

Looking Ahead to 2012

WASHINGTON, D.C., December 9, 2011—The new year brings many opportunities for AALL to promote its public policy priorities at the federal and state levels. During the next 12 months, the Government Relations Office (GRO) will work with the Obama Administration and Congress to support better records-management practices and improve the *Freedom of Information Act (FOIA)*; coordinate with the Uniform Law Commission and AALL members to enact the *Uniform Electronic Legal Material Act (UELMA)* in the states; and collaborate with the Administrative Office of the U.S. Courts (AOUSC) and the Government Printing Office (GPO) to expand access to and use of the Public Access to Court Electronic Records (PACER) system. The GRO relies on our members to help educate lawmakers and advocate for our issues; see the sidebar for more information about how to track our progress and join the Advocacy Team.



Promoting Openness and Transparency

In September 2011, the White House released its National Action Plan, fulfilling one of the requirements of the Open Government Partnership, a new global initiative that supports transparent and accountable institutions around the world. The National Plan builds on the Open Government Initiative established by President Obama's January 2009 Memorandum on Transparency and Open Government.

Importantly, the administration commits in the National Plan to improving federal-records management. A recent Records Management Self-Assessment organized by the National Archives and Records Administration (NARA) revealed there is an urgent need for better records-management practices: 95 percent of agencies self-reported that they are at moderate to high risk of compromising the integrity, authenticity, and reliability of their records. In November 2011, President Obama released a Memorandum on Managing Government Records that requires each agency to submit to the archivist of the United States a report that describes the agency's plans for improving or maintaining its records-management program. The memo also requires the director of the Office of Management and Budget and the archivist to develop a new Records Management Directive

to create a more effective and efficient government-wide records-management framework. AALL is pleased with this step forward on records management and will continue to work with the White House and NARA to ensure agencies follow through on the memo's requirements.

We will also continue to work with NARA to ensure that the Electronic Records Archives (ERA) meets its mission to preserve and provide public access to the permanently valuable electronic records of the federal government. AALL has expressed concerns about letters from NARA's inspector general that reveal that the ERA lacks full-text searching capabilities. NARA officials have stated they will work with their new contractor, IBM, to address full-text searchability.

In addition, the National Plan commits the United States to improving *FOIA* by professionalizing *FOIA* officers and better using technology to make the *FOIA* process more efficient. The Department of Justice's Office of Information Policy has stated that it will work with agencies through its technology working group to share ideas and come up with effective solutions. AALL will continue to advocate for passage of the *Faster FOIA Act* (S. 1466 and H.R. 1564), which would create the Commission on Freedom of Information Act Processing Delays to identify ways to improve *FOIA*'s administration.

The National Plan also addresses the need for agency collaboration to make public by the December 31, 2013, deadline more than 400 million pages of classified records. President Obama's 2009 Executive Order on Classified National Security Information (E.O. 13526) established the National Declassification Center at NARA to handle this backlog and promote the public release of historically valuable permanent records. AALL strongly supported the creation of the National Declassification Center when it was originally proposed in the 1997 Moynihan Commission report on government secrecy, and in November 2008 AALL endorsed recommendations to the Obama-Biden Transition Team in support of its creation. We are honored that the director of the center, Sheryl Jasielum Shenberger, will speak during a program sponsored by the Government Relations Committee at the 2012 AALL Annual Meeting in Boston, "The National Declassification Center—Will It Meet Our Expectations?" (A2).

Enacting UELMA

On November 30, 2011, AALL President Darcy Kirk sent a letter to John Sebert, executive director of the Uniform Law Commission, expressing AALL's support for *UELMA*. The act, which comes after many years of advocacy by the Association on the need for digital authentication, preservation, and permanent public access, provides states with an outcomes-based approach to authentication and preservation of electronic legal material. AALL's letter will be included in the legislative packets that state legislators will receive. It is also posted in AALL's Advocacy Toolkit (see sidebar for more information).

AALL will continue to coordinate with the Uniform Law Commission to ensure *UELMA* is enacted at the state level. The GRO is working closely with our members in the states that have included *UELMA* in their 2012 legislative plans, as well as other states that have indicated interest in the act, including California, Colorado, Connecticut, Kentucky, Louisiana, Minnesota, Nebraska, Ohio, Tennessee, and Wisconsin.

(continued on page 12)

GRO Resources

Government Relations on AALLNET:
www.aallnet.org/main-menu/Advocacy/aallwash

Our monthly newsletter, the *Washington E-Bulletin*:
www.aallnet.org/main-menu/Advocacy/aallwash/Washington-E-Bulletin

Advocacy Toolkit:
www.aallnet.org/main-menu/Advocacy/aallwash/Advocacy-Toolkit

Advocacy Discussion List:
www.aallnet.org/Documents/Government-Relations/aalladvoc_subscribe.html

Washington Blawg:
aallwash.wordpress.com

Expanding Participation in the PACER: Access and Education Program

AALL will continue its partnership with the AOUSC and GPO to promote the PACER: Access and Education Program. The Law Library of Congress and the Law Library for San Bernardino County were the first to participate in the program, which is now open to

depository libraries, public law libraries, and public libraries.

Participating libraries are required to conduct PACER training classes for the public. Libraries receive a waiver on the first \$50 of PACER user fees each quarter. To find out more information or to volunteer your library for the program, visit www.fdlp.gov/help/tutorials/347-paceraccessprogram/

1099-pacereducation or contact me directly. ■

*Emily Feltren, interim director,
AALL Government Relations Office,
25 Massachusetts Avenue, N.W., Suite
500, Washington, D.C. 20001 • 202/942-
4233 • fax: 202/737-0480 • email:
efeltren@aall.org • [www.aallnet.org/
main-menu/Advocacy/aallwash](http://www.aallnet.org/main-menu/Advocacy/aallwash).*