



## **ARL Statement on Recent USGPO Decisions Concerning the FDLP**

**October 2011**

The Association of Research Libraries (ARL) calls upon the US Government Printing Office (GPO) to reverse its recent, troubling decisions concerning the Federal Depository Library Program (FDLP). ARL asks that GPO approve the University of Minnesota Libraries as the regional for the State of Michigan once it is designated by the relevant Senators, as well as approve and support the ASERL "Guidelines for Managing FDLP Collections in the Southeast Region." Such actions are consistent with GPO past precedent and, importantly, comply with provisions in Title 44. These types of collaborations and cooperative efforts are essential to the success of the FDLP both now and in the future.

ARL and its members have long-standing participation in and support for the FDLP, a partnership between the Federal Government and libraries throughout the United States that ensures the public has no-fee access to US government information. ARL members invest significant staff, financial resources, and space allocations to the Program with the belief that equitable access to information about our Government and its programs is central to our democracy. Recently, changes in policy and practice by GPO and its failure to embrace needed changes to the Program present serious challenges to the Program's sustainability and viability. These changes will seriously impact the ability of the public to effectively access government information both now and in the future.

Decisions by the leadership of GPO over the last nine months call for costly changes in practice by federal depository libraries that are not supported by provisions in Title 44, the governing statute of the Program. In addition, GPO leadership has reinterpreted provisions in Title 44 and dismissed long-standing precedent concerning the designation of regional federal depository libraries to the Program. Finally, GPO has not acknowledged current library practice across all types of libraries and has not positioned the Program and its resources to reflect how users engage in digital discovery and access to information.

ARL affirms that:

1. There is long-standing precedent for the approval of multi-state regional federal depository libraries by GPO, and the agency has already accepted the designation of seven multi-state regional federal depository libraries. In past cases, GPO cited the Library Services Act of 1956, which provided for interstate compacts to improve library services and the Library Services Act of 1962 as justification for multi-state regional designation. Multi-state regional libraries currently serve nearly 18% of all federal depository libraries and have done so beginning in 1966.

2. Further, Title 44 states that, "designation of regional depository libraries may be made by a Senator or the Resident Commissioner from Puerto Rico within the areas served by them." GPO has, until 2011, followed this statutory language in accepting the designation of regional federal depository libraries including multi-state regional depository libraries.
3. Federal depository libraries may choose to do more than is required under Title 44, but they are not obligated to provide services beyond those required by the law. For example, although regional federal depository libraries are not required by law to build retrospective collections or to replace items that are lost, stolen, or damaged by a disaster, individual regional depository libraries may seek to replace missing items or build their retrospective collections to meet institutional, local, state, regional, or national needs.
4. Regional federal depository libraries may develop collaborative services and the tools to implement them in support of efficient and cost-effective support of the Program and, importantly, improved public access to government information. These services may include shared training and reference services, coordinated collection management, digitization of historical documents for improved public access, and establishment of uniform disposition procedures. These services will improve public access and, therefore, libraries should not be precluded from collaboration that extends beyond the borders of single state or territory as previously acknowledged by GPO in recognition of the Library Services Act of 1956 in support of multi-state regional federal depository libraries.
5. Participating federal depository libraries require consistent and non-burdensome policies for the effective management of the FDLP. In this difficult economic environment, it is too costly and not in the best interests of the public for GPO to change existing policies, and impose on federal depository libraries new unfunded mandates and requirements, especially without consultation. Such changes add new burdens to an already constrained library financial environment.
6. As of September 30, there were 1,208 federal depository libraries, a loss of 15 libraries in 2011. In 2003, there were 53 regional federal depository libraries. Today, there are 47 regional federal depository libraries, 2 of which dropped their status within the last 3 months. GPO must address this decline in both selective and regional federal depository libraries in a fashion that is most effective for users and libraries alike and fully incorporates digital services into depository library operations.
7. The public's growing preference for digital delivery of information, coupled with serious costs and constraints of library space, provide compelling motivation for the FDLP to proactively address discovery and delivery of the full corpus of depository publications in digital form and to positively engage and facilitate partnership with the FDLP community in this effort. Such an initiative would significantly improve public access to US government information, and GPO could further enhance the value of the digital content by developing appropriate procedures to authenticate the content and, where possible, have it recognized as official.