

Washington Brief
by Mary Alice Baish

2007 Advocacy Successes

President Ann Fessenden testified on behalf of AALL at an October 24 oversight hearing held by the House Administration Committee on the operations of the Library of Congress (LC). Fessenden was invited to join a panel on the Law Library of Congress that included Tedson J. Meyers, chair of the American Bar Association Standing Committee on the Law Library of Congress, and former congressman William Orton. All three witnesses asked that the law library be given a separate line item in LC's annual budget.

Fessenden explained to the committee the crucial role of the law library. With the largest and most comprehensive collection of legal materials in the world, the library needs monetary support to ensure free access to its collections and to support its many digitization projects. In addition, she pointed out that the law library must have the necessary funds to maintain its journal subscriptions and purchase new treatises, to complete the K reclassification project for legal materials, and to microfilm the backlog of national official gazettes.

A separate line item in LC's annual budget would put the law library on par with the Congressional Research Service and the Copyright Office. It would also provide the law librarian with much greater control over the law library's annual budget and how the funds are spent.

First Session of the 110th Congress Comes to a Close

The first session of the 110th Congress offered opportunities for many items on our legislative agenda, and several major bills advanced. The first is the *OPEN Government Act* (S. 849/H.R.1309), which would amend the *Freedom of Information Act (FOIA)*. The legislation aims to strengthen the *FOIA* by clarifying the response time to requests and establishing reliable methods for checking the status of pending requests.

The legislation passed the Senate in August, but concerns from the House about payment of attorneys and processing fees ("pay-go" issues) stalled the House's consideration of the Senate legislation. Co-sponsors of the Senate bill, Sen. John Cornyn (R-Texas) and Sen. Patrick Leahy (D-Vt.), introduced revised legislation to address the pay-go issues in early December. However, with the end of the session approaching, it is uncertain whether the legislation will pass before the winter break.

Another piece of legislation we've been watching is a bill to restore the *Presidential Records Act*. Legislation currently held up in the Senate would restore standards for the timely release of presidential records and nullify the executive order President Bush issued, which gave current and former presidents and vice presidents broad authority to withhold presidential records.

The *Presidential Records Act* Amendments of 2007 (H.R. 1255; S. 866) would reverse the Bush executive order by establishing a deadline for the review of records, limiting the authority of former presidents to withhold records, requiring the president to make privilege claims personally, and eliminating the ability of vice presidents to assert executive privilege claims over vice presidential records.

On March 14, 2007, by a veto proof vote of 333-93, the House approved H.R. 1255. Similar legislation cleared the Senate Homeland Security and Government Affairs Committee this summer but is currently being held up by Sen. Jim Bunning (R-Ky.). You can read more about the *Presidential Records Act* in our issue brief: www.aallnet.org/aallwash/ib032007a.pdf.

AALL Applauds the New PACER Pilot Project

On April 1, 2006, the AALL Executive Board endorsed a Resolution on No-Fee FDLP Access to Public Access to Court Electronic Records (PACER) that was submitted by the AALL Government Relations Committee (GRC). The resolution requested that the Government Printing Office (GPO) work with the Administrative Office of the U.S. Courts (AOUSC) to allow users of federal depository libraries to access PACER at no-fee. The Judicial Conference met in September and approved the establishment of a joint pilot project with GPO to provide free public access to federal court records at 16 depository libraries in 14 states.

AALL applauds this new collaboration between GPO and the AOUSC, and we are especially pleased that 10 law libraries were selected for the pilot. GRC member Larry Meyer, director of the law library for San Bernardino County in California, deserves special recognition for his tireless advocacy for many years to bring PACER into the Federal Depository Library Program.

New on Washington Office Online

In addition to signing up to join the AALL Advocacy online discussion list, you can also keep abreast of our activities by visiting the Washington Affairs Office Web site. Recent additions reflect the broad scope of our policy work during the months of November and December and include the:

- Letter to the Honorable Harry Reid, Senate majority leader, in support of the *Presidential Records Act* Amendments of 2007 (H.R. 1255/S. 886)
- Comments to the National Archives and Records Administration on the Draft Plan for Digitizing Archival Materials for Public Access, 2007-2016
- Letter to members of the U.S. Senate in opposition to Sec. 193 of the Fiscal Year 2008 *Transportation Appropriations Act* Conference Report
- Letter to members of the U.S. Senate in opposition to the non-disclosure provisions (Sec. 10305 of the Livestock Title) in the 2007 *Farm Bill*

- Comments on privacy and security implications of public access to certain electronic criminal case file documents to the Judicial Conference of the U.S. Committee on Court Administration and Case Management.

Check out these resources and much more at www.aallnet.org/aallwash.

New Staff Member in WAO

AALL recently welcomed Emily Feldman as the new advocacy communications assistant in the AALL Washington Affairs Office (WAO). Feldman previously worked for OpenTheGovernment.org, a broad-based coalition of organizations, including AALL, that are committed to making government more open to achieve accountability, security, and safety. Since joining the WAO in November, she has assumed responsibility for our open government issues, as well as improving our communications and advocacy work.

One of her first priorities is to expand the AALL Advocacy online discussion list. If you're not already a subscriber to the list, now is the time to join. You'll receive alerts, our e-bulletin, and more information about our issues. Sign up online at www.aallnet.org/aallwash/aalladvocsubscribe.html.

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