



**Statement of
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**On Behalf of the
American Association of Law Libraries
American Library Association
Association of Research Libraries
Medical Library Association
Special Libraries Association**

**Government Printing Office Oversight Hearing
Before the Committee on House Administration
April 28, 2004**

Good morning. I am Janis L. Johnston, Director of the Law Library and Associate Professor of Law at the Albert E. Jenner Memorial Law Library, University of Illinois at Urbana-Champaign. I am also the president of the American Association of Law Libraries. I am very pleased to appear before you this morning on behalf of the American Association of Law Libraries (AALL), the American Library Association (ALA), the Association of Research Libraries (ARL), the Medical Library Association (MLA) and the Special Libraries Association (SLA). Together we represent more than 90,000 librarians, information specialists, library trustees, and friends of libraries, as well as the more than 1200 libraries in every state and congressional district that participate in the Federal Depository Library Program.

We commend you, Chairman Ney and Ranking Member Larson, for holding this important oversight hearing on the Government Printing Office. Our communities have a very strong interest in Federal information policy and a fervent commitment to public access to government information and a robust Federal Depository Library Program (FDLP) in the 21st Century. I ask that you please include my statement in the record of today's hearing.

Our Nation was founded on the core principle that citizens have a right and need to access information by and about their government in order to participate in our democracy and hold government accountable. The origins of the FDLP and its partnership with Congress date back to the Act of 1813, when Congress authorized legislation to provide one copy of the House and Senate Journals and other Congressional documents to certain universities, historical societies and state libraries. The FDLP has proven to be a tremendously successful partnership among Congress, federal agencies,

the courts, the GPO, depository libraries and the American public in ensuring the public's right to know. The FDLP flourished during the 20th Century and today's tangible collections of government documents at depository libraries are a treasure trove that document the history of our government.

The free flow of information between the government and the public that it serves is essential to maintaining an informed citizenry. The public's right to know about government operations and functions is essential in holding government accountable to its citizenry. To facilitate accountability, it is the government's responsibility to collect and maintain all information on its policies, program, debates, deliberations, and legislative, judicial, or executive activities, limit classification, regularly review for declassification, and disseminate unclassified information to the public.

The public's ability to access e-government information, either at their local depository library or directly from their desktop, has grown exponentially since the enactment of the *GPO Access Enhancement Act* in 1993 and the move towards greater E-Government by agencies, Congress, and the courts during the past decade. While E-government brings us many opportunities for enhanced public access, many difficult challenges remain unresolved as government moves away from producing its information in print and relies increasingly on "born digital" government information.

As we move into the 21st Century, we ask that members of this Committee and, indeed, all members of Congress reaffirm these basic principles of public access to government information that have guided the Federal government's commitment to the FDLP for more than one hundred years.

- The public has the right to no-fee access to government information.
- The government has an obligation to disseminate and provide broad public access to its information.
- The government has an obligation to guarantee the authenticity and integrity of its information.
- The government has an obligation to preserve its information and make it permanently accessible.
- Government information created or compiled by government employees or at government expense should remain in the public domain.

I would like to make five key points this morning regarding GPO and the FDLP.

First, the library community commends Public Printer Bruce James for bringing his energy and enthusiasm to the GPO as he works with Congress and GPO's stakeholders to make its operations more efficient and strengthen the FDLP.

During his first year as Public Printer, Mr. James has accomplished several important initiatives to achieve GPO's mission to inform the Nation by producing, procuring, and disseminating the printed and electronic publications of entities in all three branches of government. In June 2003, Mr. James and then OMB Director Mitch Daniels announced an historic agreement to allow agencies some flexibility to choose their own printers through the GPO procurement system. The library community applauded this compact

that creates a transparent system to improve access to agency publications in both print and electronic formats. The fact is that when agencies procure outside of GPO or print in-house, there is neither an economic incentive nor an enforcement mechanism in place today to ensure that they provide copies to the Superintendent of Documents. We believe that if agencies use GPO, as required by law, to procure or print their publications, the public will have access to a significant number of agency publications that have been fugitive in the past. Director Daniels credited the grassroots efforts of the library community in submitting comments on the OMB FAR proposal with educating him about the need to ensure that agencies procure through GPO and make their publications available to depository libraries and the *GPO Access* system.

In August 2003, Mr. James and the Archivist of the United States, John Carlin, announced an important Memorandum of Understanding between GPO and the National Archives and Records Administration (NARA) that will ensure that documents on *GPO Access* (www.gpoaccess.gov) will remain permanently accessible to the public. The agreement provides that NARA will assume legal custody of the *GPO Access* records as part of the official Archives of the United States and that GPO will retain physical custody and be responsible for permanent public access and preservation of the records. Our associations have long been concerned about the need to ensure permanent public access to and preservation of electronic government information. We believe that this new agreement is a critically important step that demonstrates the Federal Government's commitment to these concerns. We applaud GPO and NARA for working collaboratively so that the public will have access to this valuable information, both today and in the future.

We also commend GPO for joining CENDI, an interagency working group of senior Scientific and Technical Information (STI) Managers from eleven U.S. federal agencies, in March 2003. CENDI represents over 93% of the FY 04 federal research and development budget. The GPO's participation in CENDI is a further example of collaboration with the Executive Branch on issues of public access to government information.

Second, we believe strongly that the FDLP and depository libraries will continue to be crucial access and service points for the public in the 21st Century and we are committed to our role in this important partnership with Congress.

Public access to government information is a basic right of the American people which we believe the government has an affirmative obligation to provide. From the earliest days of our Nation's history, Congress recognized its responsibility to inform the American public of the work of the Federal government, and established the Federal Depository Library Program to provide no-fee, geographically-dispersed access to government publications. By designating depository libraries in each state and congressional district, Congress ensured that government information from all three branches would be distributed throughout the country and available at no charge to the user. This system reflected a commitment to broad-based democracy and public accountability—principles that are as important today as they have been in the past. All Americans, whether in rural or urban communities and regardless of their economic status, must have equitable, ready, and timely access to government information. The

FDLP meets this goal and is one of the most effective and successful partnerships between the Federal government and the library community.

Today Congress, government agencies, and the courts increasingly are relying on state-of-the-art technologies to create and disseminate government information through the Internet. One of the critical components of GPO's successful transition to a more electronic program has been the growth of the *GPO Access* system, a central access point within the GPO for electronic government information that today makes available to the public no-fee access to approximately 250,000 electronic titles. Created by Public Law 103-40, *GPO Access* has grown into a unique digital collection of official government databases from all three branches of government including the *Congressional Record*, the *Federal Register* and the *Code of Federal Regulations*. An average of 33 million documents are downloaded by the public each month from *GPO Access*. This high usage demonstrates the importance and value of this award-winning system to the American public. We thank Congress for providing GPO with the necessary appropriations to improve and enhance the *GPO Access* system's technological infrastructure.

The more than 1200 Federal depository libraries across the country, including public, academic, law, special, Federal agency, research and medical libraries, have upheld their part of the partnership by providing no-fee access to the tremendous amount of critically important Federal government information on all subjects and in many formats, and assist the American public in finding and sorting through this vital national resource. Depository libraries invest significantly to participate in the FDLP and expend substantial costs for:

- Staff and administration.
- Space and shelving.
- The technological infrastructure, including hardware, software, and network capabilities, needed to support CD-ROM and Internet access.
- Connectivity charges.
- Cabinets to house the microfiche and CD-ROM collections.
- Cataloging and binding costs.
- The additional indexes, microfiche and supporting reference materials produced by the private sector, including electronic databases, which enhance the depository collections.

A recent survey by the Association of Research Libraries shows that on average, ARL member libraries that are depositories, including 22 of the 53 regional depository libraries, expend an average of \$345,000 per year to house and maintain their collections.

Librarians, as the knowledge experts in today's information society, are vital to the success of the FDLP because they:

- Provide government information through our collections, and organize and develop these collections by making use of the cataloging and indexing services provided by GPO and other services, so that people can easily find the government information they need.
- Represent important channels of access for the public to government information, especially helping to close the digital divide for those in poor or rural areas without

access to the latest technology by providing computers with Internet access and related services.

- Are educators and intermediaries who provide the necessary tools and expertise to assist the public in understanding and using the government information they find.
- Contribute \$3 for every \$1 in cost to the Government and spend million of dollars annually for staff, space and equipment, and to buy commercial indexes, software, and access to networks to make government publications more accessible to the taxpayer.
- Provide feedback and expertise to Government agencies about how members of the public (who often are not the primary audience for agency publications) use government publications and assist agencies in developing information products, infrastructures, and policies for information in all format.
- Partner with the Government in addressing the need for continuous, permanent public access to government information.

A handful of depository libraries have partnered with GPO to develop web sites that enhance public access. One of the most important of these services is the Federal agency "Cybercemetery" maintained at the University of North Texas under a Memorandum of Understanding with GPO (<http://www.library.unt.edu/govinfo/research/research.html>). The "Cybercemetery" is a unique archive that provides the only continuous public access to information from defunct government agencies and special commissions. The web site was created in 1997 after the closing of the Advisory Commission on Intergovernmental Relations (ACIR), and since then the publications and working documents of twenty-seven other defunct government bodies have been added. During the first month that the "Cybercemetery" was expanded to include the publications of the National Partnership for Reinventing Government (NPR), approximately 187,000 users accessed information from the NPR. The "Cybercemetery" was developed to provide continuous public access to valuable government information that is not otherwise available. The University of North Texas Libraries is to be commended for stepping in to fulfill what we believe is the government's responsibility for continuous permanent public access to important government information.

A few depository libraries are dropping out of the FDLP for a number of different reasons, and this is a huge concern to our community. GPO has decreased significantly the number of print titles distributed through the program over the past several years, mostly as a result of the increased amount of "born digital" government information. Mr. James foresees that at the end of five years, the program will be approximately 95% electronic. It is important that GPO develop incentives so that the FDLP remains robust in the 21st Century. GPO has begun to recognize that different types of libraries have different needs and the FDLP must provide flexibility as an incentive for participation. In 1996 GPO developed a list of "Essential Titles" that would always be distributed to all depository libraries in print. Similar lists of essential titles in print could be developed for various types of depositories to better meet their user needs. For example, the AALL depository community and Superintendent of Documents Judith Russell have held discussions about what titles might be on an "Essential Titles List for Law Libraries." Our law libraries must have an authenticated version of core legal materials, and at this time important legal titles available only electronically are not authenticated. Law libraries receive the daily *Congressional Record* in print through the FDLP, but it is

produced on newsprint that is far from an archival quality. Unfortunately, only regional depository libraries may receive the bound *Congressional Record*, the official, historic record of the activities and deliberations of Congress.

Our Nation's depository libraries are committed to the program and our librarians have the knowledge and expertise that are crucial to its success. It is in the best interest of the American public that Congress, your library partners and GPO work together to ensure a healthy and robust FDLP for the future.

Third, the Federal government must ensure the authenticity, permanent public access to and preservation of electronic government information.

While GPO and the NARA are moving in the right direction to solve the challenges posed by electronic government information, we should not eliminate completely print distribution because at this time the difficult challenges of the digital life cycle remain unresolved: the authentication, permanent public access to and preservation of electronic government information. It is important that the government recognize the need to validate the authenticity and integrity of an electronic document, whether it is available through *GPO Access* or located on agency, congressional or court web sites. It is not enough to disseminate and preserve digital documents; users must be assured that the electronic government information that they locate and use is authentic.

The National Archives and Records Administration (NARA) has a long history of preserving paper and has faced many of the same challenges that the depository library community faces in that regard. NARA's most immediate challenge is also faced by the depository library community—what to do about government information that is “born digital” and that is not making its way through the entire lifecycle of government information. That lifecycle includes creation, management, dissemination, and decisions about permanent preservation or disposition. Vast quantities of government information are being created; only some of it is being appropriately managed, disseminated, and preserved. There is no guarantee that digital information that NARA preserves will be available for public access. Vast quantities of information appear—often unheralded and, therefore, uncaptured—and disappear without notice and without any trace. Such losses put in jeopardy Congress's intention that depository libraries serve as access and service points for all government publications for the public. As the government and its information become increasingly electronic, more and more information is at risk of becoming irretrievably lost not only to this generation, but also to all future generations. We are likely to be left with large gaps in our understanding of our government and our society.

It is critical that Congress recognize the responsibility of the Federal government to provide for permanent public access to government information in all formats through a comprehensively coordinated program that includes the Superintendent of Documents, agencies, the National Archives and Records Administration, the Library of Congress and other national libraries, depository libraries, and other library partners. This responsibility should be established within the Superintendent of Documents. This is a natural and important extension of the public dissemination role of the Superintendent of Documents as administrator of the FDLP.

In the print world, this responsibility is being met successfully by the Regional depository libraries of the Federal Depository Library Program. As cultural institutions dedicated to public access, libraries are proven and effective partners in providing broad public access to physical collections. Whether these materials are print publications or tangible electronic products like CD-ROMs, there are tremendous advantages to having multiple, geographically dispersed collections of government information located around the country for the public to use.

GPO started issuing CDs in 1988 and since then, thousands of CDs have been distributed through the FDLP. A librarian at the University of Kentucky recently completed a study and found that their library, a regional depository library, has 5210 Federal government CDs. Peak distribution of CDs to depository libraries was in 1998 and hundreds are still distributed each year. More recent CDs generally use standard formats that are probably stable, such as PDF and HTML. However, the problem is that the early CDs and some continuing series use proprietary software or formats, or both. Many older CDs were pre-Windows and used DOS programs, and are no longer usable at all or are usable with so much difficulty that no patron is likely to use them. Many older CDs must load their software on a hard drive and are therefore not usable on the typical depository computer which is networked and on which the patron cannot install software. The University of Kentucky maintains two non-networked PCs with Windows 95 on which most, but not all, of the old CDs will work. A list of the University of Kentucky's disks and many of the problems encountered in using them are described at: http://www.uky.edu/Libraries/CDROM_2004_inventory.xls.

In the electronic world as well, libraries again provide an invaluable service by supplying the local infrastructure—the hardware, software, training, expertise, and other services--necessary to effectively connect users to electronic resources. But physical custody of the electronic databases remains with the government agencies, not libraries. In an electronic environment, the only partner in a position to effectively preserve and provide ongoing access to government information is the Federal government itself. The Federal government should build upon the current Regional depository library program by transforming that program into a more flexible one that best uses the capabilities of the libraries and publishing agencies. Relying on a single storage facility for electronic databases is a dangerous proposition and the establishment of mirror sites is crucial.

It is fundamental to the principles of public access and an informed citizenry, and a responsibility that must be addressed by all three branches of government. Each day that this need goes unresolved, alarming amounts of government information continue to be lost as files come and go from agency Web sites. This denies taxpayers access to information they already have paid for, and undermines the long-term use by the public of government information already collected, compiled, and disseminated. It also makes hollow the promise of any new electronic technologies if the long-term effect is an ever-widening gap in our collected knowledge and information bank.

Additionally, GPO needs to begin working with their digital content partners and other experts to establish best practices for the long-term preservation of born digital government publications that the partners have captured and are preserving for permanent public access. Establishing guidelines is vitally important to answer questions about

migration, reformatting, and the effect on authenticity for the files. There exists today archival quality, open source software available for harvesting government information published on agency web sites. This harvesting needs to begin immediately so that we do not lose more digital government publications. Web-based government publications are immediately endangered. According to a recent Mellon study, the average duration of an electronic publication on a government web site is only 4 months. The guidelines established in such an exercise will assist GPO and the community to preserve the publications captured in the past 10 years as well as publications harvested and preserved today.

Concomitantly, the significantly enhanced public access possible via digital technologies, coupled with the deterioration of some paper documents in federal depository library collections and increasing space pressures in some institutions, has prompted many in the library community to explore and initiate digitization projects with a focus on public domain resources. The success of these projects has led to development of a proposal to engage in a national-scale, cooperative digitization initiative to create an online, public domain set of historical government documents. Universal, no-fee online access to the historical and cultural public domain resources will help support the research, education, and public interest missions of libraries by increasing the physical reach of the material and the functionality with which it can be accessed and used.

Fourth, we believe that GPO must consider user needs in determining which format they use to disseminate information to depository libraries.

Libraries of the 21st Century depend greatly on access to electronic information rather than the collection of print materials and we welcome the FDLP's move to a more electronic program. However, we believe that government information should be disseminated in a manner that promotes its usefulness to the public and that GPO should strive to provide documents to the American public in the most suitable format to meet user needs.

Only the largest of the nation's map libraries have the ability to provide full-size, color copies of maps delivered online. Frequently online maps are not served in a way that allows the downloading and copying of the full image. At the current time, most libraries need paper copies of maps to provide their users with the access they need. There is still a need for maps in paper from many of our Federal agencies, i.e., USGS, Forest Service, Bureau of Land Management, National Ocean Survey, National Parks, NOAA, Fish and Wildlife Service and Natural Resources Conservation Service. The general public use federally-produced maps at their public libraries for planning recreational trips, hiking and camping, small businesses consult maps for planning and locating businesses, researchers use maps over a range of years for time studies of a particular location, and for study and analysis in many disciplines.

The publishing agencies know their constituent communities and make determinations that the print format for a particular title is the most appropriate way to serve their constituent communities, including immigrant communities where English may not be the most effective means of communication and where solely electronic access may be

neither feasible nor desirable. GPO could be required to distribute such titles in paper to those libraries that collect such titles. Information from the National Park Services, Health and Human Services and the Social Security Administration are examples of agencies that produce important titles that are heavily used by your constituents and electronic versions may not be appropriate or useful.

Congress should also be concerned that the move to an all-electronic program fails to meet the needs for those who live in rural or minority communities where there is no technological infrastructure and libraries may lack high speed Internet access. The *E-Government Act of 2002*, signed by President Bush in December 2002, includes a mandate (Section 202) to agency heads to consider the impact on persons without access to the Internet when implementing programs to provide government information and services over the Internet. Congress directed agencies to ensure that the availability of government information and services is not diminished and to pursue alternate modes of delivery. We consider this a mandate that should apply across the federal government and pertain not only for persons who have no access at all, but also for those who have limited service.

And fifth, the cost of collecting, collating, storing, disseminating, and providing for permanent public access to government information should be supported by appropriation of public funds.

The collection, collation, storage, dissemination, and provision for permanent public access of public information are integral responsibilities of government. Congress must allocate adequate financial resources from publicly appropriated funds to meet these responsibilities and not abrogate this obligation to ensure that government information is equitably available to the public at no fee.

Conclusion.

We thank Congress for its commitment to improving and enhancing *GPO Access* as the government's portal that provides the public with no-fee access to government information. Through your support, Congress recognizes that government information is a public good and not an economic commodity.

Chairman Ney and Ranking Member Larson, we look forward to working with you as GPO develops its strategic plan to move the agency into the 21st Century. Libraries are crucial partners in the GPO's efforts to inform the American public. We believe that until government solves the challenges of ensuring the authenticity, permanent public access to and preservation of electronic government information, certain materials should continue to be made available to federal depository libraries in a tangible format. While we welcome the change to a more electronic environment, we believe that the needs of the public should be taken into account when decisions are made about which format best serves the information needs of your constituents.

We are committed to working with you and the GPO to strengthen the FDLP so that this vital program becomes even stronger in the coming years. Together we must strive to resolve the serious challenges of electronic government information that threaten to

reduce the ability of your constituents to find and use the important government information they need, and, further, places the FDLP at risk. Thank you very much for inviting me to participate in this very important hearing on the Government Printing Office. I will be pleased to answer any questions you might have.



The Association of Research Libraries (ARL) is a nonprofit organization of 124 research libraries in North America. ARL programs and services promote equitable access to and effective use of recorded knowledge in support of teaching, research, scholarship, and community service.
Contact: Prue Adler (202-296-2296)

The American Association of Law Libraries (AALL) is a nonprofit educational organization with 5,000 members dedicated to providing leadership and advocacy in the field of legal information and information policy.
Contact: Mary Alice Baish (202-662-9200)

The American Library Association (ALA) is a nonprofit educational organization of over 64,000 librarians, library trustees, and other friends of libraries dedicated to improving library services and promoting the public interest in a free and open information society.
Contact: Lynne Bradley (202-628-8410)

The Medical Library Association (MLA), is a nonprofit, educational organization of health sciences information professionals with more than 4,700 members worldwide. Through its programs and services, MLA provides lifelong educational opportunities, supports a knowledgebase of health information research, and works with a global network of partners to promote the importance of quality information for improved health to the health care community and the public.
Contact: Carla Funk (312-419-9095 x.14)

The Special Libraries Association (SLA) The Special Libraries Association (SLA) is a nonprofit global organization for innovative information professionals and their strategic partners. SLA serves more than 13,000 members in 83 countries in the information profession, including corporate, academic and government information specialists. SLA promotes and strengthens its members through learning, advocacy, and networking initiatives.
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