April 23, 2012

The Honorable Ben Nelson, Chair
Subcommittee on the Legislative Branch
Committee on Appropriations
U.S. Senate
Washington, DC 20510

The Honorable John Hoeven, Ranking Member
Subcommittee on the Legislative Branch
Committee on Appropriations
U.S. Senate
Washington, DC 20510

Re: FY 2013 Funding for the Library of Congress

Dear Chairman Nelson and Ranking Member Hoeven:

I write to express the American Bar Association’s (ABA) support for the Library of Congress’s FY 2013 budget request that includes funding for the Law Library of Congress. The ABA urges Congress to fund the Library at the FY 2012 level, plus at least a very modest increase to account for inflation.

The ABA and its Standing Committee on the Law Library of Congress are very supportive of the work of the Library of Congress and in particular the Law Library of Congress. As an association representing more than 400,000 legal professionals, the ABA has a particularly strong interest in and expertise about the Law Library. Our Standing Committee is the second-oldest ABA entity, celebrating an 80-year relationship with the Law Library. We remain committed to serving as a resource to your Subcommittee and the Congress concerning the Law Library and its efforts to serve the nation and the legal profession.

Below are merely a few examples from the past year of the important needs filled by Law Library staff members as they provide assistance to constituents either directly or through a Member of Congress:

Information Requests Related to Domestic Law about:
- contract laws from a small business owner (body shop);
- licensing regulations from a regulator in the U.S. Virgin Islands; and
- how to start-up an online store (including laws on e-commerce and distance-selling) from a patron based in Illinois.
Information Requests Related to Immigration/Family Law Issues about:
- restrictions and requirements for transporting a family member’s ashes to another country;
- English translation of Turkish law that implemented the Hague Convention on the protection of children and cooperation with respect to inter-country adoptions; and
- whether a U.S. court order would be upheld in Nigeria.

Information Requests Related to International Business about:
- a business owner’s obligations to pay corporate income tax and file returns under the law of a country in the Middle East;
- an agreement between France and Moldova regarding investment protection; and
- how to set up a business in Western Samoa.

These examples demonstrate how the Law Library supports the stability of American families, prosperity for American business at home and abroad, and the everyday people represented by the Members of Congress.

Clearly, the Library of Congress and its Law Library are important components of business development, job creation and international relations. In addition to the specific patron requests such as those mentioned above, the Law Library’s role in restoring world governments should not be forgotten and cannot be overemphasized. As we all know, the Taliban destroyed the legal documents of the Afghan people. The Law Library of Congress was one of the few institutions in the world that maintained these historic records and was able to assist with the repatriation of legal materials to help reconstruct a legal system as those materials had been destroyed. Similarly, the 2010 earthquake destroyed Haitian legal records; the Law Library, with its collection of Haitian legal materials, was able to help with rebuilding the Haitian justice system. The Law Library’s collections also include other ancient documents that are critically important to understanding and administering legal systems today.

Because it understands the limited resources with which your Subcommittee is working, the Library of Congress requested no program increases for FY 2013, even as it makes plans to diligently carry out its charge to maintain this unique national resource serving the Congress, the American public, and the world. During the past year, the Library of Congress in good faith eliminated 186 positions in anticipation of the expected (and realized) FY 2012 reduced budget. The resulting cuts have already adversely affected some Library programs.

We understand the tremendous challenge you face in prioritizing funding requests in this difficult budget climate. However, we must stress that further cuts in the coming year to the Library and its Law Library of Congress will not only affect the ability of Congress to do its job, but will severely and negatively impact your own constituents, including school children, teachers, scholars, lawyers and small business owners. The Library's Teaching with Primary Sources Program is but one example of the connection the Library of Congress has with each of us on a daily basis: through this program, school children across the country have the opportunity through digitization to see, read and analyze the Library's original documents.
The identified priorities of the Law Library for next year are important to fulfilling its mission to serve the Congress and the nation effectively, both in preserving hard copies of legal materials and in further developing access to these materials online, and we strongly support them.

In addition, several programs within the Library’s overall budget provide integral support to the Law Library and we urge Congress to provide full funding for these critical programs as well:

- $0.674 million to continue transfer of special collections to Ft. Meade Modules 3 and 4;
- $1.041 million to provide interim storage pending funding for Ft. Meade Module 5 (“Mod5”); and
- $5 million through the Architect of the Capitol for the first phase of Ft. Meade Mod 5, a storage facility to relieve the overcrowded conditions on Capitol Hill and to allow the Library to continue an acquisitions program consistent with its stature as one of the world’s finest libraries.

Completion of Mod5 remains very important to the ABA. As we testified before the House Subcommittee last year, if Congress does not provide the necessary resources for the construction of Mod5, the Library and Law Library will be forced to make unenviable choices among other costly alternatives for off-site storage or choose to allow their collections to become incomplete and out-of-date. We believe the costs presented by Mod5 must be balanced against the costs to the Congress, domestic and international commerce, and the American people if the Library and Law Library were unable to fulfill their missions.

We respectfully urge Congress to grant the Library’s funding request for FY 2013. We deeply appreciate the historical support of Congress for the Library of Congress and the Law Library. The Library and the Law Library are truly national treasures, their collections built up over 212 years. We would hope that, in its wisdom, Congress could find the means to protect and enhance the value of these treasures for the benefit of all Americans, now and for generations to come.

Sincerely,

Thomas M. Susman

cc. Members, Appropriations Committee