August 30, 2017

Ms. Karen Russ
Chair
 Depository Library Council

**RE: Title 44 Modernization**

Dear Ms. Russ:

On behalf of the American Association of Law Libraries (AALL), I am pleased to respond to your request for comments on updating Title 44 of the U.S. Code, specifically Chapter 19 on the Federal Depository Library Program (FDLP). AALL members have an important stake in the future of the FDLP and we are honored to have the opportunity to share our Association’s views with you.

**AALL’s Commitment to a Thriving FDLP**

AALL believes that members of the public have a right of access to comprehensive government information, including access to the basic materials necessary for legal research. We believe that the FDLP should ensure a system of equitable, effective, no-fee, efficient, and dependable dissemination of and access to government information.

Participation in the FDLP is an important commitment for the approximately 150 academic law libraries and nearly 50 state, court, county, and government law libraries in the program. Most of these libraries participate by virtue of the special eligibility provisions in Title 44 of the U.S. Code. Law library depositories are committed to providing members of the public with timely and equitable access to legal and government information.

Law librarians are legal information experts who assist the public in navigating this specialized and technical area of government information. Recognizing their unique skills, regional depository libraries and non-law selectives often refer patrons to law libraries for expert assistance with legal materials.

AALL believes that the FDLP has a bright future in which it can meet its vision to “provide Government information when and where it is needed in order to create an informed citizenry and an improved quality of life.” We believe that modest changes to Title 44, with agreement from the library community, will allow regional and selective libraries to continue to find value in the program while keeping true to the FDLP’s mission “to provide free, ready, and permanent public access to Federal Government information, now and for future generations.”
Principles for Federal Government Information

AALL believes that any changes to Title 44 must embrace fundamental principles of public access. These principles were explicitly expressed in the congressionally-directed Study to Identify Measures Necessary for a Successful Transition to a More Electronic Federal Depository Library Program As Required by Legislative Branch Appropriations Act, 1996 Public Law 104-531. The Principles were developed by the Government Publishing Office (GPO) with participation from the major library associations and other stakeholders. They have been widely endorsed by the library community and expressed in many different ways over the years.

- Principle 1: The Public Has the Right of Access to Government Information
- Principle 2: The Government Has an Obligation to Disseminate and Provide Broad Public Access to Its Information
- Principle 3: The Government Has an Obligation to Guarantee the Authenticity and Integrity of Its Information
- Principle 4: The Government Has an Obligation to Preserve Its Information
- Principle 5: Government Information Created or Compiled by Government Employees or at Government Expense Should Remain in the Public Domain

AALL’s Proposals for Changes to Title 44

AALL is supportive of the existing structure of regional and selective depository libraries. However, we acknowledge that Title 44 could be updated to reflect the digital age. AALL supports the following changes to Title 44, Chapter 19:

- Explicitly expand the scope of the FDLP to include publications in all formats, including digital. §1901
- Repeal the requirement that a depository library have a minimum of 10,000 books. Volume count is an outdated metric and not a useful method for judging the status of a library. We believe the statute should be revised to allow the Superintendent of Documents to develop guidance on the minimum requirement for FDLP status. §1909
- Allow for local flexibility in the number of regional libraries. In the interests of geographically-dispersed permanent public access, it is important that multiple complete regional collections are maintained. Changes in regional status—for example, to allow shared regionals across state lines—should be made only when the affected regionals and selective depositories are in agreement; with the advice
and consent of the Joint Committee on Printing and the Superintendent of Documents; and with the approval of the state’s (or states’) Senators. GPO and the libraries must develop and sign a formal written agreement that demonstrates how the changes will further improve, or at least maintain, public access. In addition, the Superintendent of Documents should develop general guidelines on requirements for shared regionals. §1912

- Give grant-making authority to GPO so that it may support preservation and cataloging projects and other initiatives that expand permanent public access to federal government information.

- Allow libraries the option for digital deposit. Wide distribution of government information helps to ensure preservation.

Conclusion

AALL welcomes the opportunity to contribute ideas to the modernization of Title 44. We believe that with a concerted effort to find agreement within the FDLP community, Chapter 19 of Title 44 can be updated to benefit all types of libraries within the program.

Ultimately, a strong Title 44 will benefit the American people, who rely on the FDLP and GPO for permanent public access to government information. We look forward to continuing to work with the Depository Library Council, GPO, and Congress to modernize the FDLP.

Sincerely,

Greg Lambert
President
American Association of Law Libraries

cc:  Members, Depository Library Council
Davita Vance-Cooks, Director, Government Publishing Office
Andrew M. Sherman, Chief of Staff, Government Publishing Office
Laurie Hall, Acting Superintendent of Documents, Government Publishing Office