



# The AALL Washington E-Bulletin



Vol. 2006, Issue 4

November 22, 2006

<http://www.ll.georgetown.edu/aallwash/>

## **IN THIS ISSUE**

### **Take Action Now**

- [\*Now is the Time to Prepare for the 110<sup>th</sup> Congress\*](#)
- [\*U.S. Senate Committee Chairmen\*](#)
- [\*U.S. House of Representatives Committee Chairmen\*](#)

### **Updates from the Hill**

- [\*OPEN Government Act of 2005\*](#)
- [\*Orphan Works Act of 2006\*](#)
- [\*Federal Research Public Access Act of 2006\*](#)

### **Washington Office Activities**

- [\*Americans Have the Right to See Laws They Must Follow\*](#)
- [\*Opposition to the Broadcast Video Flag\*](#)

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

- [\*CALL Workshop: Understanding and Influencing the Illinois Legislative Process\*](#)

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

- [\*New on GPO Access\*](#)
- [\*Freedom of Information Act Can Help Researchers Uncover Important Records\*](#)
- [\*FTC Decisions Since 1969 Now Available Online\*](#)
- [\*Summary of Voter Identification and Citizenship Requirement Legislation\*](#)
- [\*FDLP Events: Spring Depository Library Council Meeting April 15-18, 2007\*](#)
- [\*Sunshine Week 2007: Second Conference on Open Government & Secrecy Planned\*](#)

## **TAKE ACTION NOW**

### ***Now is the Time to Prepare for the 110th Congress***

The November mid-term elections have brought a sea change to the balance of power in the federal government. Newly-elected members joined their colleagues in Washington last week as the lame-duck session of the 109<sup>th</sup> Congress began. These are rarely productive sessions and we don't expect much substantive activity between now and the end of the year.

Last week, Congress quickly extended the Continuing Resolution to fund the government until December 8<sup>th</sup>. Unless they decide to roll the remaining appropriations bills into one omnibus package, the outlook is grim for the [Government Printing Office](#) and the [National Archives and Records Administration](#) who would continue to be funded only at the FY 2006 levels.

With both the House and Senate Democrats now in control of Congress, there are substantive leadership changes taking place this month. In order to become a successful advocate for AALL's legislative agenda, it's important for you to begin to build positive long-term relationships with your senators and representatives. This month and next we'll be offering practical advice on ways for you, as individuals and chapters, to get to know your members and begin to build that important relationship.

A list of new committee chairmen follows, although the membership of these committees has not yet been finalized. If your representative is listed below, take some time to review his/her biography and voting record. After you familiarize yourself with your representative, write a letter, send an e-mail, or call to introduce your self as a civic-minded constituent.

If a member has sponsored legislation that you support, be sure to commend him/her on the matter. If a member has sponsored legislation that you do not favor, a good starting point would be to ask for clarification regarding his/her views and to provide an alternative viewpoint for further consideration of the matter. When applicable, include references and resources that help illustrate your point.

Always be sure to graciously thank your representative for taking the time to read your letter or speak with you. Good manners count! And finally, please remember that the next few weeks present a prime window of opportunity in which to open a line of communication with your representatives before the 110<sup>th</sup> Congress begins on January 3, 2007. Make the most of it!

### ***U.S. Senate Committee Chairmen***

**[Sen. Richard Durbin](#) (D-IL)** is the new Senate Majority Whip. He is also the ranking member of the Legislative Branch Subcommittee of Appropriations that sets annual funding levels for the [Government Printing Office](#) and the Library of Congress. He also serves on the [Judiciary Committee](#) as chair of the Subcommittee on Corrections and Rehabilitation. Most recently, Sen. Durbin secured \$300,000 in federal funding to purchase and install technologies and materials for the Library and Technology Center at Cristo Rey High School. He is the recipient of the 2005 CALL Legislator of the Year Award.

**[Sen. Diane Feinstein](#) (D-CA)** is the incoming chair of the [Rules and Administration Committee](#), the authorizing committee for GPO and LC. We hope she will also elect to become Vice-Chairman of the Joint Committee on Printing when it moves to the House next year. The first woman in the country's history to hold this position, she also serves on the [Judiciary Committee](#), the [Appropriations Committee](#), the [Energy and Natural Resources Committee](#), the [Select Committee on Intelligence](#) and the Homeland Security Subcommittee of Appropriations.

**[Sen. Joseph Lieberman](#) (I-CT)** is the new Chair of [Homeland Security and Governmental Affairs Committee](#). Former Democratic Sen. of Connecticut, Lieberman lost the Democratic nomination to represent Connecticut in the Senate in 2006. However, he then ran as an independent candidate and was re-elected. Lieberman promises to represent Connecticut as a

Democrat and will retain his leadership position on the committee. Lieberman promises to represent Connecticut as a Democrat. He was the sponsor of the [E-Government Act of 2001](#) and the [Federal Research Public Access Act of 2006](#).

[Sen. Robert Byrd \(D-WV\)](#) holds the record for casting the most votes of any Sen. in the history of the Republic, having voted more than 17,500 in his Senate career! He is the incoming Chair of the [Senate Appropriations Committee](#), a committee he has been a member of since he first was elected to the Senate in 1959.

[Sen. Daniel K. Inouye \(D-HI\)](#) is the new chair of the [Committee on Commerce, Science and Transportation](#). In 2006, Sen. Inouye introduced a bill to amend the Communications Act of 1934 to ensure that tribal libraries that receive assistance under the Library Services and Technology Act, an integral part of the Museum Library Services Act of 1996 (P.L. 104-208), are eligible for E-rate assistance. Sen. Inouye is also a strong champion of net neutrality.

[Sen. Patrick Leahy \(D-VT\)](#) is the incoming Chair of the [Senate Judiciary Committee](#), a group that is sometimes referred to as the "cyber senators." Leahy continues to work on the protection of privacy rights, copyright protections and freedom of speech on the Internet. He is a sponsor of various FOIA bills, including the E-FOIA Act of 1996 and the OPEN Government Act.

[Sen. Barbara Boxer \(D-CA\)](#) is the incoming Chair of the [Environment & Public Works Committee](#). Sen. Boxer most recently led a group of senators in a [letter](#) to senior members of the Senate Appropriations Committee requesting that the Committee direct the [Environmental Protection Agency \(EPA\)](#) to restore and maintain public access to its library collections. To view a complete list of Senator Boxer's current committee assignments, click [here](#).

For additional information regarding the Senate leadership, read NPR's [U.S. Senate Committee Leadership Changes](#) and [The New Senate Chiefs](#) by Will Sullivan. To view a complete list of Senate Committees and their descriptions, click [here](#).

## **U.S. House of Representatives Committee Chairmen**

[Rep. David Obey \(D-WI-7\)](#) will assume the chairmanship on the [House Appropriations Committee](#) and we have already contacted his staff to encourage him to reinstate the Legislative Branch Subcommittee, which was eliminated by the Republicans several years ago. Reconstituting the subcommittee will go a long way toward helping us gain new and stronger House champions for the GPO and LC in the new Congress.

[Rep. Henry Waxman \(D-CA-30\)](#) will become the chair of the [Committee on Government Reform](#), where he was previously the ranking minority member. Waxman is a champion of open government issues and he has spoken out tirelessly for greater government transparency during the Bush Administration, going all the way back to President Bush's [Executive Order 13233](#) which restricts public access to Presidential Papers. Waxman has also spoken out against the recent closures of many of the EPA libraries.

[Rep. John Conyers, Jr. \(D-MI-14\)](#) is the second-longest serving current member of the House. Conyers is the incoming chair of the [House Judiciary Committee](#). Directly below Conyers in seniority are Reps. [Harold Berman \(D-CA-28\)](#) and [Rick Boucher \(D-V-9<sup>th</sup>\)](#) and it is expected that [Rep. Berman](#) will become chair of the Subcommittee on Courts, the Internet, and Intellectual

Property. You may recognize him from Michael Moore's documentary "Fahrenheit 9/11," in which he discussed the aftermath of the September 11, 2001 attacks, stating that members of Congress "don't read most of the bills."

**[Rep. John David Dingell, Jr. \(D-MI-15\)](#)**, currently the longest-serving member of the House of Representatives, soon will be the chairman of the [Energy and Commerce Committee](#). Dingell was recently quoted as saying, "Our efforts to save the free and open Internet have been catapulted forward by the Nov. 7 election results. And the outlook for better, more public-spirited Internet legislation is now quite good."

Further details pertaining to the House leadership can be found in the [Committee Directories](#) maintained by the [Office of the Clerk](#).

### **UPDATES FROM THE HILL**

We gained momentum on several important pieces of legislation in the last few weeks before the mid-term elections and hope to see quick action on the following bills when the 110<sup>th</sup> Congress convenes in January. Brief overviews of select bills are provided below with links to the full text digital documents, summaries, current bill status, and congressional actions taken. Additional legislative tracking info is available via [THOMAS](#) as provided by the [Library of Congress](#).

#### **The OPEN Government Act of 2005 ([S. 394](#) / [H.R. 867](#))**

The legislation aims to strengthen the Freedom of Information Act (FOIA) by clarifying response time to requests and establishing reliable methods for checking the status of pending requests. Specifically, the legislation clarifies that the 20 day time limit for agencies to respond to FOIA requests would begin on the day that the agency originally receives the request. It also requires each agency to establish a telephone line or Internet service as a method to allow for a request status check.

#### **The Orphan Works Act of 2006 ([H.R. 5439](#))**

AALL has participated for several years with the other national library associations in efforts by the [U.S. Copyright Office](#) to address the orphan works problem. Orphan works are those for which the copyright owner is difficult or impossible to find when a library or museum seeks permission for copyrighted works. The legislation constitutes a very positive step forward in solving many orphan works concerns raised by libraries and others in the cultural community. On September 27, 2006, the measure was consolidated into the larger, more contentious Copyright Modernization Act of 2006 ([H.R. 6052](#)), making it much more difficult to pass than a stand alone bill. It failed to get out of committee in the House but we are already working with members of the Senate Judiciary Committee who seem committed to taking the lead on the *Orphan Works Act* next year.

#### **The Federal Research Public Access Act of 2006 ([S. 2695](#))**

The bill requires that agencies with federally funded research budgets of more than \$100 million enact policies to ensure that articles are made available online within six months of publication. The legislation requires that every researcher using agency funds submit an electronic copy of the final manuscript to the agency that provided the funding after the work has been accepted for

publication in a peer-reviewed journal. The agency is responsible for providing free public access to the information and ensuring that the manuscript is permanently preserved in a stable, digital repository.

## **WASHINGTON OFFICE ACTIVITIES**

### **Americans Have the Right to See Laws They Must Follow**

The [Electronic Frontier Foundation \(EFF\)](#), AALL and a coalition of non-profit organizations have asked the [U.S. Supreme Court](#) to hear a case challenging a secret law governing travelers in American airports. The case centers on the [Transportation Security Agency \(TSA\)](#) requirement that travelers show identification before boarding commercial aircraft. So far, the TSA has refused to disclose the terms of the identification requirement to the public, claiming that they are "sensitive security information." In the [amicus brief](#) urging the Supreme Court to hear *Gilmore v. Gonzales*, we demonstrate that Congress never intended agencies to have unfettered discretion to impose requirements upon the public without allowing the public to review them.

The [Constitution](#) and laws like the [Freedom of Information Act \(FOIA\)](#) prohibit the government from imposing secret laws on the public. However, if the lower court decision permitting the secrecy is allowed to stand, it opens the door to other government agencies creating undisclosed rules and regulations without oversight. More legal documents related to this case are available at <http://www.papersplease.org/gilmore/legal.html>

### **Opposition to the Broadcast Video Flag**

AALL, through the Library Copyright Alliance, joined several higher education organizations in a [letter](#) to members of the U.S. Senate urging them to oppose the "broadcast flag" provision of the [Advanced Telecommunications and Opportunities Reform Act \(H.R. 2525\)](#). We believe the broadcast flag provision would adversely affect our members' ability to deliver broadcast media via the Internet to support education, and, in particular, the delivery of distance education. We want to ensure that this provision is not included in an appropriations bill during this closing session of Congress.

## **OUTSIDE THE BELTWAY: CHAPTER NEWS**

### **CALL Workshop: Understanding and Influencing the Illinois Legislative Process**

More than 50 CALL members attended the workshop on the Illinois legislative process co-sponsored by the CALL Public Affairs and Continuing Education Committees, held on Friday, November 3<sup>rd</sup>, at Chicago-Kent College of Law. [Senator John Cullerton](#), Illinois Senate Majority Caucus Whip, described the legislative process in Illinois and the various stages at which legislation can be either hurried along or stopped in its tracks.

The Senator was followed by lobbyist [Kip Kolkmeier](#), one of whose clients is the [Illinois Library Association](#). Both speakers were extremely interesting, and attendees responded with a wide variety of questions, including how to obtain more legislative history information. The speakers advised that the initial sponsor of a bill is likely to have the most complete file on it.

*If you have news regarding advocacy issues in your AALL Chapter, please let us know. We'd love to share!*

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

#### **New on GPO Access**

The "Public Papers of the Presidents of the United States: George W. Bush" containing the papers and speeches of the President that were issued by the Office of the Press Secretary from January 20, 2001 through December 31, 2002. The material is presented in chronological order, and the dates shown in the headings are the dates of the documents or events. A text note will inform the reader when the release date differs from the document date. Files are available in ASCII text and PDF formats. See <http://www.gpoaccess.gov/pubpapers/gwbush.html>

The U.S. Code 2000 Edition, Supplement 4, containing the general and permanent laws of the United States that were in effect as of January 3, 2005, is now available. Since 1926, the United States Code has been published every six years. In between editions, annual cumulative supplements are published in order to present the most current information. Documents are available only as ASCII text files. See <http://www.gpoaccess.gov/uscode/index.html>

#### **Freedom of Information Act Can Help Researchers Uncover Important Records**

On October 26, 2006, the Electronic Frontier Foundation released its [Bloggers' Guide for Investigating Government Agencies](#). Although bloggers publish their stories online, they often face the same challenges as traditional journalists in initiating investigations and conducting fact-finding missions. The most recent product of EFF's FLAG Project, this quick reference tool outlines how to use open government laws to obtain access to records kept by federal agencies such as the Federal Bureau of Investigation (FBI), the Environmental Protection Agency (EPA), or the Food and Drug Administration (FDA).

The guide walks bloggers through the steps of making a FOIA request, including knowing what to ask for, which government offices must comply by law, and what you can and cannot obtain through FOIA. It also explains how to put requests on the fast track and get processing fees waived. Click [here](#) to view the Bloggers' FAQ on the Freedom of Information Act.

#### **FTC Decisions Since 1969 Now Available Online**

On November 15, 2006, the [Federal Trade Commission](#) announced that the Commission actions from the past 37 years are now available via the agency's web site. The new FTC Decision web page can be accessed at <http://www.ftc.gov/os/decisions/index.htm>.

Prior to this development, Volumes 75 through 123 (1969-1997) were only available to the public in traditional print format, usually through depository libraries. According to the same Agency press release, Volumes 1-74 (1914-1968) will also be posted online. Conversely, Volumes 129 through 140 (1998-2005) are not currently available in book form. Volumes pending digitization are marked by a small red asterisk.

At present, the online holdings span January 1969 through December 2005. Containing more than 70,000 pages, volumes are indexed numerically with each listing hot linked to the corresponding electronic files. Adobe Acrobat reader software is required. The PDF files can be easily searched by utilizing the standard Windows key board command “Control + F” to bring up a search box. Users can type all or part of a word to quickly locate the desired sections of text and navigate via “Next” and “Previous” arrows.

The Commission’s decision to digitize all administrative documents is expected to increase general public access while cutting production costs. Said documents include Opinions, Final Orders, Complaints, and Consent Orders that result from negotiated consent agreements, as well as all Initial Decisions issued by Administrative Law Judges in administrative trial proceedings.

Future digitized volumes will include Commission analyses to aid public comment. A key improvement, these detailed explanations are issued by the Commission when accepting an administrative consent agreement for public comment. Listing the analyses adjacent to the relevant consent order documents which they describe should facilitate public access and promote a better understanding of all aspects of the FTC decision-making process.

### **Summary of Voter Identification and Citizenship Requirement Legislation**

The [Help America Vote Act of 2002](#) (HAVA, [P.L. 107-252](#)) requires first-time voter registrants who register by mail to present one of the following forms of identification: “a current and valid photo identification (photocopy is okay) or a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter.” The Act, which also requires the registrant to certify that he or she is a U.S. Citizen, does not prevent individual states from establishing more stringent identification requirements.

Since the Act’s passage, states have varied greatly in the identification that they require voters to present. Several bills introduced in the 109<sup>th</sup> Congress tried to approach the question of sufficient voter identification. A CRS Report entitled “[Voter Identification and Citizenship Requirements: Legislation in the 109<sup>th</sup> Congress](#),” attempts to provide a synopsis of recently introduced legislation on this topic, and presents background information on the identification requirements for voting.

In particular, this [Report](#) focuses on the [Federal Election Integrity Act of 2006](#) ([H.R. 4844](#)) which would require proof of citizenship and photo identification issued by either the federal or the state government for voting in federal elections. Those voters who cast a provisional ballot because they did not have the required identification would need to provide it within 48 hours for the ballot to be counted. The Bill does not provide that photo identification cards should be free of charge to everyone, only to indigents.

### **FDLP Events: Spring Depository Library Council Meeting April 15-18, 2007**

The [Spring Depository Library Council](#) meeting will be held in Denver, Colorado at the [Adams Mark Hotel](#) located at 1550 Court Place. Situated on the famed 16th Street Pedestrian Mall in downtown Denver, the Adam’s Mark is 24 miles from the [Denver International airport](#).

The meeting will begin Sunday, April 15, 2007 with [registration](#) starting at 8:00 A.M and conclude at 12:00 P.M. on Wednesday, April 18, 2007. A preliminary schedule of events and a preliminary detailed [agenda](#) are being developed and will be available soon.

## Sunshine Week 2007: 2<sup>nd</sup> Conference on Open Government & Secrecy Planned

During [Sunshine Week](#) (March 11-17, 2007), [OpenTheGovernment.org](#) and other organizations will present our 2nd [conference](#) on open government and secrecy. The program, to be webcast from Washington, DC to sites around the country, will include the results of a nationwide information audit organized by the [American Society of Newspaper Editors](#), the [Coalition of Journalists for Open Government](#) and the [National Freedom of Information Coalition](#). During an information audit, requestors go to pre-selected government offices, ask for copies of a particular public document and then record how well the agency responds. **The audit organizers invite you to participate in the audit in your community or reach out to your community members to inform them of this opportunity.** Click [here](#) to access toolkits and other helpful participant resources.

[Sunshine Week](#) is a national initiative to open a dialogue about the importance of open government and freedom of information. Participants include print, broadcast and online news media, civic groups, libraries, non-profits, schools and others interested in the public's right to know. Though spearheaded by journalists, [Sunshine Week](#) is about the public's right to know what its government is doing, and why. This non-partisan initiative seeks to enlighten and empower people to play an active role in their government at all levels, and to give them access to information that makes their lives better and their communities stronger.

The plan for 2007 is to partner newspapers with local civic groups in order to engage citizens in the audit process, and encourage public forums to discuss not only access issues that arise, but also the substance of the emergency planning. Training and support materials will be available to auditors, and a national consultant will help bring partners together.

The audits will be conducted in early January, with reports running during [Sunshine Week](#). In addition to media coverage of the results, there are opportunities for discussion forums, school programs and other events to review the local and national results.

If you are interested in participating or would like additional information, please contact Debra Gersh Hernandez, Sunshine Week coordinator, at [dghernandez@asne.org](mailto:dghernandez@asne.org) or (703) 807-2100 as soon as possible. If you are ready to begin the audit but need a local partner, please contact the national audit facilitator Judith Burrell at [judith\\_burrell@cox.net](mailto:judith_burrell@cox.net) or (703) 281-3836.

Camilla Tubbs  
Reference & Government  
Documents Librarian,  
Lecturer of Legal Research  
Yale Law School,  
Lillian Goldman Law Library  
203.432.7535  
[camilla.tubbs@yale.edu](mailto:camilla.tubbs@yale.edu)

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)

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