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The AALL Washington E-Bulletin

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TAKE ACTION NOW

Thank You for Taking Action on Orphan Works!

Thanks for your quick response to our [Action Alert](#) of May 5 opposing the "dark archive" provision in the House orphan works bill ([H.R. 5889](#)) that was marked up earlier this month. The bill, approved by voice vote, included a manager's amendment with some positive changes, such as adding museums to educational institutions that are covered under the safe harbor provision. However, it also included some problematic provisions, such as having the Copyright Office create "best practice" guidance on what constitutes a qualified search for an orphan work. The "dark archive" requirements remain intact in the House bill and will be excessively burdensome for cultural institutions engaged in mass digitization projects.

Thanks also to those of you who responded to our [Action Alert](#) on the Senate bill ([S. 2913](#)). Your voice was heard loud and clear, and the House "dark archive" provision was not added to the Senate bill during its mark-up. Intense negotiations continue with House and Senate members and their staff to make sure that the needs of libraries are reflected in this important orphan works legislation.

UPDATES FROM THE HILL AND THE WASHINGTON OFFICE

It's Not Too Late! Register for the Legislative Advocacy Leadership Training

Learn how to support AALL's policy agenda and practice skills to become a more effective communicator! On Saturday, July 12, from 8:30am until noon, the AALL Washington Affairs Office and the Government Relations Committee will hold our annual half-day advocacy training to teach you how to talk to policy-makers and gain the confidence you need to get your message heard. No specific background knowledge or experience is required and there is no cost for AALL members.

You'll take away information about the Washington Affairs Office and learn how you can help promote AALL's policy agenda. The training will feature a key note speaker from Oregon and a panel called, "County Law Libraries: Facing Challenges, Finding Solutions." The training will also include three break-out sessions addressing funding and outreach for County, Court and Government Law Libraries; the AALL Authentication Report – Next Steps; and a role playing exercise to teach you how to effectively deliver your message.

Please register by June 1 by contacting Emily Feldman, ejf33@law.georgetown.edu

Sign Up for the Washington Blawg's New RSS Feed and Email Option

[AALL's Washington Blawg](#) is your source for the latest news from the Washington Office. The Blawg includes the newest policy updates, action alerts, resources, and more.

In order to keep you up-to-date on the latest blog posts, the Washington Blawg offers an RSS feed and an option to receive email updates. However, due to a recent technical error, our current RSS feed and email option will expire at the end of the month. Please take the time to sign up for the new RSS feed and email subscription now!

- [Sign up for the Washington Blawg's RSS Feed here](#)
[<http://feeds.feedburner.com/AALLWashingtonBlawg>]
- [Sign up to receive the Washington Blawg's posts via email here](#)

If you have questions about these services, please [see here for more information](#) or [contact Emily Feldman](#) with your questions.

Acting Washington Affairs Representative Testifies on Government Printing Office's Appropriations Request

On Wednesday, May 7, the House Committee on Appropriations' [Subcommittee on the Legislative Branch](#) held a Public Witness Hearing on funding for the Legislative Branch. Mary Alice Baish, AALL's Acting Washington Affairs Representative, [testified](#) in support of the FY 2009 Appropriations Request of the [U.S. Government Printing Office](#) (GPO). Mary Alice's testimony was endorsed by the [American Library Association](#) and the [Special Libraries Association](#).

In her testimony [[written testimony](#); [oral testimony](#)], Mary Alice urged the Subcommittee to agree to GPO's \$21.2 million request for the [Federal Digital System](#) (FDsys), GPO's new digital system to manage Government information online. FDsys would replace the clunky, obsolete technology of [GPO Access](#). AALL believes FDsys is essential to GPO's future because it will ensure that the Federal government's electronic information will be permanently available, authenticated and versioned, and accessible through the Internet.

Mary Alice's testimony highlighted GPO's progress in several areas due to the new functionalities available through FDsys. For example, GPO has asserted itself as *the* source of trusted government information by adding digital signatures to certain electronic documents on GPO Access, thus ensuring the documents' authenticity. This year, GPO launched an online collection of authenticated [Public and Private Laws](#) of the 110th Congress. In February, GPO [digitally signed](#) the *2009 Budget of the United States Government* and published it in print after the Office of Management and Budget announced that it would only publish the budget online.

In addition, GPO is continuing its progress in [automated web harvesting](#) through FDsys to discover and capture online publications from agency web sites, building on its 2006 [pilot project](#) with the Environmental Protection Agency. These web harvests increase public access to web-based agency information and ensure its preservation.

Mary Alice's testimony also strongly supported GPO's Salaries & Expenses (\$43.42 M), which funds the Federal Depository Library Program (FDLP), and Congressional Printing and Binding (\$97.92 M), which funds the print publication of bills, hearings, reports and other congressional materials.

She ended her oral testimony by asking the Subcommittee members to fully support GPO's FY 2009 funding request. "This year, I ask that you champion FDsys and, at the same time, support GPO's other funding needs that are crucial to a robust information dissemination program," she said. "The FDLP is your program, and we are counting on your help to keep it relevant in the 21st Century."

AALL also submitted a [letter](#) to Subcommittee Chair Debbie Wasserman Schultz and Ranking Member Tom Latham to express our endorsement of the [statement](#) given by Congressman William Orton, on behalf of the American Bar Association, in support of the FY 2009 funding for the Law Library of Congress.

AALL, Congress Keep an Eye on EPA Libraries

As we reported in the [April Edition](#) of the *E-Bulletin*, the Environmental Protection Agency (EPA) released its [report to Congress](#) last month outlining its plan to reopen the closed EPA libraries by September 2008. The sparse six-page report provided only generalities about EPA's plan to reopen its libraries and we were disappointed with the few details EPA sketched out. Now, new documents reveal more troublesome details of the plan EPA intends to follow.

The watch-dog organization Public Employees for Environmental Responsibility ([PEER](#)) posted a [memo](#) on its web site that EPA had sent to its employee unions on May 8 announcing the plan. Reading over the memo, it is clear that the plan will provide inadequate space and resources for the reopening libraries. For example, the new library space for the Chicago library, formerly the largest regional library serving the entire six-state Great Lakes area, will be housed in a vacant reception area on the 16th floor of a federal building.

We are pleased to learn, however, that Congress is not backing off of its oversight role of EPA. On May 22, four House and Senate Committee Chairman wrote to the U.S. Government Accountability Office (GAO) asking GAO to evaluate EPA's digitization plan and provide recommendations to improve digitization of EPA's library holdings. The Chairmen, [Bart Gordon](#) (D-TN-6), Chairman of the House Committee on Science and Technology; [John Dingell](#) (D-MI-15), Chairman of the House Committee on Energy and Commerce Committee; [Henry Waxman](#) (D-CA-30), Chairman of the House Committee on Oversight and Government Reform; and [Barbara Boxer](#) (D-CA), Chairman of the Senate Committee on Environment and Public Works Committee, also asked GAO to look into whether EPA is adequately communicating with and soliciting views from its employees and the public.

In February, GAO released its long-awaited recommendations to EPA on the library closures. The report, "[EPA Needs to Ensure That Best Practices and Procedures Are Followed When Making Further Changes to Its Library Network](#)," recommended that EPA justify its decision to reorganize the network, improve its outreach efforts, ensure sufficient oversight and monitoring of the reorganization, and implement procedures for the proper dispersal and disposal of library materials. However, it is clear that despite these recommendations, EPA still has many problems to address. We are pleased that Congress is asking GAO to further study EPA's efforts to reorganize its library network.

Senate Committee Holds Oversight Hearing of the National Archives

On Wednesday, May 14, the Senate Committee on Homeland Security and Governmental Affairs' [Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security](#) held an [oversight hearing](#) of the [National Archives and Records Administration](#) (NARA). The hearing, titled "National Archives Oversight: Protecting Our Nation's History for Future Generations," focused on NARA's electronic records management system and the preservation of executive branch electronic records, including White House emails.

The hearing included two panels, the first of which featured testimony from [Allen Weinstein](#), Archivist of the United States, NARA; [Linda Koontz](#), Director, Information and Management Issues, U.S. Government Accountability Office (GAO); and [Paul Brachfeld](#), Inspector General, NARA. Much of the discussion on this panel focused on NARA's implementation of its [Electronic Records Archives](#) (ERA), including reasons for its delay. For more information on the problems NARA has faced with the implementation of the ERA, see GAO's report, "[Challenges in Implementing an Electronic Records Archive](#)."

The second panel included testimony from [Patrice McDermott](#), Director, OpenTheGovernment.org; [Thomas Blanton](#), Director, National Security Archive and co-chair of OpenTheGovernment.org; [Dr. Jim Henderson](#), Former State Archivist, State of Maine; and [Dr. Martin Sherwin](#), Professor of History, George Mason University.

Dr. McDermott's testimony addressed several issues of interest to AALL. She discussed NARA's role as the site of new public access initiatives, including the Office of Government Information Services mandated by the [OPEN Government Act](#) (see the [January Edition](#) of the AALL's Washington E-Bulletin). Dr. McDermott also addressed NARA's electronic records management responsibilities and NARA's decision to stop taking snapshots of federal agency websites, an issue of great concern to AALL (see the [April Edition](#) of the Washington *E-Bulletin* and our [letter to Dr. Weinstein](#)).

NARA Releases Document Outlining Digitization Strategy

Earlier this month, NARA released its [Strategy for Digitizing Archival Materials for Public Access, 2007-2016](#). This document builds from NARA's Strategic Plan, [Preserving the Past to Protect the Future: The Strategic Plan of the National Archives](#)

[and Records Administration, 2006-2016](#), by presenting strategies for expanding public access to its holdings through digitization.

Last fall, NARA released its [Draft Plan for Digitizing Archival Materials for Public Access](#) for public comment. AALL took the opportunity to submit [comments](#) on that plan, praising NARA for its ambitious goals and pointing out a few areas that needed further consideration. We focused our concerns on the exclusivity of agreements and the importance of the timely release of digitized materials. The new *Strategy for Digitizing Archival Materials for Public Access, 2007-2016* lays out NARA's "Approach to Digitizing," including five strategies for digitizing and making holdings available online. This document clarifies that NARA will make efforts to ensure free access to the digitized materials in a timely fashion, but fails to articulate whether NARA will allow multiple digitizing partners on the same contract or whether each contract is exclusive to one partner. This is of concern to us because libraries and nonprofits are often interested in conducting digitization projects.

White House Releases New Sensitive But Unclassified Information Policies

On May 9, the White House issued a [memorandum](#) on new rules governing the designation and sharing of Controlled Unclassified Information (CUI). The memo creates a uniform standard for information that previously fell under the broad category of Sensitive But Unclassified information (SBU).

The CUI framework is intended to ease information sharing in the government and rein in the various control markings used by agencies, such as "For Official Use Only" (FOUO), "Official Use Only" (OUO), and "Limited Official Use" (LOU). Under the CUI framework, all CUI information is categorized into one of three combinations of safeguarding procedures and dissemination controls. The [National Archives and Records Administration](#) (NARA) is named as the "Executive Agent," responsible for overseeing and managing implementation of this CUI Framework and prescribing any additional CUI markings.

On April 11, AALL signed onto a [letter](#) to the White House asking for a public review of proposed new rules governing the designation of Sensitive But Unclassified (SBU) information. Unfortunately, no public review occurred before the White House issued this memo. For background on the letter, see our previous blog post, "[AALL and Others Urge Public Comment on Guidance for Sensitive But Unclassified Information](#)" and the [April Edition](#) of the *E-Bulletin*.

On May 22, Archivist of the United States Allen Weinstein [announced](#) the establishment of the "Controlled Unclassified Information Office" (CUIO) within the National Archives and Records Administration. William J. Bosanko, director of the [Information Security Oversight Office](#), will direct this new office.

OUTSIDE THE BELTWAY: CHAPTER NEWS

If you have news on policy or legislative issues in your AALL Chapter, please [let us know](#). News might address legislation you are tracking, events your chapter is hosting, or anything you think might be of interest to others. We'd love to hear from you!

Maryland Judiciary Announces Conference on Law Libraries and Legal Information

The Maryland Judiciary has [announced](#) the creation of the Conference of Maryland Court Law Library Directors to advise the Judiciary on law library and legal information issues. The goal of the Conference is to help the Judiciary further understand how to better provide the public with educational and legal information services at court libraries throughout Maryland. According to Steven P. Anderson, director of the Maryland State Law Library and AALL Executive Board Member, the Conference will examine court library management and leadership and libraries' roles as partners in providing education and legal information.

The Conference will be chaired by Joan Bellistri, director of the Anne Arundel County Public Library, with vice chair Janet Camillo, director of the Montgomery County Circuit Court Law Library.

FREE TIME WELL SPENT: *Further Reading for the Information Policy Junkie*

Library of the U.S. House of Representatives Launches New Website

The U.S. House of Representatives has a [new website](#)! The new website offers a "Reference Desk" section which contains some of the House Library's most popular reference materials. One of the most popular items is called "Popular Laws," which consists of PDF copies of frequently requested Public Laws.

The House Library has served as the official depository of Congressional Documents for the House of Representatives since 1792. The Library has a vast collection of over 125,000 volumes of documents originated by the House of Representatives, Congressional publications, and legislative and legal reference resources. The House Library provides services to the public as well as to members of Congress, congressional committees, and congressional staff.

Thanks to the Special Library Association's [Government Information Division blog](#) for the tip!

Federal Computer Week's 5 Blogs worth Reading

Federal Computer Week looks at “[5 blogs worth reading](#),” including 4 government blogs and one blog that focuses on information technology. The blogs include the [Department of Health and Human Services blog](#), the [Congressional Budget Office Director's Blog](#), the [State Department's Blog](#), the [Navy Department CIO blog](#), and Harvard Business Schools Professor Andrew McAfee's blog, [The Impact of IT on Businesses and Their Leaders](#).

We're always looking for the new ways that the government is reaching out to the public, and this is a great place to start for a more casual look into agency communications and information dissemination. Thanks to the [Free Government Information \(FGI\) blog](#) for the link!

Federal News Radio on Executive Branch Record-Keeping

[Federal News Radio](#) (FNR) examines NARA's electronic record-keeping and preservation practices in two new pieces. First, FNR looks at agency record-keeping in an article titled, “[They Knew, and Didn't do it Anyway](#),” which focuses on a new report by [Citizens for Responsibility and Ethics in Washington](#) (CREW), “[Record Chaos: The Deplorable State of Electronic Record Keeping in the Federal Government](#).” Second, FNR reports NARA's announcement that it will not harvest (or record snapshots of) Executive Branch web sites at the end of the current administration (see the April Edition of the *E-Bulletin*), “[The "Big Scrape": This Time, You're on Your Own](#).”

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