September 27, 2017

The Honorable Greg Harper  
Chairman, Committee on House Administration  
1309 Longworth House Office Building  
Washington, D.C 20515

The Honorable Robert Brady  
Ranking Member, Committee on House Administration  
2004 Rayburn House Office Building  
Washington, D.C. 20515

Dear Chairman Harper and Ranking Member Brady,

The Association of Research Libraries (ARL) and its members have a long-standing participation in and support for the Federal Depository Library Program (FDLP), a partnership between the US Government and libraries throughout the United States that ensures the public has no-fee access to government information. ARL members invest significant staff, financial resources, and space allocations to the FDLP with the belief that equitable access to information about the government and its programs is central to democracy.¹

Reform of chapter 19 of Title 44 should lead to a flexible, sustainable, reconfigured Program that reflects the needs and interests of users of government information and participating libraries and encourages collaborative network-based services. Key elements of a new service model for the FDLP should include strategies to achieve a small number of comprehensive, print, legacy collections; a focus on services and access versus collecting; increased development of network-based collaborative efforts between the Government Publishing Office (GPO), agencies and depository libraries; greater flexibility for both regional and selective depository libraries; and encourage and engage in new partnerships and collaborations.

The paradigm of the FDLP has shifted. The program model, dating back to the mid-19th century, entailed libraries collecting, cataloging, and ensuring access to some portion of government

¹ ARL’s interest in reform of the FDLP is grounded in the belief that for the FDLP to be successful, there must be change. In addition, ARL members have significant responsibilities and financial commitments for sustaining the system – of the 47 federal regional depositories, 22 are ARL members and the majority of ARL libraries are selective depositories, all with large depository collections.
documents. This model has depended upon the central distribution of federal agency information by GPO to participating libraries. It also depended upon labor-intensive access protocols that do not necessarily reflect current library practice. When the Depository Library Act of 1962 was enacted, the government information environment was entirely print-based and collaboration and resource sharing were limited. With the shift to network-based and digital technologies, libraries now routinely collaborate electronically—sharing resources, providing access, and disseminating information to users.

This changed environment, with its focus on online access and discovery, means that there are many more providers of government information—commercial entities such as search engines and publishers, non-FDLP libraries and non-profit organizations. Moreover, the forward movement of technology allows access from across a range of devices without regard for geography or place yet geography remains one of the key organizing principles of the present FDLP system. For example, there is no need for 47, somewhat redundant, federal regional depositories across the country. This model places significant burden on regional depository libraries by requiring an inordinate amount of space, staff and associated costs be devoted to the Program. The University of Minnesota Libraries utilizes another approach. The Libraries have a very effective virtual depository program in place to service members of the public in Minnesota, Michigan and South Dakota. This virtual depository program has demonstrated that servicing two additional states is very effective by efficiently utilizing the needed technology and shows the current model established in 1962 is outdated and requires significant change.

A 21st century model would enable more effective use of the content, e.g. text and data mining and the Program values and structure would focus on service, discoverability, access and persistence. There are a number of government-information related projects that advance new strategies for collective action. These activities point the way for new service models for the FDLP. Increased and enhanced library collaborative initiatives are a natural outcome due to a number of factors including: new technological capacities; the ability to better meet user information needs through collaboration; the need to be responsive to the economic realities of library budgets; interest in reducing redundancies to deploy resources to new service areas; the opportunity to realize new benefits due to economies of scale; and a deep understanding that new opportunities are possible with collaboration.

Recommendations for Reform

- Any change to Title 44, chapter 19 should focus on electronic publications, access and services and not on collecting publications. The FDLP is now 97% electronic thus the statute should be updated to reflect the network-based, digital environment. In so doing, the term “publication” should be clarified to include digital publications.
- Reform of chapter 19 should not require federal regional depository libraries to preserve and provide access to all digital government information. Currently, federal regional depositories acquire and retain tangible government information provided via the GPO.
These libraries are not required to preserve this information in perpetuity, nor are they required to acquire, retain or preserve digital government information.

- As changes to chapter 19 are considered, it would be helpful to provide additional flexibility to both selective and regional depository libraries. For example, there should be a mechanism for selective depositories to discard government documents even if there is no federal regional depository in their state. In addition, regionals could substitute electronic documents for print if at least four copies in tangible format were available at other depository libraries.

- There is a need for a small number of redundant archival sets of the corpus. We can learn from other shared print agreements supported by certified digital repositories that are in place throughout the country. These shared print agreements serve as models for cost-effective delivery, retention and preservation programs. The library community has very successful programs in place to ensure the long-term preservation and access to content including federal documents. HathiTrust and its members are committed to and are investing a great deal of time, dollars and staff in identifying and building a comprehensive digital collection of federal documents distributed in print format by GPO as a part of the FDLP. GPO should build upon this and other shared print agreements in place and not execute redundant agreements and programs. Another option for those libraries wishing to maintain print collections is the ASERL model for Centers of Excellence. This model which concentrates on publications from specific agencies (or sub-agencies), topics or formats provides a good model for focusing the print collections on the needs of the depository library and the constituents it serves, as well as reducing redundancy by distributing responsibility for preservation and access to print collections.

- GPO should have the authority to engage in partnership and collaborations. For example, GPO should more actively ingest digitized federal documents in collaboration with the library community to reduce redundant efforts and make federal government information more broadly accessible. There is no reason for GPO to scan publications already digitized and publicly available. There is far too much digitization that remains to be done to engage in duplicative efforts.

- GPO should be granted the authority to accept gifts and have granting authority to depository libraries for certain activities. As pointed out by Mike Furlough, the Executive Director of HathiTrust, GPO’s inability to accept gifts has thwarted collaboration and partnerships. The National Library of Medicine has such authority and has found it to very useful. If GPO is given grant authority, the Committee should consider requiring GPO to consult with the Institute of Museum and Library Services, the federal agency charged with providing support to libraries throughout the United States, on the types and nature of the grants it intends to provide to depository libraries. This would avoid duplication and leverage federal dollars.
ARL looks forward to working with the Committee throughout the consideration of changes to chapter 19, Title 44. Please let me know if you have any questions or if there is additional information I can provide.

Sincerely,

Prudence S. Adler
Associate Executive Director
Association of Research Libraries