



# The AALL Washington E-Bulletin



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### **Take Action Now**

#### **Sunshine Week Action: Your Right-to-Know**

The 2007 Sunshine Week kick-off event "**Closed Doors; Open Democracies?**," which was co-sponsored by AALL again this year to focus on the importance of access to government

information, was a great success. This year's theme was the impact of government suppression of science on public health and safety. At the end of the web cast, Gary Bass, Director of OMB Watch and Co-chair of OpenTheGovernment.org, inspired us with [three actions we can all](#) take to help promote greater transparency in government:

1. **Visit [OpenTheGovernment.org](#) and get involved.** Learn about the coalition's co-sponsors and what the important issues of the day are.
2. **Get others involved:** Talk to at least five people about the "Closed Doors; Open Democracies?" event and the themes of Sunshine Week. Get each of the five people to [join](#) the OpenTheGovernment.org coalition. You can also [subscribe](#) to become an advocate and receive periodic e-mails related to the coalition's activities and web site.
3. **Begin the dialogue about a 21st century right to know agenda:** Send [OpenTheGovernment.org](#) the top one or two things you would change to improve public access today. Send your ideas to [yourRTK@openthegovernment.org](mailto:yourRTK@openthegovernment.org)

### **Petition for Public Access to Publicly Funded Research in the United States**

AALL strongly supports free and open access by the public to research funded by the U.S. Federal government. This [petition](#) builds on the 24,000+ signatures collected from around the world in support of free and open access to European research, for which AALL put out a call in the February E-Bulletin. Please weigh in on this important issue and sign the petition today.

### **Updates from the Hill**

#### **Presidential Records Act Amendments of 2007 (H.R. 1255)**

[H.R. 1255](#) was [introduced](#) on March 1, 2007, by Rep. [Henry A. Waxman](#) (D-CA-30) along with Reps. [Todd Russell Platts](#) (R-PA-19), [Wm. Lacy Clay](#) (D-MO-1), and [Dan Burton](#) (R-IN-5). The bill is intended to nullify a controversial 2001 presidential executive order. The [Subcommittee on Information Policy, Census, and National Archives](#) reported this bill favorably to the full committee on March 6<sup>th</sup>. Video and documents of the hearing are available on the subcommittee's web site. H.R. 1255 passed the House during Sunshine Week on March 14<sup>th</sup> and a companion bill, S. 886, has been introduced in the Senate.

Under the landmark [Presidential Records Act \(PRA\) of 1978](#), presidential records are supposed to be released to historians and the public 12 years after the end of a presidential administration. On November 1, 2001, President George W. Bush issued [Executive Order 13233](#) which overturned [Executive Order 12667](#) issued by President Reagan on January 16, 1989. EO 12667 established the procedures for the [National Archives and Records Administration](#) (NARA) and former and incumbent Presidents to implement the PRA. [EO 13233](#) essentially negated the PRA by granting current and former presidents as well as vice-presidents broad authority to withhold presidential records or delay their release indefinitely. The Presidential Records Act Amendments of 2007 would nullify the Bush executive order and establish procedures to ensure the timely release of presidential records.

#### **Freedom of Information Act Amendments of 2007 (H.R. 1309)**

[H.R. 1309](#) was [introduced](#) on March 5, 2007, by Reps. [Todd Russell Platts](#) (R-PA-19), [Wm. Lacy Clay](#) (D-MO-1), and [Henry A. Waxman](#) (D-CA-30). This legislation contains a dozen substantive provisions that will increase public access to government information by strengthening the [Freedom of Information Act](#) (FOIA). On March 6<sup>th</sup>, the [Subcommittee on Information Policy, Census, and National Archives](#) reported this bill favorably to the full committee. It passed the House during Sunshine Week on March 14<sup>th</sup> and was referred to the Senate.

[H.R. 1309](#) restores the presumption that records should be released to the public if disclosure is allowable under law and the agency cannot reasonably foresee a harm from such a disclosure. Although agencies are required to respond to FOIA requests within 20 days, delays and backlogs are all too common. This bill makes this deadline meaningful by ensuring that the 20-day statutory clock runs immediately upon an agency's receipt of a request and by imposing consequences on federal agencies for missing the deadline. The bill also requires agencies to provide requesters with individualized tracking numbers for each request and access to a telephone or internet hotline with information about the status of requests.

[H.R. 1309](#) will likewise improve transparency in agencies' FOIA compliance by strengthening agency reporting requirements to identify excessive delays and requiring all agencies to make the raw data used to compile its annual reports publicly available. The bill also requires the [Government Accountability Office](#) to report annually on the [Department of Homeland Security](#)'s use of the broad disclosure exemption for "critical infrastructure information."

### **Whistleblower Protection Enhancement Act of 2007 (H.R. 985)**

[H.R. 985](#) was [introduced](#) by Reps. [Henry A. Waxman](#) (D-CA-30), [Todd Russell Platts](#) (R-PA-19), [Chris Van Hollen](#) (D-MD-8), and [Tom Davis](#) (R-VA-11) on February 12, 2007. The bill is designed to grant whistleblower protections to federal workers who specialize in national security issues. These are federal government employees who have undergone extensive background investigations, obtained security clearances, and handled classified information on a routine basis. Our own government has concluded that they can be trusted to work on the most sensitive law enforcement and intelligence projects. This bill would finally give these courageous individuals the protection they deserve. Along with the Presidential Records Act Amendments of 2007 and the Freedom of Information Act Amendments of 2007, H.R. 985 passed the House during Sunshine Week on March 14<sup>th</sup> and was referred to the Senate.

### **OPEN Government Act -- S. 849/ H.R. 1326**

Senator [John Cornyn](#) (R-TX) has proudly declared of the bill he and Senator [Patrick Leahy](#) (D-VT) introduced on March 13, 2007: "Our bill, the [Openness Promotes Effectiveness in our National Government Act of 2007](#) (the "OPEN Government Act"), would close loopholes in FOIA that can lead to waits of months - or even years - for requested information. It would protect access to FOIA fee waivers for legitimate journalists and those engaged in the expanding world of information. That would include bloggers and other Internet-based journalists." The Senator's complete [statement](#) can be found on his web site. A companion bill, [H.R. 1326](#), was introduced in the House by Rep. [Lamar Smith](#) (R-TX-21) on March 5<sup>th</sup>.

## **Washington Office Activities**

### **AALL Publishes Important New Report on Digital Authentication**

AALL has just announced the publication of the [State-by-State Report on Authentication of Online Legal Resources](#) that answers the question, “how trustworthy are state-level primary legal resources on the Web?” The comprehensive report examines the results of a state survey conducted by the [Access to Electronic Legal Information Committee](#) that investigated whether government-hosted legal resources on the Web are *official* and capable of being considered *authentic*.

The survey targeted six sources of law: state administrative codes and registers, state statutes and session laws, and state high and intermediate appellate court opinions. The summary answer to the question of the trustworthiness of these online legal resources is that a significant number of state online resources are *official* but none are authenticated or afford ready authentication by standard methods. State online primary legal resource are, therefore, not sufficiently trustworthy.

In addition to publishing this groundbreaking report, AALL is convening a National Summit on Authentication of Digital Legal Information in Chicago on April 20-21, 2007. Approximately fifty delegates from the judiciary, the legal community, state governments, and interested organizations, all of whom share AALL’s concern about ensuring the *authenticity* of digital legal information, will participate in discussions about the [Authentication Report](#) findings and will explore legal and technological solutions to ensure that state online legal resources are authenticated and trustworthy.

### **AALL Supports FY 2008 Budget Requests for GPO and the NHPRC**

AALL sent letters this month to the subcommittees of the Senate and House Appropriations Committees to urge them to fund fully the [Government Printing Office](#)’s FY 2008 budget request of \$181.97 million. This amount includes \$45.61 million for the Salaries and Expenses (S&E) account that funds the Federal Depository Library Program (FDLP) and \$109.54 million for Congressional Printing and Binding. Full FY 2008 funding is crucial because the current continuing resolution, H.J. Res. 20, resulted in lower levels of FY 2007 funding for GPO’s many important programs. Without adequate funding in FY 2008, some of GPO’s important digital projects will be at risk.

The Bush Administration is seeking once again to zero-fund the [National Historical Publications and Records Commission](#) (NHPRC), the grant making arm of the [National Archives and Records Administration](#) (NARA). AALL sent a [letter](#) to the [House Appropriations Committee’s Subcommittee on Financial Services and General Government](#) this month strongly urging the subcommittee to restore the NHPRC funding for FY 2008 at the full authorized level of \$10 million for grants, with an additional \$2 million for staffing and related program administration.

### **AALL Support for the Law Library of Congress**

AALL also sent a [letter](#) to the Hill this month for a special hearing by the House Appropriations Committee’s Subcommittee on Legislative Branch entitled the "Library of Congress in the Digital Age." The letter focused specifically on the unique digital initiatives of the [Law Library](#)

of Congress, including [A Century of Lawmaking for a New Nation 1774-1875](#) and the [Global Legal Information Network](#) (GLIN).

## **2007 Sunshine Week A Great Success**

This year's [Sunshine Week](#) (March 12<sup>th</sup>-16<sup>th</sup>) was a great success. Hundreds of people participated in the "Closed Doors; Open Democracies?" web cast on March 12<sup>th</sup>. A distinguished panel of scientists and open government advocates discussed their struggles to access government generated scientific information at both the national and local levels. It was a fast-paced, interactive session, with panelists answering questions from the live audience and host sites around the country.

AALL arranged to have retired EPA librarian Dorothy Biggs included on one of the panels. Ms. Biggs spoke passionately about how Federal employees and the public benefit from the resources at EPA libraries, and the negative impact of the closing of 5 EPA libraries in 2006. Other panelists included Rick Piltz, a whistleblower who resigned from the [U.S. Climate Change Science Program](#) to [protest](#) Bush administration political manipulation and [Francesca Grifo](#), Senior Scientist and Director of Scientific Integrity Program at the [Union of Concerned Scientists](#). Both gave chilling accounts of how the administration's influence on scientific work has had a detrimental effect on scientific research in the U.S. and a huge impact on the science community world wide.

An online gallery of Sunshine Week highlights, including newspaper and broadcast packages, events, special reports, and official proclamations will soon be posted on the [Sunshine Week blog](#). Please send your contributions to [dghernandez@asne.org](mailto:dghernandez@asne.org). And be sure to mark your calendars for Sunshine Week 2008 (March 16 -22)!

## **Library Copyright Alliance Supports Orphan Works Reform**

Orphan works are defined as works whose copyright owners cannot be identified and located. Libraries and archives possess millions of orphan works in their collections, in the form of photographs, letters, manuscripts, drawings, and older books. These works often have great historic and cultural significance. However, because the copyright owners cannot be located, libraries cannot obtain the rights holders' permission to make these works widely available to the public. AALL, a member of the [Library Copyright Alliance](#), strongly [supports](#) orphan works legislation and we hope to see a bill introduced again this year.

## **Call for Co-Sponsors to the FAIR USE Act (H.R. 1201)**

On March 21 the [Library Copyright Alliance](#) sent a letter to all members of the [House of Representatives](#) urging them to co-sponsor the Freedom and Innovation Revitalizing U.S. Entrepreneurship (FAIR USE) Act of 2007 ([H.R. 1201](#)). Introduced by Reps. [Rick Boucher](#) (D-VA-9), [Zoe Lofgren](#) (D-CA-16) and [John Doolittle](#) (R-CA-4), the legislation would make permanent the six exemptions approved by the Librarian of Congress to Sec. 1201 of the [Digital Millennium Copyright Act](#) (DMCA). [H.R. 1201](#) also has an important new provision that would permit a library to circumvent technological protections for the purpose of preserving works in the library's collection.

## **Outside the Beltway: Chapter News**

### **LLOPS Tracking H.B. 1317 and H.B. 1859**

The [Law Librarians of Puget Sound](#) (LLOPS) have been following two bills pretty closely: [H.B. 1317](#), which would require counties with a population greater than 8000 to make their law libraries open to the general public, and [H.B. 1859](#), which gives the statute Law Committee (SLC) the option of publishing the [Washington State Register](#) (and possibly other things later, like Laws of Washington) in electronic-only format.

[H.B. 1317](#) never made it out of committee in the House although there is hope that this will happen soon, even if the population break might be higher than 8,000. [H.B. 1859](#) has passed the House (96-1) and is now in Committee in the Senate. Despite some testimony about the problematic nature of this move, it is thought that this bill will probably pass handily. There was a public hearing on the Senate side on March 28<sup>th</sup>. Now would be the final hour for folks to weigh in on this. If you currently reside in Washington State, please contact your [legislators](#).

### **SEAALL: 2007 Annual Meeting and Charitable Campaign**

The Baton Rouge Area Association of Law Libraries (BRALL) and the [New Orleans Association of Law Librarians](#) (NOALL) are pleased to host the [Southeastern Chapter of the American Association of Law Libraries](#) (SEAALL) [Annual Meeting 2007](#) on April 11-14<sup>th</sup>. This year's meeting will be the first following Hurricane Katrina and the Mystic Krewe of SEAALL has done a marvelous job creating a lively [program](#) with plenty of activities sure to please attendees. Come and join the fun!

In keeping with the Southern tradition of hospitality, SEAALL has adopted the libraries of the [East Baton Rouge Parish School System](#) as the recipients of its [2007 charitable giving campaign](#). This deserving school system has accepted many new students who were forced out of New Orleans by Hurricane Katrina. As a result, its libraries are in great need of donations of money and books to properly serve its suddenly-expanded student body. Everyone is invited to participate in this endeavor.

And let's not forget that [NOALL](#) is hosting the upcoming [AALL Annual Meeting](#) (July 14-17<sup>th</sup>) in New Orleans! If you plan to attend this year, please consider volunteering during your stay in the Big Easy. You can sign up via AALL's [web site](#) or by submitting the [form](#) provided by the [Local Advisory Committee](#).

### **Free Time Well Spent: Further Reading for the Information Policy Junkie**

### **Agenda for Spring DLC Conference Now Available**

The Spring Depository Library Council meeting will be held in Denver, CO, from April 15, 2007 through April 18, 2007. The preliminary detailed [agenda](#) is now available and [online registration](#)

for the Spring meeting is still open. If you have questions, please use the [GPO online help service](#).

## **C-Span to Digitize Video Content**

In a [press release](#) issued March 7<sup>th</sup>, [C-SPAN](#) announced two major initiatives designed to greatly expand public access to its online videos of federal government activities. Content will include congressional hearings, agency briefings and White House events. According to [C-SPAN](#), “These actions are intended to meet the growing demand for video about the federal government and Congress, in an age of explosive growth of video file sharers, bloggers, and online 'citizen journalists.' The policy change is effective immediately.”

## **New Issue of Global Legal Monitor Available**

The [February 2007](#) issue of the *Global Legal Monitor*, published online by the [Law Library of Congress](#), is now available.

## **New Government Documents Blog**

[Kevin McClure](#), Government Documents Librarian at the [Downtown Campus Library of Chicago-Kent College of Law](#), has started a blog highlighting newsworthy government documents. Visit "[The Gov Docs Guy](#)".

Stephanie Hess  
Assistant Head of Technical  
Services, Acquisitions/ Serials  
Nova Southeastern University,  
Shepard Broad Law Library  
& Technology Center  
954.262.6216  
[hesss@nsu.law.nova.edu](mailto:hesss@nsu.law.nova.edu)

Elizabeth B. LeDoux  
AALL Washington Affairs  
Office  
Advocacy/ Communications  
Assistant  
202.662.4058  
[Ebl22@law.georgetown.edu](mailto:Ebl22@law.georgetown.edu)

Mary Alice Baish  
AALL Washington Affairs  
Office  
Associate Washington Affairs  
Representative  
202.662.9200  
[baish@law.georgetown.edu](mailto:baish@law.georgetown.edu)