

AALL RESOLUTION ON NO-FEE FDLP ACCESS TO PACER

- Whereas, The Administrative Office of the U.S. Courts (AOUSC) makes available for a fee electronic access to federal court information through its Public Access to Court Electronic Records (PACER) service that allows paying customers to obtain case and docket information from most Federal Appellate, District and Bankruptcy courts, and from the U.S. Party/Case Index; and,
- Whereas, The AOUSC has greatly increased court participation in its Case Management/Electronic Case Files program, thereby enhancing the value and utility of PACER to members of the public interested in legal research; and,
- Whereas, The U.S. Government Printing Office (GPO) is required under 44 U.S.C. § 1902 to make available through the Federal Depository Library Program (FDLP) “Government publications, except those determined by their issuing components to be required for official use only or for strictly administrative or operational purposes which have no public interest or educational value and publications classified for reasons of national security” from all three branches of government; and,
- Whereas, The GPO recognizes the importance of their providing additional new services for depository libraries as incentives to keep them in the FDLP and, in addition, to provide the American public with enhanced access to government information and better services in their October 2005 “Progress Report 2: The Carrot Crop Is Still Growing” (available at: http://www.access.gpo.gov/su_docs/fdlp/pubs/proceedings/incentives_progress_oct2005.doc); and,
- Whereas, The first proposed incentive listed in “Progress Report 2” is to: “*Provide depository libraries with access to fee-based government information database services and other government information products so-called cooperative publications which must necessarily be sold in order to be self-sustaining under 44 U.S.C. § 1903*”; and,
- Whereas, Depository libraries today have no-fee access to several agency fee-based government information databases, such as STAT-USA, USA Trade Online and the National Climatic Data Center Online Document Library, and the “Progress Report 2” notes that it would be appropriate for GPO to negotiate access to fee-based databases on behalf of the FDLP; and,

Whereas, Providing PACER to users of depository libraries at no-fee will increase greatly access by the public to important federal court information and strengthen the collaboration between GPO, the federal courts, depository libraries and the public which is the very essence of the FDLP partnership; now, therefore, be it

Resolved, That the U.S. Government Printing Office should negotiate with the Administrative Office of the U.S. Courts to make the PACER system available at no cost to users of federal depository libraries; and be it further

Resolved, That this resolution be forwarded to appropriate members of Congress, including the Joint Committee on Printing, the Administrative Office of the U.S. Courts, and the Depository Library Council.

Endorsed by ALA Council 6/28/06