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The AALL Washington E-Bulletin

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TAKE ACTION NOW

Calls and Letters Still Needed for the Presidential Records Act Amendments of 2007

UPDATE:

On January 22, the “Presidential Records Act Amendments of 2007” ([H.R. 1255](#); [S. 886](#)) was [held up in the Senate](#) by Sen. Jeff Sessions (R-AL). Senate Majority Leader Harry Reid (D-NV) brought [H.R. 1255](#) to the floor under Unanimous Consent during the evening of January 22, which would have allowed the bill to quickly move through the Senate. Sen. Sessions objected without explanation. If you live in Alabama, we need to you to ask Sen. Sessions to lift his hold! We are also still encouraging you to write to your Senator to co-sponsor the bill. See below for more information.

BACKGROUND:

The “Presidential Records Act Amendments of 2007” would restore standards for the timely release of Presidential records and nullify [Executive Order 13233](#), which President Bush issued in 2001. The Bush E.O. gave current and former presidents and vice presidents broad authority to withhold presidential records. The legislation would reverse the Bush E.O. 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 for Vice Presidents to assert executive privilege claims over vice presidential records. You can read more about the Presidential Records Act in our [Issue Brief](#).

TAKE ACTION!

There are two things you can do to help this bill move through the Senate:

1. If your Senator is **not** a [co-sponsor](#), send him or her an [email](#) to request he or she consider co-sponsoring to show support for the bill. S.886 cleared the [Senate Committee on Homeland Security and Governmental Affairs](#) (HSGA) this summer, but it is stalled in the Senate and Committee members need to hear from you. Only Committee Members Lieberman, Obama, and Sununu have signed on to co-sponsor. See a sample letter below in our [Action Alert](#). In addition, if your Senator is already a co-sponsor, send him or her a thank you note!

2. If you live in Alabama, write to Sen. Sessions to ask him to lift his hold. See a sample letter below in our [Action Alert](#).

If you prefer to call your Senator, may use the U.S. Capitol Switchboard at 202-224-3121 to call your Senator's office. Tell the staffer you are a constituent, and either ask that your Senator sign on to co-sponsor the "Presidential Records Act Amendments of 2007" or thank your Senator for co-sponsoring.

If you hear back from your Senator, please let us know! You may send a copy of his or her response or just send a note to Emily Feldman, efj33@law.georgetown.edu

UPDATES FROM THE HILL

Celebrating Year End Victories, Looking Ahead to 2008

The Washington Office celebrated several legislative victories at the end of the year. After many years of working to reform the Freedom of Information Act, we were pleased that on December 31st, President Bush signed the "[Openness Promotes Effectiveness in our National Government Act of 2007](#)," (OPEN Government Act) to reform the Freedom of Information Act. As reported in previous editions of the E-bulletin, the OPEN Government Act aims to strengthen the Freedom of Information Act (FOIA) by clarifying the response time to requests, establishing reliable methods for checking the status of pending requests, and creating an Office of Government Information Services within the National Archives and Records Administration to review agency compliance with FOIA and offer mediation services to requestors.

Two provisions included in the [FY 2008 appropriations omnibus bill](#) also caused us to celebrate: first, a [\\$1 million order](#) (see page 35) to the U.S. Environmental Agency (EPA), above the EPA's budget request for libraries, to restore its library services across the country; and second, a [new policy](#) directing the National Institutes of Health (NIH) to provide the public with free online access to findings from its funded research. The second provision directs the National Institutes of Health (NIH) to require every scientist who publishes the results of research funded by an NIH grant in a peer-reviewed journal to deposit a digital copy of the article in PubMed Central (PMC), the online digital library

maintained by the NIH. The public will be able to access the article through PubMed Central for free.

As the second session of the 110th Congress begins, one of our biggest legislative challenges is to encourage Congress to pass a bill to reform the Presidential Records Act, the "Presidential Records Act Amendments of 2007" ([H.R. 1255](#); [S. 886](#)). We need your help to move this bill forward. Please see our [Action Alert](#) for background information and how to help, especially if your Senator is on the [Senate Homeland Security and Governmental Affairs Committee](#) and is not already a [co-sponsor](#).

E-Government Reauthorization Act of 2007 ([S. 2321](#)) and Resolution to Provide Access to Congressional Research Service Publications ([S.RES.401](#))

On December 11, 2007, the Senate Committee on Homeland Security and Governmental Affairs held a hearing on the E-Government Reauthorization Act of 2007 ([S. 2321](#)). The legislation, introduced one month earlier by [Chairman Joseph I. Lieberman](#) (I-CT), would reauthorize the E-Government Act of 2002 and add a provision to improve the searchability of government websites.

Emily Feldman, Advocacy Communications Assistant in the Washington Affairs Office, attended the hearing, "[E-Government 2.0: Improving Innovation, Collaboration, and Access](#)". The hearing explored three topics, as introduced by Chairman Lieberman: how close the government has come to reaching the goal of the E-Government Act of 2002; the problem of the searchability of government websites; and how new collaborative technologies can strengthen interaction among government agencies and the public. Witnesses included Karen S. Evans [[testimony](#)], Administrator of the Office of Electronic Government and Information Technology within the Office of Management and Budget; John Lewis Needham [[testimony](#)], Manager of Public Sector Content Partnerships at Google; Ari Schwartz [[testimony](#)], Deputy Director of the Center for Democracy and Technology (CDT); and Jimmy Wales [[testimony](#)], Founder of Wikipedia. CDT and OMB Watch released a report, "[Hiding in Plain Sight: Why Important Government Information Cannot Be Found Through Commercial Search Engines](#)," addressing the problems of searchability of government websites.

At the hearing, Chairman Lieberman also introduced [S.RES.401](#) to provide the public with access to Congressional Research Service (CRS) publications online. CRS is the non-partisan public policy research arm of Congress and produces reports for members of Congress on legislative issues. Constituents may request reports from their representatives. Several non-profit groups (through [Open CRS](#)) and academic sites have been offering access to selected reports (see [Guide to CRS Reports on the Web](#)), but this resolution would provide expanded, free access to these reports. We support this measure, along with the E-Government Reauthorization bill.

The Plain Language in Government Communications Act of 2007 ([H.R. 3548](#)/[S. 2291](#))

New legislation, sponsored by Sen. Daniel Akaka (D-HI), would require the federal government to use plain language in new documents that explain how to access government benefits and services and new documents related to government services and programs. The use of plain language by federal agencies would improve accountability by making it easier for the public to understand government information. In 1995, a [group of federal employees](#) began meeting to try to spread the use of plain language. On December 18, 2007, the American Association of Law Libraries, the American Library Association, and the Special Libraries Association [wrote to Sen. Akaka](#) to express support for the bill. Sen. Akaka mentioned this bill during the E-Government hearing, and we thank him for his work on open government issues.

House Committee to Explore Preservation of Presidential Records

Nearing the end of its term, the Bush Administration must prepare to transfer possession of its presidential records to the National Archives. By 2009, the National Archives will take possession of records of all activities, deliberations, decisions, and policies of this administration, as defined in the Presidential Records Act of 1978.

House Government Oversight and Reform Committee Chairman Henry Waxman (D-CA) is concerned that President Bush does not have adequate systems in place to preserve these records. In a consolidated lawsuit filed by Citizens for Responsibility and Ethics in Washington (CREW) and the National Security Archive, the organizations charge that the White House has improperly deleted millions of emails. On January 8, Magistrate Judge Facciola of the U.S. District Court for the District of Columbia [ordered](#) the White House to answer a series of questions about the missing e-mails. The [White House now denies](#) that any emails are missing. The White House did, however, admit that it does not have an effective system for storing and preserving emails since abandoning the Automated Records Management System (ARMS) used by the previous administration.

In letters to Archivist of the United States [Allen Weinstein](#) and White House Counsel [Fred Fielding](#), Rep. Waxman requested documents that would show that Bush is taking steps to preserve records and transfer them to the archives. A [hearing](#) in the House Government Oversight and Reform Committee is planned for February 15 to examine the White House's compliance with the Presidential Records Act.

Senate Enhances Lobbying Disclosure Database

On December 31, the Senate Office of Public Records (SOPR) launched a new version of the [Lobbying Disclosure Act Database](#) that allows users to search fields like "specific lobbying issue." This means that you can put in a specific bill number to find out which organizations disclosed lobbying on the bill. According to the [Sunlight Foundation](#), Pam Gavin, SOPR's Superintendent of Public Records, says that about 90 percent of the 2007

mid-year lobbying reports are fully searchable, and 100 percent of them will be searchable in 2008.

Report on Improving Declassification System

The Public Interest Declassification Board (PIDB), an advisory committee established by Congress to promote public access to declassified material, released a report on January 9 which provided recommendations to improve the government declassification system.

The PIDB's report, "[Improving Declassification: A Report to the President from the Public Interest Declassification Board](#)", comes after the PIDB spent two years reviewing the current declassification procedures and talking with government agencies and private and public sector experts. Among the recommendations, PIDB recommends establishing a National Declassification Center and requiring the government to record every declassification decision on a centralized computer system, to be made public within 5 years.

WASHINGTON OFFICE ACTIVITIES

If you're not already a subscriber to the Washington Affairs Office's Advocacy Listerv, now is the time to join! You'll receive alerts, our e-bulletin, and more information about our issues. Sign up here: <http://www.aallnet.org/aallwash/aalladvocsubscribe.html>. Please feel free to [contact Emily Feldman](#) with any questions or thoughts.

Become an Advocate and Sharpen Your Skills! Sign up for the Legislative Advocacy Training in Portland

The Government Relations Committee and Washington Office invite you to our annual half-day advocacy workshop to be held during the AALL Annual Meeting on Saturday, July 12, from 8:30 am to noon. Attendees will learn to become effective communicators with federal, state and local policy makers. If you've always wanted to support AALL's policy agency but wondered how to get up to speed, this is the perfect opportunity to join our advocacy team. Best of all, no specific background knowledge or experience is required. Attendance is available on a first-come, first-served basis and there is no cost for AALL members.

As you can see in our E-bulletins and on our [homepage](#), we often call upon our members to weigh in on specific issues with members of Congress—such as getting needed co-sponsors for a particular bill—so it's important that we get participants from every state. By participating in our Portland training, we hope you will become *energized* about our issues, prepared to *explore* different ways to advocate, and ready to *evolve* into effective advocates!

Participants this year will be able to select a breakout session on one of three issues—AALL's leadership role regarding the authentication of digital legal information, funding for county law libraries or access to government information. Please register by June 1 by contacting Emily Feldman at ejf33@law.georgetown.edu.

Last Call! Submit a Nominee for the AALL Public Access to Government Information Award

The Government Relations Committee invites members to nominate an individual, organization or institution for the Public Access to Government Information (PAGI) Award. The deadline is February 1. The Association presents the award annually to recognize special efforts in promoting or preserving public access to government information.

Last year, two winners were acknowledged. Cathy Hartman of the University of North Texas was recognized for the government documents web site, including the Cyber Cemetery, which preserves the web sites of defunct federal agencies, boards and commissions. John Joergensen of Rutgers University Law School Library was honored for his creation of the Rutgers-Camden Law School Library Digital Project that made thousands of Congressional hearings and committee prints freely available on the web.

For details, see http://aallnet.org/about/award_information.asp or contact Scott Matheson, scott.matheson@colorado.edu

Sunshine Week 2008 Program: Sign Up Now!

Save the date! OpenTheGovernment.org's [Sunshine Week](#) webcast, "[Government Secrecy: Censoring Your Right to Know](#)" will be March 19th, from 1-2:30 EDT, from the National Press Club. The program will focus on the limits of executive privilege. This year the webcast will be free, but we are still looking for host sites to show the webcast and organize local programs in their communities. A satellite download will be available for \$250. As in past years, AALL chapters are encouraged to show the national program and organize programs on local sunshine issues. Register to be a host site or to view the program at [OpenTheGovernment.org](#).

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!

Chapters Write to Senators in Support of Presidential Records Act Amendments

Several of our chapters wrote letters to their Senators in support of the Presidential Records Act. The Ohio Regional Association of Law Libraries (ORALL), Southeastern Chapter of the Association of Law Libraries (SEAALL) and Virginia Association of Law Libraries (VALL) wrote letters to Sens. George Voinovich, and Mary Landrieu, and John

Warner, respectively. The chapters wrote to ask their Senator to sign on as co-sponsor of the bill. SEAALL also wrote to Alabaman Senator Jeff Sessions to ask him to lift his hold on the bill.

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

How People Use Libraries to Solve Problems

A new report, "[Information searches that solve problems](#)", addresses how people use the internet, libraries, and government agencies to solve common problems that could be related in some to government agencies and programs. For example, how do people search for information when faced with a serious illness or health concern? The report found that public library patrons are generally younger adults; those with higher income and education levels; and those who are internet users. 2,796 adults were surveyed about these issues, and 733 "low internet access" users responded to the survey. The report was released by the [University of Illinois-Urbana-Champaign](#) and the [Pew Internet & American Life Project](#) on December 30, 2007 and was funded with a grant from the federal [Institute of Museum and Library Services](#).

Foundation Rates Congressional Websites, Names Stars

The Congressional Management Foundation released its fourth report evaluating Congressional websites, [2007 Gold Mouse Report: Lessons from the Best Web Sites on Capitol Hill](#). The report analyzes and ranks 618 House, Senate, committee, and leadership websites. The report ranked 62.3 percent of the sites with a grade of "C" or lower in 2007. The goal of the report is to identify best practices and recommendations for Congressional websites, including the nuts and bolts of building a successful web presence.

States Join Library of Congress's National Digital Information

Twenty-one states are joining with the Library of Congress's National Digital Information Infrastructure and Preservation Program (NDIIPP) to collaborate on efforts to preserve state government information in digital form. The NDIIPP network is made up of over 100 members, including government agencies, educational institutions, research laboratories and commercial entities. The projects will collect digital information such as legislative and executive agency records, court case files, and geospatial data. Read the [press release](#) to learn more about the focus areas of the projects.

Library of Congress to Partner with Microsoft

The Library of Congress announced that it has signed a non-exclusive agreement with Microsoft to make the library's collection of historical artifacts more accessible to patrons visiting both their [online site](#) and the Thomas Jefferson Building in Washington.

Microsoft will also power the library's new Website, www.myloc.gov. The Microsoft software will be used to power a series of new library search and viewing tools.

Annual Report on Future Trends in State Courts

The National Center for State Courts' Knowledge in Information Service has published its annual report, [Future Trends in State Courts 2007](#). The report, produced annually since the 1990s, is intended to support courts in their strategic planning efforts and stimulate thought and discussion about important current issues in the courts. The report showcases articles that discuss societal trends that are affecting, and will affect, the operations of state courts. Authors include judges, court administrators, and academics.

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