



ASSOCIATION OF SOUTHEASTERN RESEARCH LIBRARIES

October 13, 2017

Sen. Richard C. Shelby
304 Russell Senate Office Building
Washington DC 20510

Rep. Gregg Harper
2227 Rayburn HOB
Washington DC 20515

RE: Joint Committee on Printing - Review of Title 44 U.S.C.

Dear Senator Shelby and Representative Harper:

We very much appreciate the opportunity to provide further comments for the record regarding our vision for reforming Title 44, the law that undergirds the Federal Depository Library Program (FDLP). For more than 60 years, the Association of Southeastern Research Libraries (ASERL) has brought together leaders from research, federal, and state libraries in the region to foster a high standard of library excellence through inter-institutional resource sharing and other collaborative efforts. Today, ASERL is the largest regional research library consortium in the United States, with thirty-eight members in eleven states. ASERL offers a broad array of professional development and resource sharing activities. Thirty-seven of ASERL's 38 members are FDLP libraries, including twelve regional depositories.

FDLP Collaboration

ASERL's Collaborative Federal Depository Program (CFDP) is a collaborative model of "Centers of Excellence" among federally-designated depository libraries in the Southeast. Working within the current legal mandate of the Federal Depository Library Program (FDLP), Center of Excellence libraries work to improve preservation, intellectual control, and access for legacy print FDLP collections, while lessening the administrative burdens. Importantly, ASERL sees FDLP content held by libraries in the Southeast as a regional asset, and seeks to build on those strengths across the region. This is a significant change from the state-centric framework that had long been the hallmark of FDLP processes.

The ASERL program began in 2006 with examining new models for increasing the completeness of and improving services for Regional collections of federal documents held at FDLP libraries in the Southeast. In 2009, ASERL was awarded a National Leadership Grant from the US Institute of Museum & Library Services (IMLS) to test the CFDP model in three libraries; a part-time staff position was added to oversee the program. The following year, ASERL hosted a summit meeting with Government Documents Coordinators and Library Deans/Directors to develop a proposal to implement the program more widely across the region.

The proposal specified the roles and responsibilities of Centers of Excellence, supported by a common set of

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policies and best practices for disposition of federal documents that simplifies and streamlines the process while remaining in compliance with 44 U.S.C. Chapter 19. The proposal was unanimously approved by ASERL's membership in April 2011. The University of Florida Libraries developed an online Disposition Database in 2012 to support the transfer of items posted for disposal by Selective libraries, giving limited priority to Centers of Excellence to fill gaps in their COE collections. Also in 2012, ASERL received the ProQuest/GODORT/ALA "Documents to the People" award for "taking advantage of today's technological advances and challenges librarians to think beyond their own environment and to envision a truly cooperative depository world, where the ultimate goal is actively promoted government information collections, a dedicated service environment, and protection, for all time, of the unique and powerful content of government publications."

Since that time, the ASERL Collaborative Federal Depository Program has grown to include 41 Centers of Excellence across the region building collections for 229 SuDoc stems, including six Cabinet-level agencies. Currently 11 Regional Depository Libraries and 30 Selective Depository Libraries have undertaken these roles, including nine depository libraries outside of ASERL's membership.

To become a Center of Excellence, a library must agree to the following voluntary roles that are both in compliance with FDLP requirements and 'above and beyond' typical FDLP roles:

- Identifying a federal agency or agencies to be the focus of the Center of Excellence. (In a very few cases, libraries have chosen a topical area or format instead of an agency to be their Center of Excellence);
- Take responsibility for cataloging and inventorying their selected portion(s) of their FDLP collection and retrospectively acquiring items needed to make that portion as complete as possible within the limitations of available content and resources;
- Follow ASERL's common set of collection management and disposition policies and procedures;
- Provide collection-level expertise for in-depth user assistance, provide training activities that promote use of the collection and participate in public awareness and outreach campaigns to promote the federal government publications to libraries within the region. As depository libraries, Centers of Excellence continue to ensure no-fee public access to their FDLP holdings.
- Centers of Excellence are also encouraged to digitize items within their areas of responsibility when a stable public domain source is not available, but this is not required.

Most recently, ASERL has collaborated with GPO to enhance our Disposition Database to streamline the transfer of unclaimed items from ASERL's database into the new FDLP eXchange database. This will aid in identifying and filling gaps in FDLP collections at the national level.

Recommendations for Modifying Title 44

ASERL firmly believes that any revision to Title 44 must ensure no-fee, permanent public access to government information from all branches of government. Any reference to charging fees to the general public for access to its government's information (i.e., 44 U.S.C., §4402) must be removed.

Further, we believe the FDLP collection must be fully cataloged within three years by GPO. Within five to seven years the complete FDLP collection must be digitized (where needed) and preserved for the long term according to accepted best practices.

- Fully cataloging the FDLP collection is an essential first step. The cataloging must provide sufficiently detailed records to allow FDLP libraries to easily add their local holdings. We believe "full level cataloging" as defined by OCLC— see <https://www.oclc.org/bibformats/en/field/101.html> – meets this definition.

This is particularly important for those libraries that accept responsibilities for preserving parts of the print FDLP collection, to make it cost effective to inventory their collections and document their preservation commitments. This level of cataloging would also permit libraries to inter-file FDLP content with the rest of their collections if desired -- although doing so may be unlikely due to cost and complexity issues for large extant collections.

- Any digitization must be at a level to enable high-quality Optical Character Recognition (OCR) and full-text searching of the digitized texts. Ideally, computational mining of large amounts of text content will be enabled, too.
- The long-term preservation of print FDLP content should be shared among federal agencies (e.g., GPO, National Archives and Records Administration (NARA), Library of Congress (LC)) and depository libraries, with financial support or other incentives to depository libraries that undertake this work.
- The long-term preservation of electronic FDLP content should be a responsibility that is shared among a limited number of federal agencies and nonprofit, public-serving organizations outside the federal government (e.g., HathiTrust, LOCKSS/CLOCKSS). GPO's preservation platform must conform to current standards (e.g., TRAC certification) and include expectations for format migration to ensure usability of the collection into the foreseeable future.
- Depository Libraries should be permitted to optionally adopt a portion of these responsibilities as they may desire, supported by GPO. These additional responsibilities must not be placed on FDLP libraries without their consent, and in no way diminishes GPO's central role in cataloging the FDLP collection within three years, and ensuring it is digitized / preserved within five to seven years.

We believe a relatively small number (no less than four and no more than seven) of Print Preservation Collections of FDLP content will be needed for archiving purposes. The agencies and libraries that agree to serve as Print Preservation Collections must be identified rapidly, so cataloging, gap-filling, and digitization can be appropriately coordinated. Primary public access will be provided via the trusted online collection. Some of the Print Preservation Collections could be held by a single agency or library, while others could be shared among a group of libraries, with a designated library serving as the Print Preservation Collection group leader. Further, the reduction of print collections should be voluntary – no 'forced closures' or consolidations of depositories should be mandated.

GPO should streamline the disposition processes for unwanted documents to ensure gaps are filled in the Print Preservation Collections and rare/unique items that are uncovered during disposals that were previously unknown or overlooked must be identified, cataloged as needed, digitized if feasible, and appropriately preserved. Further, when the Print Preservation Collections have been assured and trusted digital access is available, any remaining Regional depository libraries must be permitted to substitute their legacy print copies of FDLP material with access to the trusted digital versions. That said, depositories should be able to retain any print copies as they may desire – no 'forced disposal' should be mandated.

The state-centric framework upon which much of the FDLP is currently based will continue to make less sense as content is increasingly made available online. Current requirements on the number of depositories per state and the size of the collections they must maintain should be removed. Revisions to Title 44 must also acknowledge that the balance of dissemination has overwhelmingly shifted from print distribution to electronic access; therefore, digital access should be the default method of dissemination by GPO. The requirements for ongoing print distribution of FDLP materials to libraries and the related retention and disposal requirements must be removed, except for agencies/libraries that agree to serve as Print Preservation

Collections. As above, agencies and libraries must be able to opt to receive print materials as they may desire in the future – no ‘forced transition to digital’ should be mandated.

We believe that to enable the Government Publishing Office to accomplish the above, GPO must be empowered to provide financial support or other significant incentives for libraries and other organizations to provide these services and ensure sustainability. Conversely, GPO must also be enabled to receive items created by the FDL community – e.g., digitized content, open-source software – as gifts when appropriate.

Conclusion

ASERL libraries have a long and proud history in supporting public access to federal documents, and we appreciate JCP’s interest in revising Title 44 to ensure it meets the needs of the American public into the future. Thank you for your consideration of our comments on this important matter.

Kind regards,

A handwritten signature in blue ink, appearing to read 'John Burger', is written over a light blue horizontal line.

John Burger, Executive Director

cc: Khalil Abboud, Committee on House Administration
Robert Tapella, Committee on House Administration
Reynold Schweickhardt, Committee on House Administration