



American Association of Law Libraries
MAXIMIZING THE POWER OF THE LAW LIBRARY COMMUNITY SINCE 1906

AALL's Public Policy Priorities for the 111th Congress

Authentication and Preservation of Government Information on the Web

Since the mid-1990s, AALL has been outspoken about the federal government's responsibility to ensure e-life cycle management, including authentication, permanent public access and preservation. Over the last several years, AALL has become a national leader in advocating for the authentication and preservation of online legal information. There is little recognition of the importance of e-life cycle management in the federal government, and no legislative mandate requiring the authentication and preservation of online-only legal information accessible on the Web sites of Congress, the White House, federal agencies or the courts.

Congress must recognize that the lack of authentication and preservation of the federal government's "born digital" legal information is a serious problem that must be addressed. The National Conference of Commissioners on Uniform State Laws recently approved creating a drafting committee for a uniform state law, The Authentication of Online State Legal Materials Act. A similar solution is needed government-wide at the federal level.

We would like to work with the Senate Homeland Security and Governmental Affairs, Judiciary and Rules and Administration Committees, as well as the House Administration, Judiciary and Oversight and Government Reform Committees to address this serious problem.

Congressional Research Service Reports

AALL strongly supports S. Res. 118 to provide the public with no-fee electronic access to Congressional Research Service (CRS) reports. We have supported legislative efforts to provide access to CRS reports for more than a decade because we believe the public has the right to access these valuable, taxpayer-funded reports.

We thank Homeland Security and Governmental Affairs Chairman Lieberman for his leadership on this issue, and urge Rules and Administration Committee Chairman Schumer to bring this important resolution before the Committee as soon as possible.

The FY 2010 Legislative Branch Appropriations Act

AALL appreciates the support provided to the Law Library of Congress and Government Printing Office in the recently passed legislative appropriations bills, H.R. 2918 and S. 1294. We especially thank House Appropriations Subcommittee on Legislative Branch Chair Debbie Wasserman Schultz and Senate Subcommittee Chair Ben Nelson for their support.

However, we strongly urge conferees to approve the full \$2.7 million appropriation for the Law Library of Congress' Global Legal Information Network (GLIN), included in the House legislative branch appropriations bill. We also ask conferees to approve the \$7.782 million for the Government Printing Office's Federal Digital System (FDsys), provided for in the Senate legislative branch appropriations bill.

The Law Library of Congress

AALL has worked for many years with the American Bar Association to ensure that the Law Library of Congress has the funding it needs to become the Nation's law library. The *William Orton Law Library Improvement and Modernization Act* (H.R. 2728) will provide the funding and support needed to put the Law Library in a position to become the first-class institution that Congress, legal researchers and members of the public deserve.

We are grateful to Representative Zoe Lofgren and Representative Daniel Lungren for introducing H.R. 2728 and ask that members vote in favor of the bill when it reaches the House floor. We also seek sponsors on the Committee on Rules and Administration to introduce the bill in the Senate.

National Security Letters

AALL supports the *National Security Letters Reform Act of 2009* (H.R. 1800), which would prevent the FBI from seeking records about innocent people who are not subject to specific investigations. National Security Letters (NSLs) are secret demand letters, signed by officials of the FBI and other agencies with no prior judicial approval, that allow the FBI to demand personal information such as financial records, telephone and email communications, and Internet searches from Internet service providers (ISPs), including law libraries. We believe the scope of NSLs should be limited to protect the privacy and civil liberties of library users and all Americans.

We thank the co-sponsors of H.R. 1800 and ask that additional members of the House sign on to co-sponsor this important legislation.

Network Neutrality

Net Neutrality is very important to AALL because law librarians are providers, creators and users of digital, legal information. Law libraries are responsible for providing equal online access that allows users to find the information they need. If telecommunications companies are allowed to break the principle of Net Neutrality and create a tiered system of broadband access, law libraries may not be able to pay the fees for preferred access. This will prevent users from having a consistent and reliable way of accessing important online legal information.

AALL asks the leadership and members of the Senate Committee on Commerce, Science, and Transportation and the House Committee on Energy and Commerce to introduce a Net Neutrality bill before the August recess, and we seek their support as co-sponsors.

USA PATRIOT Act Reauthorization: Section 215

AALL opposes the reauthorization of Section 215, the so-called “library” provision of the *USA PATRIOT Improvement and Reauthorization Act of 2005* (P.L. 109-177). Section 215 authorizes the Director of the Federal Bureau of Investigation (FBI) or a designee to apply for a Foreign Intelligence Surveillance Court order requiring production of any tangible thing (including books, records, papers, and documents) it claims is relevant to authorized foreign intelligence and international terrorism investigations. Section 215 unnecessarily impinges on the privacy rights and civil liberties of library users and all Americans.

AALL opposes the reauthorization of Section 215. If repeal of Section 215 is not possible, we urge Congress to include in the reauthorization of the bill requirements that return to the pre-PATRIOT Act standard.

Public Access to Court Electronic Records (PACER)

In 2006, AALL’s Executive Board endorsed a “Resolution on No-Fee FDLP Access to PACER” that was instrumental in getting the Government Printing Office to work with the Administrative Office of the United States Courts (AOUSC) on a pilot project to make the PACER system available at no cost to users of federal depository libraries. A three-year pilot project was launched in 2007 at 17 federal depository libraries, 10 of which are law libraries. The pilot project is currently on hold, pending an investigation into a possible security breach.

We ask members of the Senate Rules and Administration Committee to contact AO Director James C. Duff to urge him to resume the PACER pilot project as soon as possible. We also thank Homeland Security and Governmental Affairs Chairman Lieberman for his leadership to ensure no-fee public access to PACER, and we urge members of the Senate to support Chairman Lieberman’s efforts.

Whistleblower Protections

AALL strongly supports The *Whistleblower Protection Enhancement Act of 2009* (H.R. 1507) to reform the *Whistleblower Protection Act of 1989* (P.L. 101-12). Similar legislation has been introduced in the Senate (S. 372), but the Senate version lacks several important provisions included in the House bill.

We thank the co-sponsors of H.R. 1507 and ask that members of the Senate support first class due process rights, enforced by access to a jury trial, and full coverage of national security employees, as included in the House bill.