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Dear GD-SIS members,

I hope everyone is doing well as we look forward to our virtual business meeting, and a (hopefully) more normal summer and fall. In addition to catching up with what the chapter has been up to, this issue will bring you another installment of the Legislative Bibliography series, as well a special look at the passage of the Coronavirus stimulus passed in December of last year. As always, thank you so much to those who contributed and I hope you enjoy the issue!

Sincerely,

Rebecca Kunkel

Orthodox Unorthodoxy: Congress' Pragmatic Approach to the 2020 Stimulus Legislation

By John Cannan

The U.S. Congress, according to conventional wisdom, now regularly indulges in unorthodox lawmaking, a perversion of the simple legislative process so well documented by Schoolhouse Rock's, [I'm Just a Bill](#). Perhaps no modern and recent example is the stimulus bill agreed to by the House and Senate, and grudgingly signed by President Donald Trump in the waning days of the 115th Congress. This over 5,500-page behemoth was the product of backroom bargaining that saw no real committee hearing and markup, was delivered to the floor for a "take it or leave it" vote and was made up of dozens of bills which had nothing to do with Covid-19 relief. But maybe that reality is not all that bad as it sounds or seems. This huge bill is also a testament to Congress' pragmatism toward delivering legislative results beyond the relief.

Unorthodox lawmaking was a concept popularized by the late political scientist [Barbara Sinclair](#). In her book of the same name, she documented Congress' increased use of unconventional legislative maneuvers, "tailor-made" to pass specific bills into law. Features of unorthodox lawmaking include, but are not limited to, the bundling of bills into massive omnibus measures; extra-committee changes to legislation; House special rules governing floor procedure in that chamber; and a near lack of any opportunity to make floor amendments. Typically, the use of such unorthodox measures is associated with the passage of major contentious legislation--especially those which involve a significant amount of money--and are often used by one party to achieve its goals in the face of slim vote margins and fierce partisan opposition.

As bills go, the Covid-19 stimulus—officially titled the [Consolidated Appropriations Act, 2021](#); and unofficially called the Coronavirus, because of its omnibus nature--fits the unorthodox lawmaking profile. The bill was originally introduced as the United States-Mexico Economic Partnership Act, which promoted academic exchanges with Mexico. Congress subsequently used this bill as a vehicle for the stimulus which was negotiated by the party leadership of both chambers. Also shoehorned into the bill were multiple appropriations bills to run the U.S. government as well as dozens of other measures on a variety of topics. The total cost of the legislation was over two trillion dollars. The speed with which the

bill was passed was startling. The parties announced a Coronavirus agreement on December 20, 2020. It passed the House the next day under a special rule governing debate on the floor. That same day it cleared the Senate. It was ultimately signed by the President less than a week later on December 27, 2021. The bill in its full form was not discussed before any committee and only one amendment was offered, in the Senate, which was tabled. Schoolhouse Rock this bill was not, but it was not fully unorthodox either.

The use of unorthodox procedures to create and pass the stimulus should not be surprising. It was comprised of some of the most major bills Congress can pass—the stimulus itself and a number of appropriations bills, both worth hundreds of billions of dollars. But the bill also included legislation that was not as significant, or at least not as significant to the nation as a whole—for example, modification of a rehabilitation project for the Jackson Gulch dam and reservoir in Colorado, repeal of a requirement to sell federal property at Plum Island, New York to the highest bidder and horseracing safety legislation. The stimulus shows that unorthodox procedures can and are used to pass minor as well as major legislation.

Unorthodox procedures are also believed to be the result of severe partisanship. However, the non-appropriations bills tacked on to the stimulus were entirely bipartisan. Those that were voted upon won by nearly unanimous or near unanimous margins. The legislation that received the least number of votes was the [Smithsonian American Women's History Museum Act](#) which was passed in in the House by a vote of 374-37. Further, nearly all these efforts were also bi-cameral. Both chambers often were working on a similar version of the same bill, though the House was usually taking the lead on moving the legislation. While it might be helpful to say that unorthodox procedures are the result of severe political differences, this consensus shows that such is also not the case.

Further, many of the previously standalone measures had actually been deliberated upon throughout the contemporaneous Congress with traditional procedure, especially in the House, which seems to do much of the “heavy lifting” these days. These measures were introduced in their respective chambers, commented by Congressmen and occasionally Senators. Some had evidence of committee work such as hearings and published reports. And some of these were bills could be considered major—for example the [Aircraft Certification, Safety, and Accountability Act](#) which reforms the Federal Aviation Administration (FAA) in the wake of the Boeing 737 Max scandal; the most [significant energy legislation](#)

[to be enacted in over a decade](#), which promotes investments in wind power, solar power, energy efficiency, and carbon capture; the [Copyright Small Claims Court and improvements in trademark law](#). These bills enjoyed an orthodox or traditional process of creation before they were swept into the “unorthodox” Coronavirus. A notable, but rare, exception was a [provision certain online streaming a felony](#), which had been introduced by Republican North Carolina Senator Thom Tillis only weeks before.

If all this legislation had already been worked on in Congress and was bipartisan, why were unorthodox procedures necessary to pass them? The answer is rather bland—efficiency. Any Congress only has a two-year window to get its legislative work done. Any bill introduced during that time that is not passed dies and will have to be introduced again. My review of recent Congresses shows that the type of stand alone non-appropriations legislation that made it into the Coronavirus is the type that the legislature would pass in a normal session as it wound to a close. However, session that passed the Coronavirus was not a normal one thanks to Covid-19, and the calamity it created. A disputed Presidential election probably did not help matters either. Representative Rick Larsen (D-Wash.), Chairman of the House Transportation and Infrastructure Subcommittee on Aviation, could sum up the view of the entire Congress when he said about the then stalled FAA bill, “I don’t want to restart.” The choice Congress collectively made was to clear the legislative decks now rather than having to duplicating some of its work the next year.

Does the passage of the stimulus and its non-pandemic and non-appropriations legislation mean that the Schoolhouse Rock version of the legislative process is [officially dead, as some academics claim](#)? Well, not really. Congress still passes a vast majority of its legislation through traditional or near traditional means. The traditional model still holds because, despite what one hears from the press, there are areas upon which Congress can and does agree, a matter recently publicized by scholars [Frances Lee and James Curry](#). What the stimulus does show is that Congress use of procedures is ultimately pragmatic. If it can pass a major or a minor bill through traditional procedures, it will. If it needs to do so through unorthodox procedures, it will. No one view of Congressional procedure will fully hold because the decisions of which model and which tactics to use depend so much on the exigencies of the moment. This remains one of the great challenges as well as sources of frustration and excitement of researching our national legislature. Ultimately, this approach means that Schoolhouse Rock’s view of legislation is not dead, it just needs one or two more verses.

Legislative Bibliography for Walter Mondale (1928-2021)

By Talia Berk, Graduate Student Information Sciences, University of North Texas

Vice President Walter F. Mondale served in the U.S. Senate from 1964 until 1976, representing Minnesota in the 88th, 89th, 90th, 91st, 92nd, 93rd, and 94th congresses before resigning in 1976 to join President Jimmy Carter as Vice President. During his time in Congress, Vice President Mondale sponsored 571 bills, of which 4 were signed into law. His congressional years are most noted for his role in supporting the Fair Housing Act of 1968. Although Vice President Mondale's Fair Housing Act of 1968 amendment, cosponsored with Senator Edward Brooke (R-MA), was tabled, the resultant fair housing requirements included in the Civil Rights Act of 1968 were largely credited to Mondale's advocacy.

88th Congress (1963-1965)

Bills Sponsored = 0

Made into Laws = 0

89th Congress (1965-1967)

Bills Sponsored = 75

Made into Laws = 0

90th Congress (1967-1969)

Bills Sponsored = 72

Made into Laws = 0

90 S. 1358 – to enact the Fair Housing Act of 1967 (Introduced in Senate, tabled in favor of the Civil Rights Act of 1968).

91st Congress (1969-1971)

Bills Sponsored = 128

Made into Laws = 0

92nd Congress (1971-1973)

Bills Sponsored = 109

Made into Laws = 2

92 S. J. Res. 218 – Joint resolution to extend the authority conferred by the Export Administration Act of 1969. Signed into law as PL92-284: Export Administration Act of 1969 Extension on April 29, 1972.

92 S. 3726 – Bill to extend the Export Administration Act of 1969. Signed into law as an amendment to PL92-284: Export Administration Act of 1969 Extension on August 29, 1972

93rd Congress (1973-1975)

Bills Sponsored = 118

Made into Laws = 2

93 S. 1745 – Bill to provide financial assistance for research activities for the study of sudden infant death syndrome, and for other purposes. Signed into law as [P.L. 93-270 - Sudden Infant Death Syndrome Act of 1974](#) on April 22, 1974.

93 S. 1191 – Bill to establish a National Center on Child Abuse and Neglect, to provide financial assistance for a demonstration program for the prevention, identification, and treatment of child abuse and neglect, and for other purposes. Signed into law as [P.L. 93-247: Child Abuse Prevention and Treatment Act](#) on January 31, 1974.

94th Congress (1975-1977)

Bills Sponsored = 69

Made into Laws = 0

GD-SIS Publications Committee Report for 2020-21

Chair: Edward Hart

Members: Emily Carr

Esther Eastman

Khelani Clay

Kaylan Ellis

The Committee's task is soliciting and coordinating the compilation of state bibliographies. The current goal is to work with volunteers to update any bibliographies older than ten years.

Our partnership with Hein as our distributor continues. We received the minimum royalty for participation on HeinOnLine of \$3,500 for the inclusion of the state document bibliographies are included in the Spinelli's Law Librarian Reference Desk

There were no updated bibliographies submitted in 2020.

For 2021, we will submit updates for at least these five states, triggering the maximum royalty.

- Arizona
- Arkansas
- Nevada
- New York
- Tennessee

Volunteers are working on updating bibliographies for future release for the following states:

- Iowa
- Kansas
- Kentucky
- Massachusetts

- Michigan
- Mississippi
- North Carolina
- Washington, DC

We thank all the volunteer compilers for their efforts!

GD-SIS Grants Committee Report 2020-2021

The members of the GD-SIS Grants Committee were Melanie Sims, Chair; Charlie Amiot, Ester Eastman, and Eric Young.

There were no awards for the Federal Depository Library Conference held in October 2020 since the conference was held virtually.

The Grants Committee did not receive any applications for the AALL Management Institute.

The 2021 Annual Meeting Grant was awarded to Kate Irwin-Smiler, Reference Librarian at Wake Forest University School of Law Library.

Respectfully submitted,

Melanie Sims
Chair, Grants Committee

Program Committee Report 2020-2021

The Program Committee (Seth Quidachay-Swan, John Cannan, Kathy Layer and Eric Young) solicited program ideas from members and searched the lists provided by the AMPC.

We initially considered four programs for sponsorship and proposed two to the AMPC for sponsorship. Unfortunately of our initial four programs none had submitted official proposals to the AMPC. In the end we ended sponsoring 2 programs:

1. No Limit Digital Projects: how to launch your digital preservation
2. The Power of Preservation: Enhancing Access to Library Collections through Section 108

“The Power of Preservation: Enhancing Access to Library Collections through Section 108” has been included in the preliminary annual meeting schedule. We are waiting on word whether the program will make the final schedule and any additional steps required of the committee.

Respectfully submitted,

Seth Quidachay-Swan

Chair, Program Committee