



September 23, 2011

Judy,

As you know, GPO is required by law to administer the Federal Depository Library Program. We must enforce the legal requirements of the Federal Depository Library Program as set forth in 44 U.S.C. §§1901-1916. GPO is responsible for making a determination of compliance; no other organization has that authority. In our conversation of August 26, you related that library directors were interested and excited about the ASERL initiatives. GPO is also interested in pursuing initiatives that advance access to government information but must ensure that any plan that affects depository material and the procedures governing the management and services of that material is in compliance with the law.

GPO has reviewed publicly available documentation on the ASERL implementation plan and disposition tool, as well as attended one of the online training sessions on the disposition tool. Furthermore, as part of our oversight role, we have conducted a survey for depository libraries to provide feedback on the plan. Based on the survey results and our review of the available documentation, we seek clarification of the implementation plan to ensure compliance and to address the concerns expressed by members of the Depository Library community as documented in their responses to the survey.

What follows is a brief listing of issues that GPO is concerned about and which require further clarification. This list is not comprehensive, but is provided as a basis for our continuing conversation about the plan.

Issues of Concern:

Implementation of the ASERL FDL Management and Disposition Plan

- GPO is not able to ensure compliance with FDL legal and program requirements without a review of how the larger ASERL plan will be implemented. Details need to be provided relating to any agreements and documentation that has been developed, e.g. how will libraries administer the two libraries of record copies? What tools will be used in the management of them? Most documentation that GPO has reviewed relates only to a small part of the plan, the Disposition tool.

Comprehensive Collections within the State

- Regionals are required to ensure the comprehensiveness and integrity of a comprehensive collection. To that end, regionals must retain or selectively house one tangible copy of all FDLP material issued before and after regional designation in their state. The ASERL implementation plan will need to remove the incorrect statement that "regional depository libraries are not required by law to build retrospective collections or to replace items that are lost"
- ASERL should affirm that regionals must continue to review withdrawal lists, with the goal of building a comprehensive collection that suits the state.

The Regional Authority is Responsible for Collection Development and Housing

- At least one tangible copy of material that predates a regional's designation needs to be kept in the state if it becomes available.
- All policies and procedures should affirm that Centers of Excellence do not trump regionals and selectives in comprehensive collection development. As such, changes need to be made to the disposition tool to acknowledge the primacy of the regional role in the withdrawal process.

No Benefit From the Sale of Depository Material

- ASERL must state that libraries may not benefit from the sale of depository material. Material may not be bartered with or sold for services.

Public Access

- Timely public access to FDLP materials must be guaranteed regardless of the user's affiliation. This is a core tenant of the Program which must be clearly stated.
- ASERL's plan must acknowledge that tangible copies of materials must be retained in the state to make available to users. Regional depositories may not substitute a tangible copy for an electronic copy. If tangible material not held by the regional should come available in the state, the regional must find a suitable home for it.
- Given that much of the ASERL plan may influence the retention of depository material and services offered among community members, GPO needs details about how ASERL plans to implement the two "Library of Record" copies to determine if this plan is in compliance with the law. Safeguards to ensure the continued operation of the FDLP collections and services should be outlined and documented, e.g. what will ASERL do if a

library were to drop FDLP status? How will the FDLP collection be dealt with?

- GPO is concerned that the implementation plan seems to confuse digital collections and tangible collections. Regional libraries must ensure the maintenance of a comprehensive tangible collection in their state and digital substitution or a preference for a digital format should not be confused with the required responsibilities of a regional library.

GPO wants to work with ASERL to help bring the ASERL plan into compliance or to clarify that it is in compliance with the legal requirements of the Program. If you believe that working directly with GPO staff members will aid in this process, we will be happy to make staff available. We look forward to hearing from you and reaching a successful conclusion.

Regards,

A handwritten signature in black ink, appearing to read "Robin Haun-Mohamed". The signature is written in a cursive style with some loops and flourishes.

ROBIN HAUN-MOHAMED