

2009 Legislative Progress Report

WASHINGTON, D.C., October 1, 2009—The 111th Congress is facing many challenges this year, with such urgent issues as the economy, the environment, and health care vying for lawmakers' attention. Despite these pressing issues at the top of Congress' agenda, the House and Senate are both currently considering bills that address some of AALL's key policy concerns.



The *USA PATRIOT Act* reauthorization process heated up in September, and AALL has been monitoring legislative efforts to extend the three provisions that will expire on December

31, 2009: Section 206 (roving wiretaps), Section 215 (the so-called "library" provision), and the lone wolf provision. AALL has long been concerned with Section 215 and the Federal Bureau of Investigation's (FBI) use of National Security Letter (NSL) authorities which, although not due to expire, raise serious privacy and civil liberties concerns.

We are urging Congress to include in the reauthorization bill requirements that return to the pre-*PATRIOT Act* standard so that documents or other tangible things that the FBI is seeking must be shown to pertain to a suspected agent of a foreign power or a person in contact with or otherwise directly linked to such an agent. AALL supports two bills, the *USA PATRIOT Act Sunset Extension Act of 2009* (S. 1692) and the *Judicious Use of Surveillance Tools In Counterterrorism Efforts Act of 2009*, or *JUSTICE Act* (S.1686), that would add additional protections and oversight of Section 215 orders and NSLs.

You'll see from the accompanying table that AALL also supports legislation in the Senate, S. Res. 118, which would provide the public with free access to Congressional Research Service (CRS) reports. It is AALL's policy that the public should have no-fee access to information on government websites. We believe the public has the right to access, at no cost, these valuable, taxpayer-funded reports. In addition, we support legislation in the House (H.R. 984) and Senate (S. 417) that would limit the use of the state secrets privilege, which the government employs to withhold evidence when it believes that disclosure would harm national security.

For a more comprehensive list of bills AALL currently supports and opposes,

Title	Bill Number	Purpose	Original Sponsor(s)	Status
<i>USA PATRIOT Act Sunset Extension Act of 2009</i>	S.1692	To extend the sunset of the three expiring provisions of the <i>USA PATRIOT Act</i> and to add additional judicial review and reporting requirements.	Sen. Patrick Leahy (D-VT) Sen. Benjamin Cardin (D-MD) Sen. Ted Kaufman (D-DE)	Referred to the Senate Committee on the Judiciary (Sept. 22, 2009). Executive Business Meeting held to consider the bill (Oct. 1, 2009).
<i>Judiciously Using Surveillance Tools In Counterterrorism Efforts (JUSTICE) Act</i>	S.1686	To reform the <i>USA PATRIOT Act</i> , the <i>FISA Amendments Act</i> , and other surveillance authorities to protect the constitutional rights of Americans.	Sen. Russ Feingold (D-WI) Sen. Dick Durbin (D-IL)	Referred to the Senate Committee on the Judiciary (Sept. 17, 2009).
A resolution to provide Internet access to certain Congressional Research Service (CRS) publications	S. Res. 118	To give the public access to CRS reports by creating a centralized electronic system that would allow members of the public to search for reports and issue briefs. S. Res 118 would also require that an index of reports and issue briefs be made publicly available.	Sen. Joseph Lieberman (I-CT)	Referred to the Senate Committee on Rules and Administration (April 29, 2009).
<i>State Secrets Protection Act</i>	S. 417 H.R. 984	To enact a safe, fair, and responsible state secrets privilege.	Sen. Patrick Leahy (D-VT) Rep. Jerrold Nadler (D-NY-8)	Referred to the Senate Committee on the Judiciary (Feb. 11, 2009). Forwarded from the House Judiciary Subcommittee on the Constitution, Civil Rights, and Civil Liberties to the Full Committee (Amended) (June 11, 2009).

please see the "Advocacy Toolkit for the 111th Congress: 2009-2010" on AALLNET (www.aallnet.org/aallwash/toolkit/contents.asp). ■

Mary Alice Baish, director of the AALL Government Relations Office, 25

Massachusetts Avenue, NW, Suite 500, Washington, D.C. 20001 • 202/942-4237 • Fax: 202/737-0480 • E-mail: mbaish@aall.org • www.aallnet.org/aallwash.