

LIBRARY OF CONGRESS COLLECTIONS POLICY STATEMENTS

SUPPLEMENTARY GUIDELINES

Electronic Resources

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Preface

The Library's traditional functions of acquiring, cataloging, preserving and serving collection materials of historical importance to Congress and the American people extend to its collection of electronic resources. The increased reliance on electronic resources by Congress and public researchers demands a sustained effort to identify and acquire these resources. Given the nature of electronic resources and the rapidly changing technology associated with their use, the Library will review these guidelines on a regular basis to ensure that the Library's current and future research needs are met.

I. Scope

This document includes guidance for the recommendation of licensed, commercial electronic resources managed by the Library and made accessible through vendor-hosted platforms. These resources, acquired through subscription and/or purchase, include online databases; electronic publications, including e-journals and e-books; and other vendor-hosted content regardless of format. Also included are electronic materials acquired through mandatory Copyright deposit for which access is managed by the Library through publisher-hosted platforms or Library systems.

Guidelines for the acquisition of other digital materials, particularly open content hosted by the Library and accessible through Library systems, may be found in [Supplementary Guidelines for Datasets](#), [Supplementary Guidelines for Web Archiving](#), and in [Supplementary Guidelines for Open Digital Content](#).

II. Research Strengths

The Library's collection of electronic resources is extensive and is representative of subject areas the Library collects in analog formats. The collection comprises sources from academic, government, trade, news, and popular publishers, as well as collections of archival, manuscript, and rare book materials. The Library has specific collection strengths in historical newspapers, U.S. and foreign legal materials, and scholarly publications.

The criteria used to evaluate the research value of electronic resources do not differ greatly from those used for other formats. However, particular emphasis is placed on unique content of contemporary interest that is useful in serving the current or future informational needs of Congress and researchers. Of particular interest are materials that supplement the Library's existing collections. For example, the Library may purchase digital backfiles for a publication currently acquired in print, or the Library may purchase digital content to supplement an existing digital collection. Additionally, there is an emphasis on collecting content available only in a digital format.

III. Collecting Policies

The determination of whether an electronic resource is in scope for the Library's collections is guided by the policies outlined in the Library's [Collections Policy Statements](#). With the exception of gifts and resources added through copyright agreements, all electronic resources are added to the collection at the request of Recommending Officers with responsibility for the relevant subject, language, and/or geographic area. In general, the Library seeks to maintain an electronic resources collection that is commensurate with a large research university library.

The Library is committed to preserving its electronic resources just as it is to ensuring permanent access to its collections in other formats, and the Library's ownership rights to content should be considered before making collection decisions. Long-term access to electronic resources is only reasonably assured for purchased content or materials deposited with the Copyright Office, and only purchased electronic resources are considered to be part of the Library's permanent collections.

All leased materials, i.e., subscription resources for which the Library does not have a right to perpetual access, are considered temporary resources. Leased electronic resources are acquired solely to improve onsite access to materials, and the Library's long-term access to these resources is not guaranteed; content available through third-party aggregator databases is subject to change at any time, often with little or no warning. When recommending a title or a database for acquisition via subscription, an appreciation of the ongoing costs for access also should be considered.

The license terms for purchased electronic resources should ensure that the Library is granted a perpetual license with respect to the content and that authorized users will have a continuing nonexclusive, royalty-free, perpetual right to use, preserve, and access the licensed materials. The Library prefers perpetual access agreements in which the vendor agrees to transfer a copy of the purchased electronic resource to the Library to be stored in the Library's repository. However, it is also acceptable for vendors to agree to use trusted third-party repositories. The preference is for the Library to negotiate permission to archive electronic resources at the time of acquisition. However, the Library may also negotiate for future archiving should the content provider no longer provide access to the content through its online platform. Continued access is achieved by the development and continued maintenance of the Library's digital storage, management, and display capabilities and through contractual arrangements with trusted third-party digital repositories.

The Library will archive electronic resources following standard practices, guidelines and legal requirements. The commitment to provide permanent access to the content of electronic resources of long-term research value is made, when possible, at the time resources are acquired or created by the Library. This commitment extends to the retention of associated bibliographic, administrative and preservation metadata.

It is the Library's policy with electronic resources, as with all other resources, to acquire them through copyright deposit unless they are not subject to deposit under sections [407](#) or [408](#) of United States Copyright Law. Under certain Copyright Special Relief agreements, publishers submit mandatory deposit serials and/or books in electronic format in lieu of Best Edition print. Before recommending electronic resources, Recommending Officers first must determine whether the content is being received and made available through the Copyright Acquisition Division (CAD). Recommending Officers also must determine whether to continue print subscriptions for serials received by CAD that are accessible online and for which files are deposited for archiving. Canceling print subscriptions frees acquisitions funds for other materials and eliminates the continuing cost of maintaining physical materials.

IV. Collecting Guidelines

The Library of Congress will acquire electronic resources and their multi-format content for use by the U.S. Congress, researchers, and the general public. Consideration should be given to the following factors when recommending electronic resources for acquisition:

License Terms

The [Library's model license](#) articulates the Library's preferred and required terms for licensing electronic resources. In particular, Recommending Officers should note the following preferences:

- Authentication via IP range is preferred over individual login via username and password
- Preference is for resources that do not require end-user registration
- Preference is for unlimited number of simultaneous users
- Preference is for purchased content over subscription when not cost prohibitive
- For purchased content, the license should provide perpetual rights to purchased content, and onsite storage of the content in the Library's repository is preferred, but not required
- For leased content, preference is for perpetual access to licensed materials paid for during the subscription period. For leased content to which the Library has perpetual access, onsite storage of the content in the Library's repository is preferred, but not required
- Preference is for fair use by authorized users; use in interlibrary loan; and unlimited viewing, printing, and downloading
- The Library does not acquire resources for which a specific person is designated as the authorized user

The Library may fail to come to an agreement with a vendor regarding license terms for an electronic resource. In these cases, the Library will not acquire the resource. While some terms of the license are negotiable, certain terms and conditions, schedules, and purchase orders are non-negotiable and subject to [36 CFR 701.7](#). This rule was created to "prevent the Library from potentially violating the [Anti-Deficiency Act](#) and other restrictions under Federal law, preserve the Library's rights under copyright law in regard to electronic resources and software, and streamline the Library's contracting and collections acquisitions processes for these electronic resources and software."¹

Content

¹ Library of Congress License Agreements; 82 Fed. Reg. 29003 (June 27, 2017) (codified as 36 CFR 701.7) <https://www.govinfo.gov/content/pkg/FR-2017-06-27/pdf/2017-13342.pdf>.

High priority for acquisition should be given to the following:

- Electronic resources for which content is available only in digital form
- Electronic versions of continuing print resources previously collected by the Library that are no longer available in print or are preferred in electronic format
- Unique electronic resources (e.g., manuscript collections)
- Electronic resources that include material that is at risk of removal/deletion

In addition, consideration should be given to the following factors when recommending electronic resources for acquisition:

- Useful in serving the current and future informational needs of Congress and researchers
- Complements or adds depth or breadth to the existing collections
- Content as current and complete as any print version of the same material
- Overlap with existing e-resources should be minimal or nonexistent

Access, Functionality, and Reliability

- Preference is for resources that perform well in all browsers and conform to current technical standards
- The platform should have an intuitive interface and comply whenever possible with the American Disabilities Act (ADA)
- The platform should include advanced search functions and allow users to save or export their results
- Use of the platform should not require installation of additional (third-party) components
- Preference is for vendor-supplied, high quality bibliographic data with periodic updates including new titles, revisions, and deletions

Service

- The vendor should provide technical/customer support
- The vendor should provide usage statistics. Preference is for statistics compliant with the most recent version of COUNTER

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