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The AALL Washington E-Bulletin

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IN THIS ISSUE

[TAKE ACTION NOW](#)

- EPA Seeks Comments: Help Improve Access to Environmental Info

[UPDATES FROM THE HILL AND THE WASHINGTON OFFICE](#)

- One-Year Anniversary of the National Summit on Authentication!
- NARA Oversight Hearing and Decision to Stop Web Harvests
- EPA Releases Library Report to Congress, Calls for Comments
- NIH Public Access Policy and Call for Comments
- Letter Urges Public Comment Period for Sensitive But Unclassified Information
- House Bill Addresses Electronic Records Management

[OUTSIDE THE BELTWAY: CHAPTER NEWS](#)

- LLOPS Members Participate in OMB Watch Listening Tour

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

- Carter Center International Conference Leads to Plan for Right of Access to Information
- Newseum Offers Access to Hundreds of Papers Online
- Site Offers Free Legal Information to Connect People with Lawyers

TAKE ACTION NOW

EPA Seeks Comments: Help Improve Access to Environmental Information

What kinds of information do you look for from the Environmental Protection Agency (EPA) and how do you use that information? What words do you use when you search for environmental information? How would you like to receive the information you need? These are some of the questions EPA is asking as part of its [National Dialogue on Access to Environmental Information](#), a new project that will help EPA develop a strategy to improve access to their diverse body of environmental information. Through the end of June, EPA is inviting comments on their [public discussion board](#) or [via email](#). If you use EPA information, please take the time to give EPA feedback so that the agency can better understand the needs of law librarians. This is your chance to weigh in!

UPDATES FROM THE HILL AND THE WASHINGTON OFFICE

One-Year Anniversary of the National Summit on Authentication!

AALL is pleased to celebrate the one-year anniversary of the [National Summit on Authentication of Digital Legal Information](#)! The summit, which brought together approximately fifty delegates from the judiciary, the legal community, state governments, and interested organizations, followed the March 2007 release of the [State-by-State Report on Authentication of Online Legal Resources](#). To mark the one-year anniversary since the release of the report and the summit, AALL launched a freshly reorganized [Summit page on AALLNET](#).

We were extremely excited when the National Conference of Commissioners on Uniform State Laws Study Committee (NCCUSL) informed us in February that it has approved the creation of a new Study Committee on Online Authentication of Legal Materials to investigate the issues and discuss the feasibility of a uniform law or model act on digital authentication. The chair and members of the new study committee will be named shortly after the NCCUSL annual meeting in August and AALL has been invited to name an observer to the new study committee. This is very exciting news, and we are grateful to Michele Timmons, Minnesota Revisor of Statutes and NCCUSL Commissioner, who submitted a proposal for the study committee last June after participating in the National Summit.

AALL is also pleased that the [Government Printing Office](#) has begun to digitally sign and certify the [Public and Private Laws](#) on GPO Access to assure users that the online documents are official and authentic. Also this year, GPO made available a digitally signed and certified [Fiscal Year 2009 Budget](#) on GPO Access.

In state news on authentication, the Division of Administrative Rules of Utah has [added file authentication](#) to its web site, including the use of digital signatures. This is a step in the right direction.

NARA Oversight Hearing and Decision to Stop Web Harvests

This month, the [House Appropriations Subcommittee on Financial Services and General Government](#) held a [hearing](#) on the FY 2009 funding request for the National Archives and Records Administration (NARA). Testifying at the hearing were Allen Weinstein, Archivist of the United States; Adrienne Thomas, NARA's Deputy Director; and Martha Morphy, NARA's Chief Information Officer. AALL sent a [letter to Members of the Subcommittee](#) commending the Committee for holding the hearing. In the letter, we also expressed our concern about several of the issues the Subcommittee addressed, including the lack of funding for the [National Historical Publications and Records Commission](#) (NHPRC), the grant-making arm of NARA. Over the last 42 years, the NHPRC has awarded more than \$160 million to over 4,000 institutions, including many libraries, to preserve and publish important historical records that document American history. The letter expressed AALL's support for [H.R. 5582](#), a bill introduced by [Representative Wm. Lacy Clay](#) (D-MO-1) to reauthorize the NHPRC at an annual level of \$20 million for fiscal years 2010–2014. The current authorization funds the NHPRC at an annual level of \$10 million per year.

Our letter also asked the Subcommittee to investigate NARA's recent announcement that it will not harvest (or record snapshots of) Executive Branch web sites at the end of the current administration. On March 27, NARA released a [Memorandum](#) to federal agency contacts, and later posted it to their web site, that explained their reasoning for these changes. [Reasons included](#) NARA's "other records management program priorities for FY 2008, availability of harvested web content at other "archiving" sites (e.g., www.archive.org), and the resources required for conducting and preserving a government-wide web snapshot." As a result of public pressure, NARA released a public [explanation](#) of its decision on April 15, pointing to agencies' responsibility to preserve their electronic records under the Federal Records Act. However, in our view, the preservation of records is not the same as a capture of agency sites and should not replace NARA's web harvests.

A snapshot of federal web pages provides the public with an image and understanding of the government at a particular point in time. NARA preserved a snapshot of agency public web sites as they existed on or before January 20, 2001, and conducted a harvest of Federal Agency public web sites in 2004 and of Congressional web sites in 2006. NARA announced that it will continue to capture House and Senate web sites in the future. These captures established a precedent that aligns with [NARA's mission](#) of "serv[ing] American democracy by safeguarding and preserving the records of our Government, ensuring that the people can discover, use, and learn from this documentary heritage." AALL signed on to a [letter](#) to the Archivist of the United States, Allen Weinstein, urging him to rescind the decision and continue NARA's web harvesting program.

EPA Releases Library Report to Congress, Calls for Comments

As we reported in the [January edition](#) of the E-Bulletin, the FY 2008 appropriations omnibus bill gave a [\\$1 million order](#) (see page 35) to EPA to restore its library services across the country. The order included a requirement that EPA submit a report to the Committees on Appropriations within 90 days explaining the actions it will take to restore its libraries. That report, released on March 26, is [now available](#). After being strongly encouraged by the House Committee on Science and Technology's [Subcommittee on Investigations and Oversight](#) Chairman [Brad Miller](#) (D-NC-13) at the library closures hearing in March to talk with stakeholders before moving forward on plans, EPA gathered a few groups, including AALL, for a conference call to review the sparse six-page report.

Unfortunately, the report speaks only in generalities. Although EPA asserts its commitment to reopen the libraries by the September 2008 deadline, the report goes into few details about how it will ensure a coordinated network with consistent standards across the libraries. It also fails to define some key terms like “core reference materials” that EPA proposes will be available in all of the reopened libraries. In addition, EPA announced that it is still working on a plan to digitize its collections. EPA has said they have been working on a digitization plan since 2006, when AALL and other library advocates first met with EPA officials about the library closures issue. Two years later, a digitization plan has still not materialized.

In an effort to reach out to stakeholders as directed by Congress, EPA established a public “[National Dialogue on Access to Environmental Information](#),” to find out what kind of information users need and how they would like to get it. Molly O'Neill, EPA's Assistant Administrator for Environmental Information and Chief Information Officer, explains the initiative in an April 22 [EPA podcast](#). EPA has asked users to [comment](#) on different categories of questions and tell EPA what they need, such as: What kinds of information do you look for from EPA? What do you do with the information you find? How would you like to receive the information you need? This is a great opportunity for law librarians and users of EPA materials to make sure the agency knows what kinds of environmental information you look for, how you search for it, and how you would like to get it (RSS feeds, emails, etc). The [comment period](#) is open until the end of June.

NIH Public Access Policy and Call for Comments

As of April 7, the National Institutes of Health (NIH) requires the submission of published articles resulting from NIH-funded research to [PubMed Central](#), the online digital library maintained by the NIH. These articles will be made publicly available for free on PubMed Central within 12 months of the publication date. This is exciting news in the fight for open access.

The NIH has opened a second [call for comments](#) from the public on its new public access policy. This second comment period comes as result of pressure from opponents of the

policy. It is imperative that all users of PubMed Central speak out in support public access to critical health information. The comment period is open until May 31, 2008.

Letter Urges Public Comment Period for Sensitive But Unclassified Information

On April 11, AALL joined 33 other groups on a [letter](#) to the White House asking for a public review of proposed new rules governing the designation of Sensitive But Unclassified (SBU) information. As we outlined in a recent [blog post](#), Sensitive But Unclassified information, sometimes referred to as “Pseudo-Classified Information” or Controlled Unclassified Information (CUI), describes unclassified information that is governed by a varying set of restrictions that allow government officials to keep the information out of the public’s reach.

In 2003, AALL signed onto a [letter](#) urging then-Secretary of the U.S. Department of Homeland Security Tom Ridge to allow public comment on procedures that might have restricted the public dissemination of “homeland security information,” including SBU information. When the process for developing new rules governing SBU information was moved to the [Office of the Program Manager](#) for the [Information Sharing Environment](#), interested groups were assured several times that there would be opportunity for public comment.

Our [letter](#) to White House Chief of Staff Joshua Bolton asks that the White House allow public comments on the new CUI guidance before the final issuance of new rules.

House Bill Addresses Electronic Records Management

On April 28, the [House Subcommittee of Information Policy, Census, and the National Archives](#) held a [hearing](#) on H.R. 5811, the “Electronic Communications Preservation Act.” The hearing featured testimony from [Linda Koontz](#), Director of Information Management Issues at the Government Accountability Office; [Paul M. Wester](#), Director of the Modern Records Program and [Gary M. Stern](#), General Counsel of NARA; and [Patrice McDermott](#), Director of OpenTheGovernment.org. [Anna K. Nelson](#), Director of American University’s Department of History, submitted testimony for the record, as she was to speak at the hearing originally scheduled for April 16.

[H.R. 5811](#) directs the Archivist of the United States to establish standards for the capture, management, retrieval, and preservation of White House e-mails and other electronic communications. The bill also directs the Archivist to issue regulations requiring federal agencies to preserve electronic communications in an electronic format. These regulations must cover, at a minimum, the capture, management, preservation, and electronic retrieval of electronic communications. The Committee’s Press Release, summary of the bill, and full text of the bill are [available here](#).

It was clear from the hearing that the White House and agencies need regulations to help modernize their recordkeeping and ensure proper maintenance and preservation of

electronic records. Findings of a new report by Citizens for Responsibility and Ethics in Washington ([CREW](#)), with which OpenTheGovernment.org provided assistance, “[Record Chaos: The Deplorable State of Electronic Record Keeping in the Federal Government](#),” include: federal agencies are not keeping up with modern electronic records management methods; there is widespread confusion among federal employees about their obligations regarding recordkeeping; and there is a lack of meaningful oversight of the agencies by NARA.

H.R. 5811 will help agencies develop strong recordkeeping systems to ensure that records are not lost to history. Preliminary results of ongoing [GAO study](#) of four agencies of contrasting sizes and structures found that in general, agencies are struggling to meet the challenges posed by email records. Ms. Koontz testified that agencies need a mandate in order to meet modern recordkeeping requirements because they are not doing it on their own. She also testified that agencies will have the added benefit under H.R. 5811 of saving money on Freedom of Information Act requests, because they will likely have better means of identifying records.

Rep. Clay emphasized his desire to work with NARA and the public interest community to improve H.R. 5811. AALL and other open government groups support the bill and are working to strengthen several of its provisions.

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!

LLOPS Members Participate in OMB Watch Listening Tour

On April 28th, three LLOPS members joined twelve other interested parties for a half day discussion on how the government can be more open for the public and using this information to create guidelines for the next administration.

“OMB Watch launched the 21st Century Right to Know Project to develop recommendations for the next White House and Congress on how to improve government openness and access to information. The long-term goal of the project is to develop a proactive agenda to change the underlying policies, priorities, and practices regarding public access for all branches of government.” Sean Moulton, OMB Watch.

For more OMB Watch information:

<http://www.ombwatch.org/21stProject/WA/index.html>

Seattle was the third city on the listening tour of interested stakeholders to encourage openness in government and examine examples of states who are leading the way to make it a reality. Attendees included lobbyists, community activists, the Washington State Archivist, an Attorney General Representative from Washington, journalists and other concerned citizens.

Prioritized categories of information discussed included: 1. Executive Branch; 2. Usability; 3. Homeland/ National Security; 4. Environmental, Health and Safety; 5. Money 6. Incentives/ Enforcement; 7. Open meetings; and 8. Education/ Public Awareness.

Tina Ching, Reference Librarian at Seattle University School of Law, mentioned the importance of authentication of electronic documents and having them permanently available to the public. Holly Gale, Library Assistant at Keller Rohrback, highlighted the challenge faced by the most skilled researchers in finding government information and the barriers that creates for the average citizen. Marcus Hochstetler, Director at King County Law Library, emphasized the usability factor on agency web sites to further encourage positive interaction with the interested public. For a copy of the discussion notes, contact Marcus Hochstetler at marcus.hochstetler@kingcounty.gov or 206-296-0930.

-Submitted by Marcus Hochstetler, King County Law Library

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

Carter Center International Conference Leads to Plan for Right of Access to Information

In late February, [The Carter Center](#) hosted a conference in Atlanta, Georgia to examine the state of and identify steps to improve universal access to public information. The [International Conference on the Right to Public Information](#) brought together representatives from key stakeholder groups – governments, donors, media, civil society, private sector, and academia.

Following the conference, participants in the [International Conference on the Right to Public Information](#) released the [Atlanta Declaration and Plan of Action for the Advancement of the Right of Access to Information](#). The Atlanta Declaration sets out the group's findings, lays out key principles, and sets out a plan of action to advance access to information as a fundamental human right. AALL supports this and [other efforts](#) to advance the international right of access to information and we applaud the work of the International Conference.

Newseum Offers Access to Hundreds of Papers Online

In case you missed it on our [blog](#), one of our most popular posts this month was a link to the [Newseum](#), which offers a searchable display of [616 daily newspaper front pages](#) from 61 countries in their original, unedited form. You can sort the papers by region, scan through a list organized by state or click on a map to see the dailies covered.

Web Site Offers Free Legal Information to Connect People with Lawyers

An [article](#) from the April 27, 2008 edition of the *New York Times* explores a new web site, [JDSupra.com](#), that allows anyone to download free legal documents and connect with the lawyers who authored them. By inviting attorneys to upload their legal documents (briefs, complaints, articles, newsletters, etc) and personal profiles to a public web site, the site enables users (and potential clients) to find lawyers by contacting the authors of the documents. For more, see the [Law Librarian Blog](#)'s post, [Will Lawyers Go the Way of Travel Agents?](#)

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