



*American Association of Law Libraries*  
MAXIMIZING THE POWER OF THE LAW LIBRARY COMMUNITY SINCE 1906

## The AALL Washington E-Bulletin

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#### **Reminder: Feb. 1 Deadline for 2012 Oakley Advocacy and PAGI Award Nominations**

Please send your nominations for the 2012 [Public Access to Government Information](#) and [Robert L. Oakley Advocacy](#) Awards to Government Relations Committee Chair [Catherine Dunn](#) by **February 1, 2012**.

## **STAY INFORMED/GET INVOLVED: News and Action Alerts**

### **Celebrating 2011 and Preparing for a Busy 2012**

Thanks to the time and energy you dedicated to improving access to government information and promoting AALL's policy priorities, we celebrated several major accomplishments in 2011:

- The Uniform Law Commission (ULC) finalized the [\*Uniform Electronic Legal Material Act \(UELMA\)\*](#). Special thanks go to Reporter Barbara Bintliff and Observer Keith Ann Stiverson for their work on the Act.
- Our [state working groups](#) completed their legal inventories, adding more than 7,000 titles – a remarkable achievement! The Digital Access to Legal Information Committee Subcommittee on the National Inventory has begun analyzing the data that our volunteers collected.
- Congress passed a final appropriations package with greater funding levels for the Government Printing Office than what was included in the original House and Senate proposals. Your calls and letters in response to our [action alert](#) made a difference!
- The Environmental Protection Agency [released](#) their final Library Network Strategic Plan, which included a commitment to digitize and preserve materials in the Library Network's collections.
- The Government Relations Office (GRO) worked with our three Texas chapters to [save funding](#) for the Texas State Law Library.

During 2012, the GRO will continue to work with our members and chapters to promote our key policy priorities.

- At the Federal Level:
  - We will continue to track the Administration's progress in following through on the commitments in the [Open Government Directive](#) and [National Action Plan](#) to promote government openness and transparency.
  - We will meet with White House and the National Archives and Records Administration to ensure the requirements of the new [Memorandum on Managing Government Records](#) are met.
  - We will coordinate with our members to ensure law library participation in GPO's [State Forecasts and State Focused Action Plans](#) for the Federal Depository Library Program.
- At the State Level:
  - We will continue to work with ULC and our state leaders to ensure enactment of *UELMA* in our priority states, including California, Connecticut, Colorado, Kentucky, Louisiana, Minnesota, Nebraska, Ohio, Tennessee and Wisconsin, and others.
  - We will educate government officials about the importance of public law libraries and oppose any efforts to reduce funds for state, court and county law libraries or close them altogether.

- We will partner with our chapters and working groups to oppose any plans to eliminate an official print legal resource in favor of online-only unless the electronic version is digitally authenticated and will be preserved for permanent public access.

It is because of *your help* that we can celebrate so many accomplishments this year. We know that with your continued commitment, 2012 will be another successful year. Thank you!

P.S. – If you’re not already a member of our Advocacy Listserv, now’s the time to [sign up!](#) You’ll receive the latest alerts from the GRO, connect with colleagues, and become an integral part of AALL’s Advocacy Team.

### **Congress Passes Increased Levels of Funding for Government Printing Office**

Thanks to your calls and letters, Congress approved the [Conference Report](#) to the FY 2012 Consolidated Appropriations Act (House Report 112-331) with higher levels of funding for the Government Printing Office (GPO) than what was included in the House and Senate appropriations packages.

|  | Total for FY 2012 (\$) | Congressional Printing and Binding (\$) | Office of SuDocs (Salaries and Expenses) (\$) | Revolving Fund (\$) |
|--|------------------------|---|---|---------------------|
| <b>FY 2012 Consolidated Appropriations</b> | <b>126,200,000</b>     | <b>90,700,000</b>                       | <b>35,000,000</b>                             | <b>500,000</b>      |
| <b>House Passed</b>                        | 108,100,000            | 74,585,850                              | 33,468,009                                    | 0                   |
| <b>Senate Committee Recommendation</b>     | 116,814,000            | 81,314,000                              | 35,000,000                                    | 500,000             |

AALL is very pleased that the final package includes appropriations for the Revolving Fund, which the House had eliminated. This funding will ensure the continued development of FDsys. Please see our updated [Legislative Branch Appropriations FY 2012 chart](#) to find out how the FY 2012 funding compares to GPO’s request and previous year’s funding levels.

Importantly, the Conference Report dropped the troubling language in the House report that directed the Government Accountability Office to study the possibility of the General Services Administration taking over Executive Branch printing, the transfer of the Superintendent of Documents program to the Library of Congress, and the privatization of GPO. Instead, the report directs the Congressional Research Service to award a grant or contract to the National Academy of Public Administration “to conduct a study on updating a review of GPO operations and additional cost saving opportunities beyond what GPO has already instituted, if any, and report its findings to the Committee on Appropriations of the House and Senate no later than one year after enactment of this Act.”

**If your Member of Congress was on the [Conference Committee](#), please send them a thank you note.** It’s as simple as emailing them a statement such as, “As a constituent and law

librarian, I write to thank you for including higher levels of Legislative Branch funding in the Conference Report for the final FY 2012 appropriations package. This funding will ensure that the Government Printing Office can continue to provide members of the public, researchers and small business owners with permanent public access to official, authentic information from all three branches of government.” You can easily email your Members of Congress through our [Legislative Action Center](#).

If you’ve been in touch with a Congressional staff member personally, please thank them directly and then [send me an email](#) to let me know. The relationships you form with your Members of Congress and their staff are critical to effective advocacy.

## **Senate Fails to Confirm Boarman as Public Printer**

AALL is very disappointed that the Senate did not act to confirm Public Printer Bill Boarman before the end of the year. Although Boarman’s nomination twice received bipartisan approval from the Rules Committee, it was never approved by the full Senate.

Before the Senate adjourned, Rules Committee Chair Chuck Schumer (D-NY) [urged his colleagues](#) to act on Boarman’s nomination, highlighting his remarkable achievements. For example, under Boarman’s leadership, GPO enjoyed a [positive net income](#) of \$5.6 million. Unfortunately, Senate Majority Leader Harry Reid (D-NV) sent the nomination back to the White House, effectively killing any chance of Senate approval.

On December 20, Boarman [named](#) Davita Vance-Cooks as Deputy Public Printer, the first woman to be appointed to the position. Vance-Cooks has served as Chief of Staff to the Public Printer, overseeing the development of GPO’s strategic plan and GPO’s Human Capital, Acquisitions, Security, Information Technology, Equal Employment Opportunity and Program, Strategy and Development offices. By law, the Deputy Public Printer becomes Acting Public Printer in the absence of a Public Printer.

## **AALL Submits Comments on Colorado Public Domain Citation Format**

On Dec. 9, AALL sent a [letter](#) to the Justices of the Colorado Supreme Court regarding a proposal to adopt a public domain citation format for Colorado Supreme Court and Court of Appeals published opinions. Our letter expressed support for comments submitted by Peter W. Martin, Jane M.G. Foster Professor of Law, Emeritus, Cornell University. Our letter reiterated Professor Martin’s recommendations that Colorado’s citation plan should clarify that there is no need for pinpoint references to include more than the paragraph numbers in the original opinion; that parallel citation to a decision’s volume and initial page number in the *Pacific Reporter* is not required; and that the period on “CO App.” could be removed without negative consequences.

## **GPO and Office of Federal Register Receive Award for FederalRegister.gov**

On December 8, the Administrative Conference of the United States [presented](#) the Office of the Federal Register (OFR) and GPO with the Walter Gellhorn Innovation Award for [FederalRegister.gov](#). The award recognized GPO and OFR for “demonstrating efficiency, enhancing customer service, increasing transparency, and streamlining the regulatory process.”

This was the first time that ACUS has bestowed the new award, which is part of their Model Agency Initiative. FederalRegister.gov was nominated by Carl Malamud of Public.Resource.Org.

In 2010, the AALL Executive Board endorsed a [“Resolution Celebrating the 75th Anniversary of the Federal Register Act.”](#) AALL’s resolution applauded the OFR for the launch of the Federal Register 2.0, recognizing that FederalRegister.gov, “portends an even more innovative future for the suite of publications in the Federal Register system in the 21<sup>st</sup> Century.” Congratulations to OFR and GPO!

## **President Obama Completes Nominations to Privacy and Civil Liberties Oversight Board**

The mission of the Privacy and Civil Liberties Oversight Board (PCLOB), created by the *Intelligence Reform and Terrorism Prevention Act of 2004* ([P.L. 108-458](#)) on recommendation of the 9/11 Commission, is to review privacy and civil liberties issues impacted by the government’s national security policies and programs. AALL has for [several years expressed concern](#) that, without nominated and confirmed members, the PCLOB cannot perform this vital mission.

AALL is pleased that, on December 15, President Obama nominated three individuals to fill the final positions on the Board: David Medine, a partner in the law firm WilmerHale, to serve as chair; Rachel L. Brand, Chief Counsel for Regulatory Litigation at the U.S. Chamber of Commerce, National Chamber Litigation Center; and Judge Patricia M. Wald, who served for twenty years on the U.S. Court of Appeals for the District of Columbia, including five years as Chief Judge. If confirmed, these experts will join James Dempsey, Vice President for Public Policy at the Center for Democracy & Technology and Elisebeth Collins Cook, partner with Freeborn & Peters LLP.

On December 20, Senate Judiciary Committee Chairman Patrick Leahy (D-VT) released a [statement](#) expressing his hope for bipartisan support when the Judiciary Committee considers the nominations in early 2012.

## **House Judiciary Committee Holds Markup of *Stop Online Piracy Act***

The *Stop Online Piracy Act* ([H.R. 3261](#)), or *SOPA*, is intended to address online international intellectual property infringement, piracy and counterfeiting. *SOPA* is the House version of the Senate’s *PROTECT IP Act* ([S. 968](#)), about which AALL has [expressed concerns](#). Sen. Ron Wyden (D-OR) put a hold on the Senate bill in May, [stating](#) that, “I understand and agree with the goal of the legislation, to protect intellectual property and combat commerce in counterfeit goods, but I am not willing to muzzle speech and stifle innovation and economic growth to achieve this objective.”

The House version of the bill has raised serious concerns among library groups, including AALL, free speech advocates, internet groups, business organizations and others. AALL is especially concerned that *SOPA* could discourage the use of copyrighted or potentially

copyrighted works even for legitimate purposes. Please see our new [advocacy one-pager](#), written by Copyright Committee Chair George H. Pike, for talking points.

Attempting to address some of the concerns raised by advocates, House Judiciary Committee Chairman Lamar Smith (R-TX-21) introduced a manager's amendment in time for the Committee's markup. However, after several Judiciary Committee members raised concerns, Chairman Smith decided to extend the markup into the new year.

Meanwhile, Sen. Wyden and Rep. Darrell Issa (D-CA-49) put together an alternative proposal for combating infringement, the [Online Protection and Enforcement of Digital Trade Act](#) (OPEN Act). The draft legislation would employ a 'follow-the-money' approach by expanding the International Trade Commission's existing authority to enforce copyright and trademark infringement. Members of the public are invited to suggest edits and offer feedback on the draft legislation using the new the online [commenting tool](#).

### **FREE TIME WELL SPENT: Further Reading and Resources for the Info Policy Junkie**

#### **New Year's Greetings from the Law Librarian Congress**

Law Librarian of Congress Roberta I. Shaffer wrote a [year-end update](#) for the Law Library's blog, *In Custodia Legis*. Shaffer reported that the Law Library staff answered an impressive 4,019 inquiries from Members of Congress in 2011, and created 373 legal research reports, special studies and memoranda. The Law Library also continued to host many exciting events, such as the [Kellogg Lecture](#) on "Sovereignty and Legitimacy: On the Changing Face of Law—Questions and Speculations" by Joseph Raz, the Thomas M. Macioce Professor of Law at Columbia Law School and visiting professor at King's College London School of Law.

#### **Report Finds Agencies Process More FOIA Requests**

Citizens for Responsibility and Ethics in Washington (CREW) and OpenTheGovernment.org released a new analysis of Freedom of Information Act (FOIA) data produced by Federal agencies. The report, "[Measuring Transparency Under the FOIA: The Real Story Behind the Numbers](#)" found that agencies' reported data is often seriously flawed. However, agencies with complete data demonstrated that they were able to process more requests in 2010.

#### **"FOIA Ombudsman" Launches New Website**

The Office of Government Information Services (OGIS) recently launched a [new website](#) to help FOIA requestors and agencies more easily navigate the FOIA process, including how to move past any stumbling blocks. Visitors can search the [OGIS Library](#), [make an OGIS Request](#), [search OGIS cases](#) and [suggest ways to improve FOIA](#).

#### **House Expands Access to XML**

The House Committee on House Administration adopted "[Standards for the Electronic Posting of House and Committee Documents & Data](#)," which instructs the Clerk of the House to

maintain a single website where the public can access all House bills, amendments, and resolutions for floor consideration in XML.

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