a relatively short history. As a consequence, less is known about the long-term, archival retention of digitized or born digital materials than about the retention of information in paper or other tangible forms.[65] Differences between the production and distribution processes for tangible items and digital materials affect distribution in the short term, and may have implications for accessibility over longer terms. For example, whereas tangible items are produced and distributed through FDLP, born digital materials may be accessible through the FDLP Electronic Collection, or available only through federal executive branch agency websites, or the websites of GPO content partners. This may have implications for the systematic collection and cataloging of materials, or, as just mentioned, public access to them. Born digital materials–such as databases, websites, and publications–may also be dynamic, and their content more

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(...continued)

http://americanlibrariesmagazine.org/features/04162010/fixing-federal-depository-library-program.

[64] Candace Arai Yano, Z. J. Max Shen, and Stephen Chan, "Optimizing The Number Of Copies For Print Preservation Of Research Journals," October 2008, http://www.ieor.berkeley.edu/~shen/webpapers/V.8.pdf.

[65] Some efforts to develop digital preservation strategies and technologies include: LOCKSS (Lots of Copies Keep Stuff Safe), http://www.lockss.org/lockss/Home; Kansas Enterprise Electronic Preservation System (KEEP), http://keep.ks.gov/about-2; and ECHO DEPository: Exploring Collaborations to Harness Objects with a Digital Environment for Preservation, http://www.digitalpreservation.gov/partners/echodep.html.

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readily changed than tangible materials. This may raise questions about version control, or strategies for identifying and capturing different versions of materials in their entirety for evaluation for archival retention.

Other areas of concern are the formats in which born digital materials are produced, the media on which they are stored, and the implications of changes in either for the accuracy or authenticity of the information preserved. The potential consequences of format obsolescence,[66] media failure resulting in data loss, and the challenges of migrating government information to newer formats or storage solutions appear to be incompletely addressed by those who create information technology systems, government agencies that create and distribute information, information professionals who curate and preserve those materials, and users who may rely on contemporary and historical government information in digital formats. Consideration of the questions and challenges surrounding the permanent retention of digital information has occurred in the past four decades, but has yet to identify solutions that are widely accepted.[67]

Access to Digital Government Information

The emergence of digital delivery of government information outside the FDLP program may offer increased access to government information to those who might not be able to visit depository libraries. An underlying assumption of the Ithaka Report, for example, is that FDSys is functional and available, and that most users have access.[68] While this model appears to go beyond the current statutory framework for FDLP, the apparent reliance on the FDLP Electronic Collection raises a number of questions for FDLP participants and users of government information.

Unlike tangible collections, digital government information is not physically provided to depository libraries, but is provided through the Internet by GPO and its content partners to depository libraries and directly to users with Internet access. The information itself is contained on a server and in any backup facility that may be utilized. For depository libraries, this may raise concerns related to their collection development practices. If digital access is assured, it may be possible to reduce tangible collections. On the other hand, if digital access is not robust, it may be necessary for depository libraries to support access to digital materials while maintaining tangible collections. Potential users may or may not benefit from digital delivery arrangements if their Internet access is not sufficient to access resource intensive, authenticated materials served through FDSys. Another set of concerns may focus on the availability of information that is not

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[66] Format obsolescence refers to circumstances in which computer hardware, software, or data formats reach the end of their service lives, and must be replaced.

[67] Examples of consideration of the challenges of digital preservation include: CENDI Digital Preservation Task Group, *Formats For Digital Preservation: A Review Of Alternatives And Issues*, March 1, 2007, http://www.cendi.gov/publications/CENDI_PresFormats_WhitePaper_03092007.pdf; David Talbot, "The Fading Memory of the State," *Technology Review*, July 2005, pp. 44-49; Abby Smith, "Preservation in the Digital Age: What Is to Be Done?," *American Libraries*, vol. 30, no. 3 (March 1999), pp. 36-39; John C. Mallinson, "Preserving Machine-Readable Archival Records for the Millennia," *Archivaria*, vol. 22 (Summer 1986), pp. 147-152; Sue Gavrel, "Preserving Machine-Readable Archival Records: A Reply to John Mallinson," *Archivaria*, vol. 22 (Summer 1986), pp. 153-155; Charles M. Dollar, "Appraising Machine-Readable Records," *The American Archivist*, vol. 41, no. 4 (October 1978), pp. 423-430; and Kenneth Thibodeau, "Machine Readable Archives and Future History," *Computers and the Humanities*, vol. 10, no. 2 (March-April 1976), pp. 89-92.

[68] Ithaka Report, p. 7. The report does not appear to consider the FDLP Collection, but the concerns it expresses with regard to FDSys would apply generally to all digitally delivered content.

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physically present in depository libraries. Other concerns may arise if available search resources do not yield the information a user seeks.

In addition to the user and depository concerns, the emergence of the FDLP Electronic Collection as a digital repository raises question about the security and availability of government information. One of the purported benefits of the tangible-based FDLP program is that widely distributed publications would provide a safeguard against the unavailability of that information if some copies were lost or destroyed. The use of the FDLP Electronic Collection may raise the following concerns in the context of digital information:

- Where do FDLP Electronic Collection data reside?

- Are current data management protocols sufficient to ensure no loss of data availability, and assured access?

- Are those protocols similar in GPO, other federal agencies, and non governmental partners that provide content?

- What backup, and information distribution and assurance policies, are in place?

Costs of FDLP and Other Government Information Distribution Programs

Depository libraries appear largely to have borne the costs of the FDLP program since its establishment. There is no mechanism in 44 U.S.C., Chapter 19, to fund depository costs of managing materials, staff, and physical plant needs, and providing public access. In an era characterized by dwindling resources, particularly in state and local governments and public libraries, the costs of maintaining FDLP tangible collections, which, according to GPO, remain the property of the United States government, have become prohibitive to some depository libraries.

The emergence of digital delivery have had cost implications for information providers. Whereas the costs of tangible support rest largely with depository libraries, the costs of providing digital materials, including storage of digital materials, Web development, maintenance, and upgrades, fall on GPO for FDSys and other entities that provide content through the FDLP Electronic Collection. Over time, the costs of digital delivery could require additional appropriations for GPO and other federal content providers, or force those agencies to revaluate service levels in a hybrid system of tangible and digital delivery. Whereas the costs of a tangible FDLP fall largely on depository libraries, GPO, in its FY2013 budget submission, notes that in "a primarily electronic FDLP, the costs of the program are increasingly related to identifying, acquiring, cataloging, linking to, authenticating, modernizing, and providing permanent public access to electronic Government information, which involves recurring costs"[69] to GPO. These costs may continue to increase as more digital information is created, and older data, software, and hardware must be upgraded to ensure ongoing digital availability. There is no publicly available estimate of what those costs might be over time.

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[69] Government Printing Office, *Budget Justification, Fiscal Year 2013*, January 25, 2012, p. F2, http://gpo.gov/pdfs/congressional/Budget_Justification_FY2013.pdf.

Concluding Observations

The emergence of digital information has had notable effects on the types of information created, including databases, video, audio and Web-only materials, and the manner in which that information is distributed beyond tangible, paper copies. A clear consequence of those changes is the emergence of general agreement that the statutes governing FDLP, and last visited by Congress before the digital era of information creation, collection, and distribution, are insufficient to regulate contemporary processes carried out by government and depository institutions. A related question is whether existing authorities can support GPO and depository libraries as they address the demands of users of government information and the general public. A particularly complex question is what solutions might create a more robust FDLP that is better equipped to meet the demands of providing government information to American citizens.

It appears that a number of social, political, and technical concerns must be addressed more systematically before a policy regarding the future of FDLP can be developed. In moving toward the development of a more contemporary FDLP, Congress might consider the following issues:

- Development of methods, materials, and technologies to ensure the long-term preservation of digitized and born digital information;

- A more inclusive definition of materials to be included in FDLP collections. Under current law, "government publications" are defined as "informational matter which is published as an individual document at Government expense." While seemingly broad with regard to tangible materials, the law does not take into account government publishing programs outside GPO authority. The somewhat vague language could also lead to differences by agency in the type of materials that get into FDLP collections. In addition, there is no clear link to which digital material should be included in FDLP collections;

- The extent to which there is a need to expand the current institutional model of FDLP beyond regional and selective libraries. Information management is a more specialized activity now than when the current version of FDLP was established. Activities that might be of benefit to the program could include curatorial services, tangible preservation or digitization, information integrity assurance (e.g., digital signatures or other authentication schemes), and the cataloging of older tangible materials. These activities could occur within current FDLP institutions or by other libraries or other entities that could provide assistance without managing collections; and

- The costs of the program to the federal government and depository institutions, and how long-standing funding models might affect the program in the digital era.

Table 1. Acronyms or Abbreviations Used in This Report

Acronym or Abbreviation	Term
ASERL	Association of Southeastern Research Libraries, http://www.aserl.org/
CD	Compact Disk
CGP	Catalog of U.S. Government Publications, http://catalog.gpo.gov
DVD	Digital Versatile Disk
ECHO DEPository	Exploring Collaborations to Harness Objects with a Digital Environment for Preservation, http://www.digitalpreservation.gov/partners/echodep.html
FDLP	Federal Depository Library Program
GPO	Government Printing Office
JCP	Joint Committee on Printing
KEEP	Kansas Enterprise Electronic Preservation System, http://keep.ks.gov/about-2
LOCKSS	Lots of Copies Keep Stuff Safe, http://lockss.org
N&O	Needs and Offers. A list maintained by GPO to facilitate the distribution of materials depository libraries propose to withdraw from collections, http://www.fdlp.gov/collections/collection-maintenance/144-needs-and-offers-nao
SuDocs	Superintendent of Documents, GPO

Source: CRS.

Appendix. Glossary of Selected Terms

This selected glossary provides definitions for the specialized information management terms used in this report. Sources for the terms include the Government Printing Office; General Services Administration, GSA Federal Agencies Digitization Guidelines Initiative Glossary, http://www.digitizationguidelines.gov/glossary; Institute of Museum and Library Services and Heritage Preservation, "Collaboration in the Digital Age Glossary," http://test.imls.gov/collections/resources/Glossary.pdf; Digital Preservation Coalition, Maggie Jones and Neil Beagrie, "Introduction: Definitions and Concepts," Preservation Management of Digital Materials: A Handbook, http://www.dpconline.org/text/intro/definitions.html; Joan M. Reitz, ODLIS- Online Dictionary for Library and Information Science, http://www.abc-clio.com/ODLIS/searchODLIS.aspx; and American Library Association, Association for Library Collections & Technical Services, Preservation and Reformatting Section, Definitions of Digital Preservation, http://www.ala.org/ala/alcts/newslinks/digipres/index.cfm.

Term	Definition
Authentication	A mechanism that attempts to establish the authenticity of digital materials at a particular point in time. For example, digital signatures.
Bibliographic Control	Encompassing all the activities involved in creating, organizing, managing, and maintaining the file of bibliographic records representing the items held in a library or archival collection, or the sources listed in an index or database, to facilitate access to the information contained in them. Bibliographic control includes the standardization of bibliographic description and subject access by means of uniform catalog code, classification systems, name authorities, and preferred headings; the creation and maintenance of catalogs, union lists, and finding aids; and the provision of physical access to the items in the collection.
Born Digital	Digital content that originated as a digital product. Born digital content is distinct from digital content, which is created through the digitization of analog content, including paper, video, or audio formats. Examples of born digital content include word processing documents, spreadsheets, and original images produced with digital cameras, and which may not be intended to have a tangible equivalent.
Cataloguing	The process of creating entries for a catalogue. In libraries, this usually includes bibliographic description, subject analysis, assignment of classification notation, and activities involved in physically preparing the item for the shelf.
Catalogue	A comprehensive list of the books, periodicals, maps, and other materials in a given collection, arranged in systematic order to facilitate retrieval.

Term	Definition
Collection Management	The activity of planning and supervising the growth and preservation of a library's collections based on an assessment of existing strengths and weaknesses and an estimate of future needs.
Digital Authenticity	Verification of a digital publication's identity, source, ownership, and/or other attributes.
Digital Deposit	Content received from content originators in digital form.
Digital Preservation	A combination of policies, strategies, and actions to ensure the access to reformatted and born digital content regardless of the challenges of media failure and technological change. The goal of digital preservation is the accurate rendering of authenticated content over time.
Digitization	The process of recording an analog signal in a digital form. In relation to audio, radio, or television, it describes the process of translating analog signal data emanating from an object (light or sound) into a digitally encoded format. Audio, still, and moving images are commonly digitized for increased access or for preservation purposes.
Preservation	The process of maintaining, in a condition suitable for use, materials produced in digital formats, including preservation of the bit stream and the continued ability to render or display the content represented by the bit stream. The task is compounded by the fact that some digital storage media deteriorate quickly, and the digital object is inextricably entwined with its access environment (software and hardware), which is evolving in a continuous cycle of innovation and obsolescence. Also refers to the practice of digitizing materials originally produced in non-digital formats (print, film, etc.) to prevent permanent loss due to deterioration of the physical medium.

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