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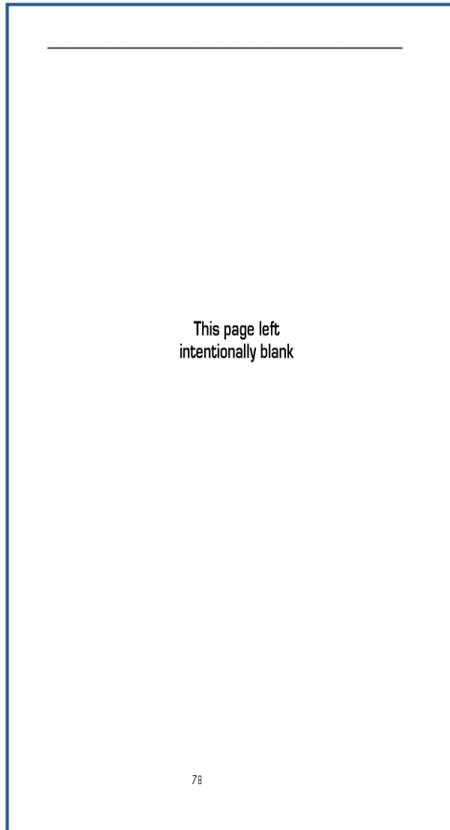
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“This Page Intentionally Blank:” Writing the Next
Chapter in the Future of the Federal Depository
Library Program

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Introduction



“This page intentionally blank.” How many times does one come across a page in a government document that said that? Such a discovery in a document almost always elicits a bemused reaction on the part of the researcher. After all, how many researchers REALLY need to be told that they are looking at a blank page, never mind the obvious question of whether or not it really is a blank page if it says on it that it is a blank page. For the reader, though, a blank page does more than serve as just the end of a signature or a binding function (or a semantic conundrum), it creates a break for the consideration of the text just read as the reader prepares to move to the next chapter or section.

In many ways the Federal Depository Library Program (FDLP) and access to information have also reached the blank page in a text shared by the government information community. After more than a century we have closed the first chapter on the FDLP as we know it and have come to a time when we must take our experience, our knowledge and our skills to begin writing the next chapter of access to government information. The library and the government information community as represented by organizations

like the American Library Association (ALA); The Association of Research Libraries (ARL) and the American Association of Law Libraries (AALL); small public libraries and large academics; court libraries and major publishers are all coming to grips with the idea that government information and the familiar way we have accessed it has changed forever.

This paper will briefly review the history of the FDLP, discuss our past and current challenges and provide some key considerations for us to think about as we move forward as a profession. Whatever form access to government information does take in the future, we must never withdraw from our commitment that all people should have equal access to the information and resources produced by our government. This is not just a value that librarians share but it is a fundamental responsibility of good government. A government that operates in the dark, that seeks to hide its information or mislead its citizens, is not a government at all but is tyranny.

A Brief History of the FDLP

In looking to the future of the Federal Depository Library community it is necessary to understand where the program has come from and what challenges were faced as the FDLP and the Government Printing Office became the central components of a system of access to government information unlike any in the modern world.

Although aspects of the program existed from early in our nation’s history, the depository program as we know it began in 1860 with the *Public Printing Act* signed by President Buchanan. The Congressional Printing Office got underway at a less than auspicious moment in our nation’s history though, as just a few months after its passage the nation was embroiled in the Civil War. The War, while it might have slowed down printing activities, did not sap the interest or desire for a centralized printing plant and distribution office for government publications. It is important to keep in mind that this new program really was viewed at that time as a production focused task, not the information dissemination network we think of today. The years following the American Civil War saw a series of legislative efforts to not only expand the duties of the Government Printing Office (GPO) but to pull more and more government entities into GPO’s sphere of production and distribution, until, with the *Public Printing Act of 1895*, GPO was officially designated as *the* printer and primary (although not sole) distributor of government produced information. This unfortunate exception that kept it from being the sole distributor continues to haunt the library community in the form of what we have come to call ‘fugitive documents.’

In 1869 the United States Congress created the position of the Superintendent of Documents to coordinate the distribution of the documents created by the agencies and by the Government Printing Office. This position was, in the 1895 Act, tasked with the additional duty to coordinate an index to the publications of the government – something that had never been done before. The index became the printed *Monthly Catalog*, whichⁱⁱ has now been replaced by the internet-based *Catalog of U.S. Government Publications*.

In 1895 there were, according to GPO’s website, 420 depository libraries. Each designated depository at that time was required to hold 1,000 books in addition to those issued by the Government. A depository also had to agree that the publications forwarded to them would be made available for the free use of the general public and must not be loaned outside of the institution or disposed of, “except as the Superintendent of Documents shall direct. A library could be removed from the list of depositories ... for failure to meet the requirements of the law.”

Until 1922, all designated depository libraries received all publications, but that was changed in the language of an appropriations bill passed in 1923 [42 Stat. 436]. Even then, participating libraries complained about waste, lack of space and staff, and low use of materials. As a partial solution to this the Classified List of United States Government Publications was developed. Each library received two copies of the list; libraries would annotate the first copy with their selections and return that to GPO. The selections were then processed and delivered to participating libraries. This list was the predecessor of the item selection process in use today.

Although tweaked here and there, the 1895 legislation remained virtually unchanged until 1962 and the passage of the *Depository Library Act*. This act re-vamped the network of libraries – then at 594 institutions – allowing them more latitude in managing their collections and in the distribution of documents from GPO. Most importantly, the Act of 1962 paved the way for the expanded system of selective, regional and law library

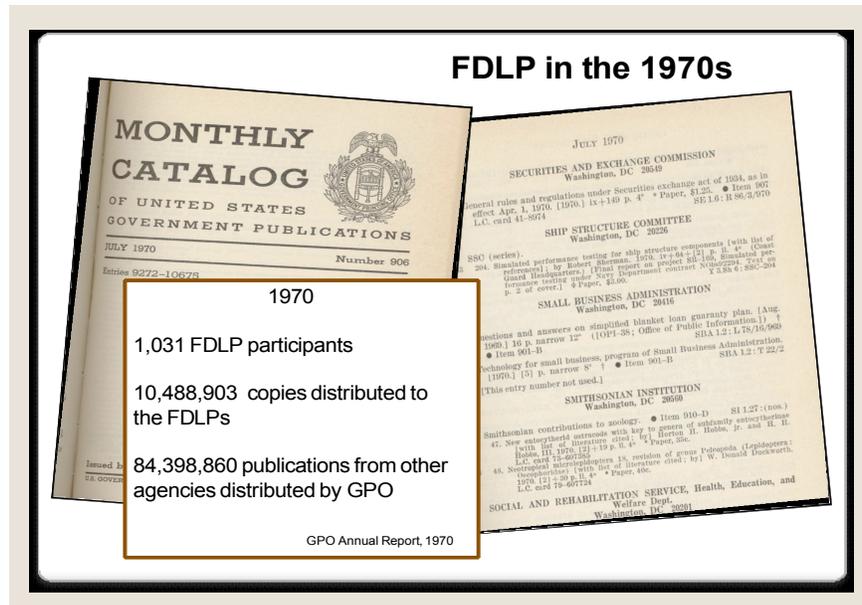
participants that exist today.

The 1970s saw the inclusion of microfiche from GPO. Although it wasn't until 1981 that the Superintendent of Documents announced that the “future of distribution” would be in microform. The reaction to this proposal in the library community may seem familiar to anyone working in depositories today - librarians embraced the new technology of microfiche but worried about access, preservation and the authenticity of the content. Ultimately, it was the library community and particularly the FDLP participants that helped to develop with GPO the parameters of how and what would be distributed in microfiche.

The other major development in this period that directly affected the Federal Depository program was the creation in 1972 of the Depository Library Council (DLC). The intent was to provide a venue for the library community to directly advise the Public Printer and the Superintendent of Documents on best practices for the program. Although dominated by librarians for most of its existence, the Depository Library Council has, in recent years, included other interested members of the information production and distribution community. While some have complained about this shift in representation there can be little doubt that this change, by adding new voices to the conversation, has been good for the program. Make no mistake; librarians continue to play a leading role in the DLC and in shaping depository policy. The current Council includes six librarians working in government depositories and several more who have worked in depositories in the past. ⁱⁱⁱ

Following the changes brought about by the 1962 legislation, federal government information faced a number of challenges, but the major impact doubtlessly was the tremendous growth in production. This came about primarily as a result of changing technologies in printing and production methods. This increase placed a burden on library participants and on GPO. It lead initially to the distribution of microforms but by the 1980s quickly came to include floppy discs of various sizes, hard computer discs, data files (including the original Census Bureau Tiger Files) and, by the end of the decade, CD-ROMs. Government documents librarians were blessed with a multitude of content and cursed with a bewildering variety of containers. Many librarians began to wonder just how we would deal with this ever growing variety of material.

GPO was concerned too. As they were increasingly challenged to contend with the production side of this material and the challenges of producing the materials, getting them into the bins and then to the familiar brown boxes and on the way to library participants, they also recognized that libraries were struggling to manage the administrative workload of participating in the FDLP. In 1981, operating on a suggestion by the Superintendent of Documents, the Depository Library Council and members of the FDLP crafted the first “List of Superseded Documents” and paved the way for a more organized and focused weeding process in the participating libraries. While this didn't immediately solve the challenge presented by the incoming material it allowed our institutions to begin opening up shelf space by providing some focused and agreed upon weeding guidelines.



Change to FDLP since the 1990s

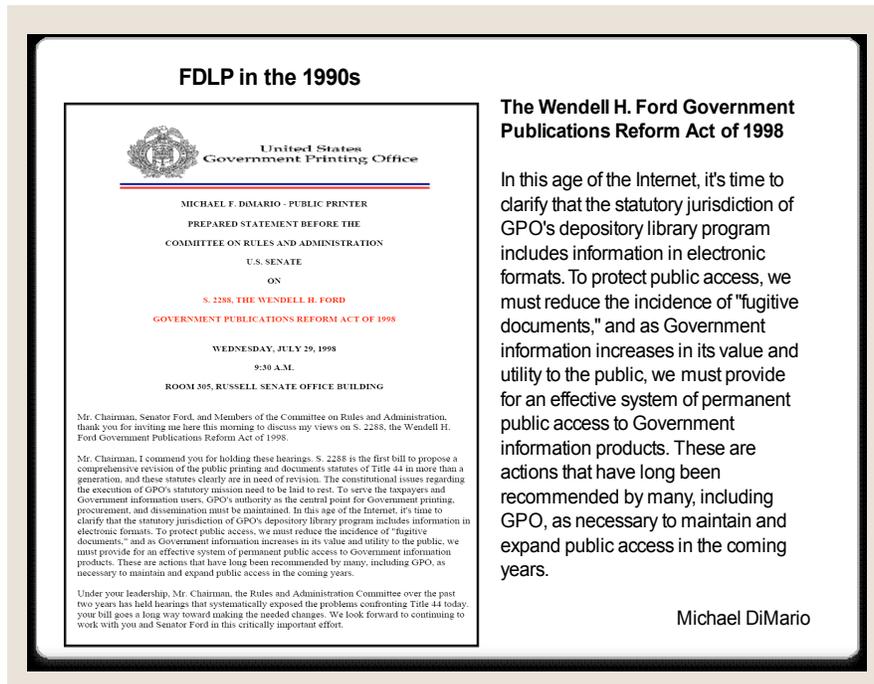
While it would be tempting to call the changes of the 1990s the greatest challenges that the FDLP has had to face, the reality is that each decade has presented its own unique challenges for information professionals. History reveals that while the formats may have changed the challenges have not. The growth of online access in the late 1990s and the affect of that change on user behavior and management practices presented huge challenges for participants. Foremost was the demand from Congress that the GPO migrate to a more electronic environment. The challenges and threats to access presented by this demand reverberate today and continue to drive our decision making.

Challenges of the 1990s included:

- The Internet. Few people initially really understood the potential of the graphically-based Internet. In the FDLP, we struggled with how to apply our skills with government information and libraries to make this new system usable for our communities. As the threat to access was real, Congress expected and demanded change. We had to work together, and depository librarians did so to develop solutions. GILS – the Government Information Locator Service – was probably one of the best of these solutions and certainly one of the most successful for a brief period. As a direct result of the rapid growth of interest in the Internet, in 1993 Congress passed the *Government Printing Office Electronic Information Access Enhancement Act* (P.L. 103-40). This legislation required GPO to create an electronic listing of federal documents and to provide access to electronic versions of the Congressional Record and the Federal Register. Again, GPO worked closely with its supporters in the FDLP and with the library associations to craft a response. From this effort GPO Access was born and has become GPO’s signature product.

- 1995 saw more legislative action in support of electronic information when the Joint Committee on Printing mandated that GPO produce a “Study to Identify Measures Necessary for a Successful Transition to a More Electronic Depository Program.” Federal Depository Librarians were involved in all aspects of the study and the final document. We can be proud of the role that government documents librarians played in working with GPO through the FDLP to improve access to government information on the Internet.
- Fugitive documents. Another part of the challenge of the 1990s was agency production of information – this time it wasn’t the volume (although that continued) but the distribution that caused FDLP participants frustration. Many agencies’ information officers began to believe that if they just stuck a document onto their website they had met their mandate to make that material available; which while true at the most basic level did not really make it usable, reliable or dependable. By publishing directly to the web the agencies were also working against the purpose of GPO and creating hundreds of fugitive documents that were not available for distribution to the FDLP. In fact, the decision in 2007 by the Office of Management and Budget not to produce the federal budget in paper is a legacy of this approach and suggests that librarians still have quite a chore ahead of us to educate government officials about the realities of information production and dissemination.
 - Diminished funding. “It is all on the net so why do we need books?” Certainly in the 1990s we heard that a lot and we continue to hear it from otherwise intelligent people who really ought to know better. While it has been a long time since GPO has been funded at a level commensurate with the job it has been tasked to do – one factor (in a host of political and economic factors) was the growing “myth of ubiquitous access,” a challenge that continues to plague the library community.
 - Enabling legislation. Title 44 of the United States Code is the portion of the code under which the Government Printing Office operates. It provides the legislative power to create depository libraries and most importantly for the future, defines what a public document is. In the late 1990s (96-98) there were several efforts to revise Title 44 to expand what could be considered a public document and to change the way that GPO and the FDLP operated. Most notable was the “Wendell H. Ford Government Publications Reform Act of 1998” (s.2288) which would have expanded the definition of government publication to include information distributed in electronic form and included far stronger enforcement efforts to ensure agency compliance with the production and distribution components. Unfortunately, this bill died at the end of the Congressional term and wasn’t revised in the next session. The following year portions of the bill were included in the *Next Generation Electronic Government Access Act of 1999*, drafted by members of the various library associations. As this draft was created by librarians it dealt with many of the issues of concern to government information librarians. This “ideal” bill never found a sponsor and was never introduced. The sad state of Title 44 is a challenge for the future: it needs to be revised and

updated, particularly the aspects that define what a government publication is, that define how the FDLP operates and that dictate agency compliance.



Current challenges

As we near the end of the first decade of the 21st century there are new challenges facing us, facing our users and facing our institutions. Many of these challenges such as *E-government* and the proliferation of sources come out of the changes of the previous decade. In some ways they are familiar challenges, yet they come with new twists. These challenges are also an opportunity for the FDLP to grow and reach our audiences in new ways – in that way the challenges we face are a positive not a negative. They also hold the potential to radically change the way we operate. What are some of these early 21st Century challenges?

- Electronic government. One of the most exciting things to come out of the Internet age is the notion of e-government, of a direct participatory relationship with those entities that regulate, license, distribute and fund so much of our lives. The government information literature and the professional community are abuzz with the promise of e-government. Although the jury is still out, according to Donald Norris, author of Current Issues and Trends in E-Government Research^{iv}, on just how “transformative” e-government actually is at this juncture, we can say with some degree of assuredness that government information librarians need to be ready to deal with this service expectation. In the recent OMB Watch Report, Hiding in Plain Sight^v, the authors wrote that “many Americans [relying on commercial search engines, by far the most popular method to access government

information on the web] are failing to find authoritative government information sources, or worse, concluding that the information or services don't exist.” The question for us in the FDLP, then, is how do we translate our knowledge and skills with these agencies and producers of information to make E-government services accessible and understandable? Government Information Librarians have done this for years with print tools like the *Green Book* and local court forms - it isn't new. We must step up and communicate to our communities not only that we are the experts on finding and using government information but that we are familiar with the electronic tools required to help our users to help themselves.

- Proliferation of sources - As members of the information community we have a wealth of resources literally at our fingertips – as quickly as we can type in a search we can often find what we need from GPO, Google, Lexis/CIS, Hein or whoever. But this proliferation of sources and access points presents a challenge for the Federal Depository Library program – and libraries generally. It is a challenge that, if we get it wrong, could change the nature of information access in a fundamental way.

Just how reliable are these tools and collections of databases over the long term? Can we - or should we – depend on them for future access? Projects like Portico and LOCKSS/CLOCKSS will help to some extent but not every publisher or vendor is on board with these plans, and, unfortunately for us in the FDLP, neither are many federal agencies. GPO has looked at LOCKSS, and, while they rejected that as an option, they are to be commended for their efforts to explore that method. GPO has also not taken as full advantage as they might of the built-in network of resources and libraries that they already work with. GPO and the library community must come together to create a mechanism for the deposit of authenticated digital copies of publications in a similar way that FDLP members can select tangible resources. As we have seen so many times in the past with print publications, lots of copies spread throughout a network of Federal Depository Libraries does indeed keep stuff safe...so why not authenticated digital copies distributed to libraries willing to take on that task?

- Digital Access to Collections - This challenge has currently been answered in two ways. First are commercial products which many libraries have used to replace or provide access to older print material but which, because of licensing restrictions, may not be available to the larger community of users that the FDLP serves. Second are the large scale document conversion projects similarly underway. While these efforts are generally a good thing they also present unique challenges to be overcome - including the lack of control over the use of the scanned documents and the association of search results with commercial advertisements that call into question the validity of the results.

While these large scale digitization projects have been much in the news, these *big box projects* should not be seen as the only model to follow in developing digital content. Federal depository libraries can better serve their respective

communities by applying the methodology that has long been employed – of focused collection building – in creating digital collections. These new digital projects and collections should mirror the needs of our community in the same way that our print collections have. By focusing on one area that supports the research needs and interests of local faculty and students libraries will also create unique resources that can become a valued tool beyond the walls of a particular institution. The FDLP participants, by striving to craft smaller, focused, and more manageable digital projects ultimately will ensure that our digitization efforts will be successful and a real contribution to researchers.

- Demand for paper. Many of our users still demand paper documents and – despite some efforts to the contrary – not everything is on the Internet. Even if it were, most preservation librarians would tell you that converting a document to electronic form is not the really same thing as conservation of the original. Good stewardship requires that we continue to deal cost effectively and realistically with our legacy tangible collections. The collections we have built continue to have value and we must commit to identifying and maintaining the relevant portions of those collections.
- Authentication. It would be easy to dismiss this as a non-issue: after all, if GPO or a federal agency has issued the document it should be authentic. While it is true that an electronic document issued from an agency and distributed unchanged by GPO is an authentic representation of the original, it is not, unfortunately, the same as being *authenticated*.^{vi} It is this distinction that has led many courts across the United States to continue to require paper documents instead of unauthenticated electronic versions. The American Association of Law Libraries (AALL) has taken the lead in addressing this important issue, and government information librarians of all stripes must join with them to support this effort. Consider that while *authentication* has been provided for the Budget of the United States and bills originating with the 111th Congress, core legal documents such as the United States Code and the Code of Federal Regulations, although available in electronic form, are unauthenticated and clearly indicate on the website that they must be compared to the print versions.
- Training and professional growth. The Future of the FDLP is as much about our staff as it is about GPO or our collections. As managers we have a duty to the staff we supervise to ensure that they have the skills and abilities necessary to contribute successfully to our shared future. As librarians we also have to take care of ourselves and make the effort to stay abreast of new technologies and new practices so that we can lead effectively.
- GPO. In the face of several years of continuing budget resolutions GPO’s ability to perform their important work has suffered, although they have struggled mightily to keep their initiatives on track. As their partners FDLP participants must do everything we can to advocate for full funding for GPO. It is imperative that, if we are to move forward in ensuring access to federally produced

government information, we move forward together, and that means working to support GPO in their efforts to fulfill their mandate.

GPO continues to move projects forward, and there is much to be – as political pundits like to say – “cautiously optimistic” about. Certainly the FDSys project which is designed to support the electronic and print production of federal agencies is a great step in the right direction, and its initial rollout in early 2009 bodes well. Unfortunately the shortcomings of Title 44 holds these efforts back, as it still lacks the language needed to allow for growth and change in the program.

GPO’s harvesting project that looked at the EPA site and attempted to identify and capture “in scope” publications was an exciting project and represented a forward-looking effort, but it too is affected by the funding situation, as GPO lacks the staff support to create the needed indexing and cataloging points to access these resources. The government information community has tried to step in here and use new online collaboration tools to try and address this. One example is the project underway by the librarians at Free Government Information who have created an EPA social-tagging project using documents from the EPA harvesting project.

GPO is also to be commended for understanding the need to consider possible new structures and new partners for the FDLP. The ever growing community of GPO partners is one approach as is the concept of the shared regional, an idea that is being explored right now in Kansas and Nebraska. This is another exciting way to look at the changing nature of institutional support for the FDLP, particularly in the academic community and is one that as a community we should embrace and encourage. We must be diligent and not allow ourselves to get bogged down by voices in our own community that decry changes to the familiar FDLP structure as coming too fast, or who argue that it won’t work without even trying. If we are to succeed in advancing our mission in the 21st Century we must be bold.

So where does that leave us? What should we consider as we talk about the future of Federal Depository Library Program?

First, much of what will happen depends upon us – on our ability to work collaboratively with our colleagues and those outside of the library community who share our values, to make the FDLP important to our users and to make government information in the future reliable and retrievable. The 2007 environmental scan conducted by ACRL identifies the “demand for free, public access to data collected, and research completed as part of publicly funded research programs will continue to grow” as the ninth item in their list of top ten assumptions for the future of academic libraries and librarians.^{vii} Clearly our user communities – students, faculty, staff, independent researchers and the general public require this content.

Although a few years old now, some specifics of what a future FDLP might look like are detailed in the still relevant document– Knowledge Will Forever Govern – a Vision Statement for Federal Depository Libraries in the 21st Century.^{viii} In that vision statement then Depository Library Council Chair Barbie Selby spelled out some of the issues that need to be dealt with to guarantee a strong future for the FDLP - some of these were :
developing networks of government information specialists – perhaps by working with other partners like the Association of Research Libraries or the Association of Government Records Managers; providing access to information in appropriate formats; ensuring continued access to digital government information, and building collaboration between institutions both within and outside of the FDLP.

More recently the Association of Research Libraries has issued a thoughtful examination of factors that will affect the future of the Federal Depository Library Program.^{ix} Several of the factors for consideration are similar to those proposed by the DLC and others groups seeking to help reform the FDLP.

Key Considerations in Planning for the Future

What are the necessary steps to consider if we are to achieve a new vision for a successful FDLP program into the future? The following represents six key areas that must be a part of any project to move the FDLP forward into the 21st Century:

1. We must collectively determine how best to maintain our tangible collections. This may mean looking at different methods for dealing with them than we have in the past; perhaps shared housing and off-site storage for little used materials. We have to stop talking about how we will deal with this material and actually do it. However we respond we must recognize that the future of our program is electronic and that, while the tangible pieces of our collections represent the public history of our nation and we owe that material responsible stewardship, that doesn't mean that we must keep everything in our main library building or even in the immediate geographical region. Solving this problem will require that we re-think what is the optimal number and arrangement of participating libraries.
2. We must move beyond a focus on the *containers*. The future of government information departments (where they exist at all) will be about E government *services*. Government information librarians look with pride on their commitment to service, and justifiably so, but a future built around E government service will demand even more of us. It will of necessity extend to how we use content, how we create content, and how we help our clientele interact with that content. To be successful in the future we must design our service points and our institutional visions around service and support for the information that best meets our users' needs.
3. We must be responsible in developing new services and avoid buying into the fallacy that every 'shiny new tool' is a solution by itself. As government information professionals we should focus not solely on the latest technology but

the best technology for any project. The future (and to some extent the current) expectations of our users will be for electronic resources and not just static files, but dynamic resources that they can capture and manipulate as they see fit using either tools we provide or that they bring to their particular task. Libraries have always been about creating tools to access information. We need to regain that public image, to get it back from the advertising firms and software manufacturers that portray themselves as information providers.

At the same time we must recognize that not every user will be on the cutting edge. As the recent Pew Report – Information Searches that Solve Problems: How People use the Internet, Libraries and Government Agencies when They Need help - illustrated, *many* Internet users remain ‘low end’ with old machines, old software and dial up access and our future service models must support those users so that they can continue to be a part of the conversation.^x

4. We need to recognize that it will not be just our clients who may not be up on the latest technology but also our colleagues. As we plan for future services we must make sure that our own co-workers at all employment levels receive the training they need to stay current and to provide the value added service that our users and our community will demand of them.
5. We have an obligation as professionals to support and participate in our professional associations. The American Library Association’s Government Documents Round Table is planning for its own future through a strategic planning effort designed to bring the Round Table in line with the larger goals that ALA has set for itself. Other groups – such as the Special Libraries Association and AALL - are also working to respond to the changes in tools and technology. If government information librarians are to remain relevant in the coming future of government information, we must strive to ensure that our professional organizations are able to represent and advocate for our interests effectively and we can only do that by being active participants in this effort.
6. We must continue not only to support but also to defend the concept of free, permanent and un-encumbered (that is NO embedded digital rights management software or controls) public access to tax payer paid for research and government information.

Conclusion

This is an exciting time to be in libraries and to be a government information librarian. We have an opportunity right now to shape the future of the program, to work with our colleagues at GPO and in our professional associations to create a new vision for access to government information. Now is the time to turn that ‘intentionally blank page’ and by working together begin to write the next chapter of the Federal Depository Library Program.

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- i Bill Sleeman. Assistant Director for Technical Services, Thurgood Marshall Law Library, The University of Maryland School of Law and Past-Chair, the American Library Association’s Government Documents Roundtable, 2007-2008. Portions of this paper were presented in 2008 at West Virginia University.
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