



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

The AALL Washington E-Bulletin

<http://www.aallnet.org/aallwash/>

Vol. 2009, Issue 10

October 30, 2009

IN THIS ISSUE

SPECIAL ANNOUNCEMENT

- AALL Advocacy Webinar Is a Success

ACTION ALERT

- Your Help Needed To Get Free Online Access to Congressional Research Service Reports

UPDATES FROM THE HILL AND THE GOVERNMENT RELATIONS OFFICE

- Update on USA PATRIOT Act Reauthorization Process and New Issue Brief
- XML of the Federal Register Is Now Available
- FCC Moves Forward on Net Neutrality
- Open Government Provision in DHS Appropriations Act Strengthens FOIA
- Senate Homeland Security Committee Approves Archivist Nomination
- New FOIA Mediation Office Launches Web site

OUTSIDE THE BELTWAY: CHAPTER NEWS

- LLSDC Hosts D.C. Government Official to Discuss Online Regulations and D.C. Register
- Update to California County Law Library Code Sections

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

- [New Report on Developing State Data.gov Portals](#)
- [Guidelines for Agencies on the Secure Use of Social Media](#)
- [New Executive Order Restores Power to Intelligence Oversight Board](#)
- [National Security Archive Launches New Blog](#)
- [Congressional Research Service Report Surveys Supreme Court Justices](#)
- [Communicating with Congress through Online Town Halls](#)

SPECIAL ANNOUNCEMENT

AALL Advocacy Webinar Is a Success

On Wednesday, October 14, AALL held a free online advocacy training session, [Join AALL's Advocacy Team: How to Deliver Our Message](#), with Director of Government Relations Mary Alice Baish, Advocacy Communications Assistant Emily Feldman and "Advocacy Guru" Stephanie Vance. Webinar participants heard tips for effective advocacy from Stephanie Vance, and learned how they can help achieve two of AALL's policy priorities: free access to Congressional Research Service (CRS) reports through the Internet, and the government's responsibility for authenticating and preserving online legal resources. Please see our action alert below to learn how you can help get free access to CRS reports.

Thanks to all of you who made our Webinar a success! Webinar resources are now available in [AALL's Advocacy Toolkit](#). We will let you know on the [Blawg](#) when the recorded Webinar is available on AALL2go.

ACTION ALERT

Your Help Needed To Get Free Online Access to CRS Reports

AALL believes that the public has a right to free online access to tax-payer funded Congressional Research Service (CRS) reports. We are very pleased that there is legislation pending in the Senate ([S. Res. 118](#)) and House ([H.R. 3762](#)) to make this a reality. However, [we need your help](#) to make sure Congress moves forward on these bills.

In April, [Sen. Joseph Lieberman](#) (ID-CT), [Sen. John McCain](#) (R-AZ), and five additional co-sponsors introduced S. Res. 118 to make CRS reports freely available on the Internet. In a May 11, 2009 [editorial](#), the *New York Times* reported that [Sen. Charles Schumer](#) (D-NY), Chair of the [Rules and Administration Committee](#), was “working on a plan” that would make CRS reports publicly available, but Chairman Schumer has not yet announced the plan. We need your help to put pressure on Sen. Schumer to bring S. Res. 118 before the committee this year.

On the House side, Representatives [Frank Kratovil](#) (D-MD-1) and [Leonard Lance](#) (R-NJ-7) introduced the *Congressional Research Service Electronic Accessibility Act of 2009* ([H.R. 3762](#)) on October 8. This bill would provide the public with free online access to CRS reports through House and Senate Web sites. We need your help in getting additional co-sponsors for their bill.

[The Alert](#) includes our specific asks, links to the Webmail forms of your members of Congress, and sample emails so that you can easily make contact with your senators and representatives. Thanks for your help and [please let us know](#) if you receive feedback from your members of Congress on this important issue.

UPDATES FROM THE HILL AND THE GOVERNMENT RELATIONS OFFICE

Update on USA PATRIOT Act Reauthorization Process and New Issue Brief

As we reported in the [September E-Bulletin](#), last month the Senate Judiciary Committee considered legislation to extend the three expiring provisions of the USA PATRIOT Act, including Section 215, the so-called “library provision.” On October 13, the *USA PATRIOT Act Sunset Extension Act of 2009* ([S. 1692](#)) was favorably reported out of committee with an [amendment](#) that weakened the higher standard in the bill needed to obtain library records under Sec. 215 by applying it only to circulation records or patron lists.

This month, House Judiciary Committee [Chairman John Conyers, Jr.](#) (D-MI-14), [Rep. Jerrold Nadler](#) (D-NY-8) and [Rep. Bobby Scott](#) (D-VA-3) introduced the *USA Patriot Amendments Act of 2009* ([H.R. 3845](#)). Their bill would raise the standard for Section 215 orders to protect private information of library users and restore the pre-PATRIOT Act standard for National Security Letters.

For a complete summary of the 2009 PATRIOT Act reauthorization process, please see our new [Issue Brief](#).

XML of the Federal Register Is Now Available

On October 5, the White House [announced](#) the official launch of the XML version of the *Federal Register* (FR), now available from 2000 to the present through [GPO’s Federal](#)

[Digital System \(FDsys\)](#), the [Federal Register Web site](#) and [Data.gov](#). AALL applauded the White House, the Government Printing Office and the National Archives and Records Administration's Office of the Federal Register (OFR) for making this exciting development possible.

While Data.gov is limited to full-year XML downloads, FDsys offers the ability to quickly and easily download the Federal Register by day, month or year. In addition, FDsys provides access to the official, digitally signed PDF version of the Federal Register, in addition to the XML.

We were pleased to see that a new disclaimer was added to the description for all of the Federal Register datasets and tools on Data.gov explaining this important distinction:

The current XML data set is not yet an official format of the Federal Register. Only the PDF and Text versions have legal status as parts of the official online format of the Federal Register. The XML-structured files are derived from SGML-tagged data and printing codes, which may produce anomalies in display. In addition, the XML data does not yet include image files. Users who require a higher level of assurance may wish to consult the official version of the Federal Register on [FDsys.gov](#). The FDsys data set includes digitally signed Federal Register PDF files, which may be relied upon as evidence in a court of law. See: <http://www.fdsys.gov/fdsys/browse/collection.action?collectionCode=FR>

The Government Relations Committee and Depository Library Council are now looking for feedback on the new XML version of the Federal Register. More specifically, we want to know how law librarians can use the XML version to deliver content to their users in new ways, if you are benefiting from third parties' use of the content, if you would like to see other collections available in XML, and if you are concerned about the authentication restrictions. If you have ideas or comments that you would like to share, please email Government Relations Committee Chair [Camilla Tubbs](#).

FCC Moves Forward on Net Neutrality

As we reported in last month's [E-Bulletin](#), new [Federal Communications Commission](#) (FCC) Chairman Julius Genachowski introduced a proposal in September that would codify the four open Internet principles that now guide the FCC's oversight and enforcement of communications law, and codify two new principles prohibiting Internet service providers from discriminating against content or applications and ensuring that network management practices be transparent. On October 22, the FCC approved a [Notice of Proposed Rulemaking](#) which kicks off the process of codifying these six principles. The agency is seeking public comment on these proposals by January 14, 2010.

Government Relations Committee member Ryan Saltz updated his [net neutrality Issue Brief](#) this month to include additional analysis of these recent developments.

Open Government Provision in DHS Appropriations Act Strengthens FOIA

Legislation authored by [Sen. Patrick Leahy](#) (D-VT) and [Sen. John Cornyn](#) (R-TX) to strengthen the Freedom of Information Act (FOIA) passed this month as part of the 2010 Department of Homeland Security Appropriations Act. The legislation, which was originally introduced as the *OPEN FOIA Act* ([S. 612](#)), would require Congress to explicitly state its intention to provide for a statutory exemption - called (b)(3) statutes - to FOIA in new legislative proposals. AALL supported S. 612 and we are pleased with the passage of the legislation in the DHS Appropriations Act.

Senate Homeland Security Committee Approves Archivist Nomination

On October 28, the Senate Homeland Security and Governmental Affairs Committee approved the nomination of David S. Ferriero to be the next Archivist of the United States. As we noted in the [August E-Bulletin](#), Ferriero is a librarian and a highly qualified candidate to assume leadership of the National Archives and Records Administration at this critical point in time. We are pleased with his nomination, which is expected to be easily approved by the Senate.

New FOIA Mediation Office Launches Web site

NARA has established a [new Web site](#) for the Office Government Information Services (OGIS). Miriam Nisbet, the director of OGIS, stated in her [testimony](#) before the Senate Judiciary Committee on September 30 that she would like to use technologies to better assess agency compliance and performance with the FOIA. The new Web site includes links to some key FOIA resources, including the [Department of Justice FOIA Homepage](#) and the [Federal Open Government Guide](#) from the Reporters Committee for Freedom of the Press.

OGIS was established under the *OPEN Government Act of 2007* (P.L. 110-175) to review agency compliance with the Freedom of Information Act (FOIA) and offer mediation services to requestors. AALL advocated for changes to FOIA through the *OPEN Government Act* for many years, and we applauded the enactment of this important open government law in December 2007.

OUTSIDE THE BELTWAY: CHAPTER NEWS

LLSDC Hosts D.C. Government Official to Discuss Online Regulations and D.C. Register

-Submitted by Catherine Dunn, Co-Chair, LLSDC Government Relations Committee

At the beginning of October, the District of Columbia released a new online interface for the D.C. Municipal Regulations (DCMR) and D.C. Register (DCR) at

<http://www.dcregs.org>. On October 23, Andrea Garvey, Director of D.C.'s Office of Documents and Administrative Issuances (ODAI), gave a presentation to LLSDC members in which she outlined her office's efforts in establishing the new system and demonstrated some of its key features. The new interface allows users to access the DCMR and DCR by browsing or searching, and users can search by number, agency name or using full-text searching capabilities. Users can also create alerts or make comments on pending rulemakings using the new system.

In addition to the new online interface, which ODAI undertook as part of its effort to move to a paperless system, Ms. Garvey described the ODAI's work in updating the DCMR. Working with the relevant local agencies, ODAI incorporated over 130 pages of Amendments not previously reflected in the DCMR and made significant revisions to the overall codification structure. As such, Ms. Garvey emphasized that the new online interface links to the most up-to-date version of the DCMR (although her office has alerted both Lexis & Westlaw to the changes).

Update to California County Law Library Code Sections

-Submitted by Anne R. Bernardo, Chair, CCCLL Legislative Committee

The Council of California County Law Librarians (CCCLL) is very happy to announce that on October 11 the governor signed [Senate Bill 113](#), the Local Government Omnibus Act of 2009, containing nineteen amendments to California's county law library statutes. The amendments update and modernize various law library statutes related to finance, governance, and operations in the Business & Professions Code, and will go into effect January 1, 2010 (Stats. 2009, Ch. 332, Sec. 1.1 – 1.18).

S.B. 113 progressed through both houses' legislative hearings on their consent calendars. Due to a rigorous vetting process before the amendments were added to the bill, no remaining issues were encountered with the library provisions. The bill was enrolled to the governor on August 27 and September 25 (a different snag, ask me about that another time). California politics being what it is, the governor threatened to veto all pending bills on his desk unless the Legislature reconvened to address water reform. This meant S.B. 113 was at risk as well even though the annual local government bill is created to save money, enhance efficiencies, it is a consensus measure, and it has no author. On the last day to sign or veto, the governor, praising the significant progress made in the water negotiations, signed 2/3 of the 700 bills before him, including the omnibus bill.

CCCLL members were kept apprised of the S.B. 113's progress and our success was due to everyone pulling together. Deep appreciation goes to the membership and their trustees, Legislative Committee members, Chris Christman, Mark Estes, Annette Heath, Larry Meyer, Maryruth Storer, and lobbyist, Michael Corbett, who were steadfast in carrying the provisions through. Thank you to our chapter colleagues and the law library community for your support in improving the state of county law libraries in California.

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

New Report on Developing State Data.gov Portals

The National Association of State CIOs has released a new report, [A Call to Action for State Government: Guidance for Opening the Doors to State Data](#), which describes its plans to help state governments develop data transparency portals similar to the federal government's [Data.gov](#). As we [described above](#) and during our October 14 advocacy [Webinar](#), AALL has concerns that the data being added to these types of portals is not authenticated, and we are closely monitoring this development at the state level.

Guidelines for Agencies on the Secure Use of Social Media

The growth of social media has presented federal agencies with new forums to provide services and outreach to the public, but not without risks to security. A new [report](#) by the Federal Chief Information Officers Council examines the opportunities for agency use of Web 2.0 tools and offers recommendations to increase security.

New Executive Order Restores Power to Intelligence Oversight Board

President Obama issued a new [Executive Order](#) this month that restored the authority to the President's Intelligence Advisory Board and the Intelligence Oversight Board to alert the Attorney General if it learns of possible unlawful activities of a U.S. intelligence agency. In addition, Obama announced the appointment of former Senators Chuck Hagel and David Boren to the President's Intelligence Advisory Board. [Secrecy News](#) offers further analysis of what this new Executive Order means.

National Security Archive Launches New Blog

Did you know that the National Security Archive, a research organization and outspoken FOIA advocate, has filed 36,000 FOIA requests to federal agencies since its inception nearly twenty-five years ago? You can learn other interesting facts about the Archive, its activities, and tips to filing FOIA requests on its new blog, [Unredacted](#).

Congressional Research Service Report Surveys Supreme Court Justices

This new 35-page CRS report, [Supreme Court Justices: Demographic Characteristics, Professional Experience, and Legal Education, 1789-2009](#), examines the social, professional and educational backgrounds of the Supreme Court Justices over the entire history of the Supreme Court and provides a wealth of demographic data which you'll find very interesting.

Communicating with Congress through Online Town Halls

If you've ever taken action on one of our alerts, you know you can easily reach your members of Congress online. A new [report](#) by the Congressional Management Foundation explores how the Internet can take this online communication further. The report examines how the Internet has the potential to facilitate and enable conversations between citizens and Members of Congress through "online town halls." The Foundation facilitated twenty online town hall meetings in 2006 with U.S. Representatives and one event in 2008 with a U.S. Senator and found that the town halls promoted useful discussions and increased citizen engagement in politics.

Emily Feldman
Advocacy Communications Assistant
AALL Government Relations Office
(202) 942-4233
efeldman@aall.org

Mary Alice Baish
Director
AALL Government Relations Office
(202) 942-4237
mbaish@aall.org

© 2009 American Association of Law Libraries