

Testimony of Stephen Parks

Before the House Committee on House Administration

For the hearing on

“Transforming GPO for the 21st Century and Beyond:
Part 3 – Federal Depository Library Program”

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Good morning. My name is Stephen Parks, and I am State Librarian of the State Law Library of Mississippi. Thank you for inviting me to testify here today about the Federal Depository Library Program (FDLP).

I became the State Librarian in January, 2016, after having been selected by the Mississippi Supreme Court and voted on by the Mississippi Legislature. As the State Librarian, I oversee and direct the day-to-day operations of the State Law Library and supervise a staff of three librarians. The State Law Library serves as a selective depository library with our regional depository library being at the University of Mississippi. We have a great working relationship with our regional library and its newest coordinator, Ashley Dees. Both Ashley and her predecessor, Laura Harper, have been more than willing to assist us with our work in government documents.

The State Law Library of Mississippi is located in the capital city of Jackson in Chairman Harper’s district and has enjoyed status as a federal depository since the mid-1880s. The State Law Library provides excellent service to all types of users from courts, schools, state agencies, law firms, and other libraries.

As the state of Mississippi celebrates its Bicentennial this year, the State Law Library is preparing for its own Bicentennial in January 2018. In January 1818, the General Assembly of Mississippi passed a Resolution directing the Secretary of State to purchase books and maps to be used by the State government. It is this initial collection of books and maps that has evolved into what is today’s State Law Library. We recently had the original 1818 Resolution on display in August for a visit by Dr. Carla Hayden, the Librarian of Congress. Chairman Harper’s office was instrumental in arranging Dr. Hayden’s visit, and we were pleased he was able to attend as well. Dr. Hayden spoke on the Library of Congress’s original creation as a law library and stressed the importance of access to legal materials and how law librarians help provide this access. The FDLP helps us in this endeavor.

At our Library, we routinely serve members of the general public who seek out government information through the FDLP. Recently, I assisted a patron as she researched what items could be used as evidence of age and date of birth. She and I were able to locate the relevant current regulations in the Code of Federal Regulations as well as look back to previous Codes to make note of how the regulations have changed over the years. The print United States Code and United States Reporter are also heavily utilized in our Library by patrons who do not have readily available access to online legal research. We even had to utilize microfiche recently when

a patron sought out older editions of the Federal Register. With the FDLP items we have at our Library, and with the great working relationship we have with our regional depository library at the University of Mississippi, we strive to provide the most effective service we can to our patrons.

As one of the thirty-seven Highest State Court Libraries that participate in the FDLP program, the State Law Library of Mississippi plays an important role in the collection and dissemination of government publications for use by the state courts and general public. As many academic law libraries and private law libraries oftentimes limit patron access, State Court Libraries provide a great service by being open and available to all citizens and by having FDLP items readily accessible in various formats. We are grateful that Congress enacted Pub. L. No. 92-368, § 1(a), 86 Stat. 507, (codified at 44 U.S.C. § 1915) in 1972, which authorizes the highest appellate courts of the states to participate in the depository program, and we hope any revisions of the FDLP will retain this provision and the flexibility it provides to us.

My purpose here today is to share with you some of the strengths of the FDLP and opportunities for modernization.

Strengths of the FDLP

I believe that, as a distributed network of libraries, the FDLP plays a critical role in providing permanent public access to government information. Since 1813, depository libraries have brought federal government information to their communities by making it freely available to members of the public through their local libraries.

Since 1861, users have looked to the Government Publishing Office (GPO), as a trusted source for federal government information, so it makes perfect sense that GPO coordinate the depository program and support access to and preservation of official authentic government information through the FDLP. As the National Academy of Public Administration concluded in its report, *Rebooting the Government Printing Office: Keeping America Informed in the Digital Age*, released in 2013, “In the digital age, GPO’s core mission of authenticating, preserving, and distributing federal information remains critically important to American democracy.”

The FDLP is a smart investment of taxpayer dollars. The program relies on the willingness of libraries to provide permanent public access to federal government information in multiple formats. In return, the libraries receive free publications, training, and resources to offer their local communities, regardless of background or income.

Beyond mere access, FDLP libraries have skilled librarians who assist the public in navigating the government information available to them. Libraries devote significant time and resources to providing the public with excellent service. Librarians are trained to answer questions about government websites, information, and documents, thus relieving federal agencies themselves of questions they might otherwise receive.

GPO offers librarians opportunities to connect with the agency and with one another through its

annual Federal Depository Library Conference and virtual conferences, regular newsletters from GPO, site visits, and online trainings. Through these offerings, librarians are able to learn about the latest policies and trends in government information, and implement best practices in providing their local communities with access to government information.

The FDLP and GPO have been of great assistance to me in my role as an adjunct professor with the University of Southern Mississippi's School of Library and Information Science. Just this past spring, I was able to teach aspiring librarians, in a course titled Government Resources and Publications, the many offerings of GPO's FDSys. Many of my students remarked at the usefulness of FDSys and were excited to learn of its availability to them as librarians free of charge. They were particularly pleased with the fact that documents within FDSys are true and authenticated digital copies. Knowing this, they stated that they would feel more confident when relaying information from these resources to their patrons.

Similarly, as a former Legal Research instructor at the Mississippi College School of Law Library, I routinely instructed first year law students on the usefulness of FDSys, especially as it pertains to the Code of Federal Regulations and the Federal Register. Warning students that they might not be able to afford many subscription-based legal research platforms when working for a small law firm or as a solo practitioner, I would always extol the GPO as a trusted resource where users can get digitized, authenticated government material for free.

I believe any efforts at modernizing the FDLP can only build upon its strengths and successes as it strives to provide greater access to government information.

Opportunities for Modernization

As Congress weighs various options to revise Title 44, it is important to reaffirm basic principles of public access to government information as 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* and GPO's more recent *National Plan for Access to U.S. Government Information*.

- 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

I believe it should be clear in any Title 44 reform bill that GPO has an important role to play in providing for both permanent public access *and* preservation of government information in print

and electronic formats. The statute is currently unclear about GPO's preservation role. However, the agency has taken leadership in this area for many years, for example, signing a Memorandum of Understanding in 2003 with the National Archives to explicitly state GPO's role in preserving government information on the predecessor to FDsys, GPO Access, and developing FDsys to be both an access and preservation system.

Access and preservation in multiple formats is important in any modernization efforts. As the Research, Instructional Services, and Circulation Librarian in my previous employment at the Mississippi College Law Library, I played an instrumental role in ensuring certain aspects of Mississippi's government information would be both accessible and preserved. In 2013, the Mississippi College Law Library launched the Legislative History Project which records and archives the floor proceedings of the Mississippi House of Representatives and Mississippi Senate. The Legislature itself provides a live video feed of its proceedings but does not record and provide the feed in an archive. The Legislative History Project stepped into this role and now provides free online video clips of the state legislature in action. Similarly, the Mississippi College Law Library's Judicial Data Project archives appellate court briefs, oral argument videos, and court opinions and provides them free online. These two projects were created in line with Principle 1 above, namely, that the public has the right of access to government information. Access alone, however, is not enough. Along with providing access to these materials, we in the Library also had to determine how best to preserve each item. Similarly, it is my hope that reform efforts address the role of preservation, and offer federal depository libraries more opportunities to partner with GPO to preserve information. For example, Congress could pursue GPO's idea for a grants program to provide funds to libraries for preservation activities, or allow digital deposit to give libraries the option to receive digital files directly from GPO for preservation purposes

From my perspective, the current regional and selective model of the FDLP works well. However, I understand there are pressures on some libraries, particularly regionals, to free up space in their libraries and offer greater access to born-digital and digitized information. I believe there are opportunities to strengthen Title 44 by offering additional flexibility to allow regionals to partner with selective libraries and to share materials with each other and across state lines. This must be done carefully, with oversight from the Superintendent of Documents and the Joint Committee on Printing, to assure geographically-distributed permanent public access to information.

I also believe it is important for Congress to invest in govinfo.gov, the website which will eventually replace FDsys. Govinfo provides no-fee public access to official publications from all three branches of the federal government. Currently, under § 4102 of Title 44, GPO is allowed to charge fees for public access. I recommend that this language be substituted with language assuring no-fee public access. This is essential for ensuring permanent public access to official, authentic government information in electronic formats, particularly as less tangible material is distributed through the FDLP.

Conclusion

I am grateful that the Committee has brought me here today to discuss the ways in which the

FDLP operates today and opportunities to improve public access to government information through the revision of Title 44. I hope there will be additional opportunities for the library community to comment on any draft legislation as the process moves forward. I will be happy to answer any questions.