



## *American Association of Law Libraries*

MAXIMIZING THE POWER OF THE LAW LIBRARY COMMUNITY SINCE 1906

### **The AALL Washington E-Bulletin**

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### **IN THIS ISSUE**

#### [SPECIAL ANNOUNCEMENTS](#)

- Reminder: Sign Up for the 2009 *Day on the Hill* Advocacy Training

#### [UPDATES FROM THE HILL AND THE GOVERNMENT RELATIONS OFFICE](#)

- 111th Legislative Round Up: February's Federal Bill Tracking Guide
- Government Accountability Office Report on New Facility for Government Printing Office

#### [OUTSIDE THE BELTWAY: CHAPTER NEWS](#)

- VALL Monitoring Bill Removing Link between Courthouse Construction and Public Law Library Assessments

#### [FREE TIME WELL SPENT: Further Reading for the Information Policy Junkie](#)

- Foreign Relations of the United States in Danger
- Law Library of Congress Collection Offers Lincoln Era Documents
- Reporters Committee Releases New Federal Open Government Guide
- Help Choose the Top Most Wanted Federal Government Documents
- OMB Watch Examines Bush's Regulatory Record

## **SPECIAL ANNOUNCEMENTS**

### **Reminder: Sign Up for the 2009 *Day on the Hill* Advocacy Training**

As you'll see in this edition of the *E-Bulletin*, Congress has been hard at work this month, and not just on the stimulus package. Legislation addressing classification of government information, state secrets, whistleblower protections, and threats to open access have been introduced, and the AALL Government Relations Office has been closely tracking these bills. With so many issues of importance to law libraries already cropping up, we predict it will be a busy year!

Of course, we can't accomplish the many goals outlined in our [Public Policy Positions](#) without *your* help! We'd like to remind you to sign up for [AALL Day on the Hill: Legislative Advocacy Leadership Training 2009](#), this year's special Advocacy Training in Washington, D.C. The Advocacy Training will take place on Friday, July 24, 2009 from 8:30 a.m. to 5:00 p.m.

Registration is available at no-cost for members of AALL and its chapters. Forty of your colleagues have already committed to bringing their strong voices to Capitol Hill, and we hope you'll join them. To register, email Advocacy Communications Assistant [Emily Feldman](#) by June 15, 2009.

P.S.- If you've already registered for the Training, now's the time to reach out to some of your friends in your state and ask them to join you in D.C. Wouldn't it be fun to learn new skills, meet new people, and spend an exciting afternoon on Capitol Hill with a group of your friends?

## **UPDATES FROM THE HILL AND THE GOVERNMENT RELATIONS OFFICE**

### **111th Legislative Round Up: February's Federal Bill Tracking Guide**

Congress introduced several bills this month on issues of importance to law libraries. Below, you'll find a list of the bills we're currently tracking at the federal level.

As always, we encourage you to use the Advocacy Listserv to discuss legislation you're monitoring at the state level. Currently, there's a great discussion on the Listserv about the tools people use to track legislation in their state. We encourage you to join in the conversation! If you're not already on the listserv, you can [sign up](#) here. The list is open to members of AALL and its chapters.

**AALL supports the following bills:**

***Presidential Records Act Amendments of 2009 ([H.R. 35](#))***

This bill would restore standards for the timely release of Presidential records and nullify Executive Order (E.O.) 13233 that President Bush issued in 2001.

*Status:* Passed the House on January 7, 2009. Referred to the Senate Committee on Homeland Security and Governmental Affairs on January 8, 2009.

On his first full day in office, President Obama issued an [Executive Order on Presidential Records](#), E.O. 13489, to revoke E.O. 13233, the controversial order issued by former President Bush. E.O. 13233 gave current and former presidents and vice presidents the expanded authority to withhold presidential records indefinitely. We strongly opposed E.O. 13233 and we are pleased with Obama's Executive Order. AALL, along with other open government groups, will continue to support H.R. 35 to ensure these changes are by law.

***Reducing Over-classification Act of 2009 ([H.R. 553](#)) and Over-Classification Reduction Act ([H.R. 854](#))***

Both bills, which mirror legislation introduced in the 110<sup>th</sup> Congress, would require increased oversight and training to reduce over-classification and set up processes by which employees can challenge original classification decisions. H.R. 553 would apply only to the Department of Homeland Security (DHS), whereas H.R. 854 would apply across the federal government.

*Status:* H.R. 553 passed the House on February 3, 2009. H.R. 854 was ordered to be Reported (Amended) by Voice Vote by the House Committee on Oversight and Government Reform on February 11, 2009.

***State Secret Protection Act of 2009 ([H.R. 984](#)) and State Secrets Protection Act ([S. 417](#))***

These bills would provide guidance to federal courts considering cases in which the government has asserted the state secrets privilege.

*Status:* H.R. 984 was referred to the House Committee on the Judiciary on Feb. 11, 2009. S. 417 was referred to the Senate Committee on the Judiciary on February 11, 2009.

Just before these bills were introduced, Attorney General Eric Holder issued an [order to review](#) all government claims invoking the State Secrets privilege. That same day, the Department of Justice invoked the state secrets privilege before the US Court of Appeals for the Ninth Circuit in [Mohamed v. Jeppesen](#), in which plaintiffs are suing Boeing for its role in extraordinary rendition.

## **Legislative Branch Appropriations in the *Omnibus Appropriations Act* ([H.R. 1105](#))**

The House Appropriations Committee released a \$410 billion omnibus bill to wrap up work on the fiscal year 2009 appropriations bills. The *Omnibus Appropriations Act*, [H.R. 1105](#), includes funding for [2009 Legislative Branch appropriations](#). This includes \$141 million for the Government Printing Office (GPO). In addition, The FDLP received an 11 percent increase over the FY 2008 and FY 2009 Continuing Resolution levels. The new funding level for the FDLP, if approved, would give the program \$38.744 million, up from the current \$34.913 million. Funding has also been increased for cataloging and other modernization efforts.

*Status:* The House passed H.R. 1105 on February 25, 2009.

When Mary Alice Baish [testified](#) before the House Committee on Appropriations' Subcommittee on Legislative Branch last May, she focused on increasing funding for FDsys. We are very pleased that the funding for FDsys in the omnibus reflects her statement.

On February 24, 2009, AALL joined twenty-one organizations and individuals on a [letter](#) to Speaker of the House Nancy Pelosi and House Appropriations Committee Chairman David Obey to ask that they post the omnibus spending legislation and the 2010 appropriations bills online in a machine-readable format.

## **Passage of Whistleblower Protections in the *American Recovery and Reinvestment Act of 2009* ([H.R.1](#))**

Government accountability advocates were pleased that the final version of the stimulus bill included “best practices” anti-retaliation rights for contractors, grantees, and state and local government employees who work in programs that receive stimulus funding. We were disappointed, however, that whistleblower protections were not extended to federal government workers as proposed in a bi-partisan amendment by Representatives [Chris Van Hollen](#) (D-MD-8) and [Todd Platts](#) (R-PA-19). AALL supported this amendment, which would overhaul the Whistleblower Protection Act and give needed protections to federal government employees who speak out against waste, fraud, and abuse.

*Status:* President Obama signed H.R. 1 (P.L. 111-5) into law on February 17, 2009.

Newly-appointed Special Inspector General for the Troubled Asset Relief Program (TARP), Neil Barofsky, recently wrote an encouraging [letter](#) to whistleblower advocates, in which he states that he, “is committed -- even beyond obligations under the relevant provisions of law -- to build a robust whistleblower system that will both encourage individuals to come forward and protect those individuals once they have done so.” We are hopeful that Mr. Barofsky’s support will help protect employees who blow the whistle while trying to ensure that TARP funds are monitored and used according to the law.

## **AALL opposes the following bills:**

### ***Fair Copyright in Research Works Act* ([H.R. 801](#))**

This bill would effectively reverse the public access policy at National Institutes of Health (NIH), and prevent similar policies at other agencies.

*Status:* Referred to the House Committee on the Judiciary on February 3, 2009.

On February 13, AALL, along with nine other groups, sent a [letter](#) to Members of the House Committee on the Judiciary to ask Committee members to oppose the bill.

### **Government Accountability Office Report on New Facility for Government Printing Office**

The Government Accountability Office (GAO) released a [report](#) this month looking at the Government Printing Office's (GPO) plan to move to a new facility. While recognizing that GPO's current space is inefficient and in poor condition, the analysis is critical of GPO's efforts to find the most cost-effective option for new space. Included in its critique are that GPO failed to consider remodeling the current space to make it work for current and future needs; GPO did not conduct a cost-benefit analysis to leasing a new facility on the building's current site; and GPO lacks legislative authority to outlease property. The report recommends that GPO should provide Congress a cost-benefit analysis so that Congress can make an informed decision on how to proceed. AALL agrees that GPO must abide by the Congress's legislative authority before moving forward.

## **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, policy-related events your chapter is hosting, or anything you think might be of interest to our community. We'd love to hear from you!

### **VALL Monitoring Bill to Remove Link between Courthouse Construction and Public Law Library Assessments**

*Submitted by Isabel Paul, VALL Legislative Awareness Committee Chair*

VALL has long been concerned with language in the Virginia Code that links assessment for courthouse construction and maintenance (17.1-281) with assessments for public law libraries (42.1-70). This session, we have been carefully tracking a bill in the Virginia Senate, SB 1387, which retained the troublesome linkage. This linkage was removed from the House Substitute bill and this new version passed the House on February 25. The Senate agreed to the House version of SB 1387, so the bad link is out of the statute, pending the Governor's approval.

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

### **Foreign Relations of the United States in Danger**

The [Foreign Relations of the United States \(FRUS\) series](#) is in jeopardy again, due to a management crisis at the State Department Office of the Historian. [Secrecy News](#) author Steven Aftergood shares a new [report](#) on the subject to the Secretary of State, which recommends “serious consideration of a reorganization” of the Office of the Historian. Prof. Robert J. McMahon, Chairman of the [Historical Advisory Committee](#) at the State Department, expressed his concern that these management issues will slow down production of FRUS volumes. The Advisory Committee is responsible for reviewing records, advising, and making recommendations to the Office of the Historian concerning the FRUS series.

### **Law Library of Congress Collection Offers Lincoln Era Documents**

In celebration of Lincoln’s 200<sup>th</sup> birthday, the Law Library of Congress released a newly digitized collection of historical documents that illustrates three periods in which the law played a prominent part of the Lincoln era:

- [Lincoln the Lawyer](#) is comprised of works specifically on his work as a prominent Illinois lawyer.
- [Habeas Corpus and the War Powers of the President](#) covers contemporary literature at Lincoln’s controversial balancing of civil liberties against the demands of war aims.
- [The Assassination: Trials](#) contains period transcripts and reports of the trial of the surviving conspirators in the murder of the President and attempted murder of other public officials.

### **Reporters Committee Releases New Federal Open Government Guide**

The Reporters Committee for Freedom of the Press (RCFP) released the 10<sup>th</sup> edition of their guide to federal open government laws this month, the [Federal Open Government Guide](#). This useful guide provides resources to understand and use the Freedom of Information Act (FOIA) as well as a number of open meetings and open records laws. RCFP also produces the [State Open Government Guide](#) which provides a compendium of information on every state's open records and open meetings laws.

### **Help Choose the Top Most Wanted Federal Government Documents**

OpenTheGovernment.org and the Center for Democracy and Technology (CDT) launched a new Web site this month called [Show Us The Data: The Most Wanted Government Documents](#). With the help of the Sunlight Foundation’s Sunlight Labs, the Web site gives you the opportunity to help determine recommendations on what

government information should be freely available on line in a usable format. The launch of the project follows President Obama's two memos on the [Freedom of Information Act](#) and [Transparency and Open Government](#), which direct federal agencies to proactively make information available to the public. The deadline to submit documents and vote is March 9, 2009.

## **OMB Watch Examines Bush's Regulatory Record**

OMB Watch recently released two important reports looking at the Bush Administration's efforts to dismantle regulatory protections during its two terms in office. The first report, [After Midnight](#), examines the last-minute regulations the Bush Administration put in place just before leaving office. The second report, [The Bush Legacy: An Assault on Public Protections](#), shows the Administration's frequent secret attacks on a variety of protective regulations.

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