

**Chicago Association of Law Libraries
Public Affairs Committee
February 27, 2009
February 2009 UPDATE**

Todd Ito
Heidi Kuehl
Co-Chairs

Open Government Update

Presidential Records Act

On January 21, 2009, his first full day in office, President Obama issued Executive Order No. 13489 reversing changes made by President Bush to the Presidential Records Act in November 2001. The new procedure provides for review by the Attorney General and Counsel to the President before an incumbent president can claim executive privilege, and limits the circumstances under which a living former president would be allowed to claim the privilege. The order was published at 74 Fed. Reg. 4669 (January 26, 2009) and is available at <http://edocket.access.gpo.gov/2009/pdf/E9-1712.pdf>

Presidential Memorandum on Transparency and Open Government

Also on January 21, 2009, President Obama issued a Memorandum on Transparency and Open Government which announces that “Openness will strengthen our democracy and promote efficiency and effectiveness in Government.” It directs certain federal agency officials to develop recommendations for an “Open Government Directive” to be issued by the Director of the Office of Management and Budget within 120 days to implement the President’s memo.

The Memorandum was published at 74 Fed. Reg. 4685 (January 26, 2009) and is available at <http://edocket.access.gpo.gov/2009/pdf/E9-1777.pdf>

Stimulus Act Transparency

Recovery.gov is a web site set up to let taxpayers find out where the money from the stimulus bill, American Recovery and Investment Act, is going. To start with, the site features a video of President Obama describing the site and how taxpayers will be able to track stimulus spending by states, congressional districts, and federal contractors. It also includes a chart breaking out stimulus spending by category, such as infrastructure and health care, and a timeline for implementation. (Tip: Drag the timeline to the left to see the most distant date, presently July 15, 2009, when recipients will start reporting.)

Bank Lending Survey

On February 17, 2009, the U.S. Department of the Treasury released its first monthly bank lending survey designed to provide new, more frequent, and more accessible information on banks' lending activities and to help taxpayers easily assess the lending and other activities of banks receiving government investments. The survey is being made public as part of Treasury's commitment to Congress and the public to provide greater transparency for its efforts to stabilize the financial system.

This is a link to the press release that includes a link to the survey:

<http://www.ustreas.gov/press/releases/tg30.htm>

What Don't We Know About the Bailout?

For the answer, look at Openthegovernment.org's web site which features a page on Bailout Transparency, "What Don't We Know About the Bailout?" The page features links to news articles, federal reports and letters, and other information.

This is the link to the Bailout Transparency page:

<http://www.openthegovernment.org/article/articleview/354/1/115/?TopicID=>

New Edition of Federal Open Government Guide

Reporters Committee for Freedom of the Press released the 10th edition of their Federal Open Government Guide in February 2009. Printed copies are available for purchase, and the guide is available for free online at www.rcfp.org/fogg. In addition to the Freedom of Information Act, the new edition addresses the Government in the Sunshine Act; the Privacy Act; and the Federal Advisory Committee Act, which provides a right of access to records and meetings of advisors outside the government. Reporters Committee also has a State Open Government Guide with links to state open government laws, and you can find that on the FOGG page.

Lucy Moss
Chicago-Kent College of Law

GPO Launches Public Beta Test of Federal Digital System

The public has its first chance to try out the Federal Digital System (FDsys), which the Government Printing Office (GPO) rolled out for beta testing at the beginning of 2009 after several years of development. Available at <http://fdsys.gpo.gov>, the initial FDsys release currently includes access to eight collections, including the *Federal Register*, *Congressional Record*, and the *Daily*

Compilation of Presidential Documents, the new online-only publication which superseded the *Weekly Compilation of Presidential Documents* at the beginning of the new administration in January.

By mid-2009, FDsys is scheduled to supplant the antiquated GPO Access when GPO completes the migration of GPO Access content into FDsys, but for now, while that migration is ongoing and FDsys is in beta testing, the two systems will continue to run simultaneously. Further ahead, FDsys will include capabilities to harvest and deliver content from agency websites, send RSS notifications, and provide end-user options to execute saved searches and set up customizable alert services and search preferences, to name a few. A more complete list of forthcoming capabilities is available in the January 2009 issue of GPO's FDsys newsletter *Techline*: http://www.gpo.gov/projects/pdfs/techline_jan2009.pdf.

As AALL's Government Relations Office noted in a February 5 *Washington Blawg* (<http://aallwash.wordpress.com/>) post, GPO has been responsive to suggestions from the library community during FDsys development. While the new system is in public beta testing, we should continue to take advantage of the opportunity to offer comments and suggestions to the FDsys Program Management Office at pmo@gpo.gov.

Kevin McClure
Chicago-Kent College of Law

Network Neutrality News

Although there has been no new legislative or committee action on network neutrality, the following are some interesting news articles and a recent AALL report about the controversial issue of network neutrality and how an Obama administration might treat the network neutrality issue.

Crovitz, Gordon L., *'Network Neutrality'? Never Mind*. WALL ST. J. (Dec. 22, 2008), available at <http://online.wsj.com/article/SB122990349014725127.html> .

Gardner, W. David, *Google's OpenEdge Clouds Its Net Neutrality Stance*. INF. WEEK (Dec. 15, 2008), available at http://www.informationweek.com/news/internet/google/showArticle.jhtml?articleID=212500430&cid=iwhome_art_Googl_mostpop .

O'Brien, Chris, *Time to Settle Net Neutrality Debate*. SAN JOSE MERC. NEWS (Dec. 16, 2008), available at http://www.mercurynews.com/business/ci_11240110 .

Op-Ed, *Congress Should Preserve 'Net Neutrality.'* SAN. FRAN. CHRON. B6 (Dec. 18, 2008), available at <http://www.sfgate.com/cgi-bin/article.cgi?f=/c/a/2008/12/17/ED4414PASG.DTL> .

Saltz, Ryan, *Network Neutrality*, AALL ISSUE BRIEF 2008-3 (Dec. 2008), available at <http://www.aallnet.org/aallwash/ib122008.pdf>

Heidi Frostestad Kuehl
Pritzker Legal Research Center, Northwestern University School of Law

Illinois Bills Would Permit County Law Library Fee Increase

A pair of bills introduced in the new Illinois legislative session in January would allow county boards to authorize county law library fee increases to support library operations. In identical language, House Bill (HB) 146, sponsored by Rep. Marlow Colvin (D-33, Chicago), and Senate Bill (SB) 103, sponsored by Sen. Donne Trotter (D-17, Chicago), would permit county boards to raise county law library fees from the current \$13 to \$18 in 2009, \$19 in 2010, and \$21 in 2011. The Illinois Library Association (ILA) supports both bills; ILA provides more information, including links to the full text of the bills, at <http://capwiz.com/ala/il/issues/>.

Kevin McClure
Chicago-Kent College of Law

Proposed Changes to Illinois Freedom of Information Act

In the wake of recent corruption scandals, the Illinois state government is considering significant changes to the state's Freedom of Information Act. The current law is severely limited by a great number of exemptions and a lack of enforcement mechanisms. One bill, HB 3683, would make it so that any governmental body that violates the FOI act would be subject to fines up to \$1,000. There are currently no material penalties for noncompliance.

Another proposal, HB 831, would create the permanent position of Public Access Counselor with the authority to issue binding legal opinions. Under this law, the counselor would be required to submit an annual report to the General Assembly, including the total number of inquires and complaints received. Attorney General Lisa Madigan initially established the Public Access Counselor position in December 2004, but funding was cut, and the position has been vacant for nine months. From 2005 through 2007, the Public Access Counselor's office received more than 2,200 requests for assistance accessing state records.

The summary and status of both bills can be accessed at the Illinois General Assembly website at: <http://www.ilga.gov/legislation/default.asp>

Todd Ito
University of Chicago, D'Angelo Law Library

Indiana Government News: Public Library Coalition

Last year we reported about the Kernan/Shepard Commission for Local Government Reform, specifically the recommendation that public libraries in Indiana be consolidated into 92 countywide systems. This recommendation was made in order to achieve greater efficiency and to assure that every Indiana resident was served by a library.

This recommendation caused concern among library professionals as many counties have multiple library districts with a lot of local investment. Several professional groups have taken steps to be in the "driver seat" in this process and not just leave it to a "one size fits all" plan. In late 2008, a statewide library coalition began exploring new governance and financing models for Indiana's system of public libraries with the goals of responding to the Kernan/Shepard recommendations in a constructive way, and of developing strategies for managing the potentially damaging impact of the property tax reform in Indiana which has resulted in cuts in staff and services in many library districts.

The Indiana Library Federation, the Indiana Public Library Association, and the Indiana Library Trustees Association are working for passage of state legislation (SB 348) for a County Level Public Library Service Planning Process. The bill establishes a public library service planning committee in each county to prepare a library services plan for the county. It requires the committee to select for implementation one of five library service models which best meets that county's need.

The coalition recognizes the need for change but wants to make sure that the change is constructive and results in 1) full citizen access to library services, 2) libraries which meet or exceed statewide standards, 3) funding plans which ensure financial sustainability, 4) responsiveness to community needs, and 5) collaboration and leveraging of resources.

Indiana Library Federation Legislative Day on February 24, 2009, will rally support for the bill and provide opportunity for interaction with legislators. For more information go to <http://www.indianalibrarychampions.org>

Beverly Burmeister
Valparaiso University School of Law Library