TESTIMONY

Committee on GOVERNMENTAL AFFAIRS

The United States Senate

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**Statement of
Sharon A. Hogan
University Librarian
University of Illinois at Chicago
On behalf of the
American Library Association
American Association of Law Libraries
Association of Research Libraries
Before the Senate Committee on Governmental Affairs
on S. 803, *The E-Government Act of 2001*
July 11, 2001**

Good morning. I am Sharon Hogan, University Librarian at the University of Illinois at Chicago. I am also Chair of the Committee on Legislation of the American Library Association (ALA) and the Committee on Information Policies of the Association of Research Libraries (ARL.) I am very pleased to appear this morning on behalf of the American Association of Law Libraries (AALL) as well as ALA and ARL in support of S. 803, the *E-Government Act of 2001*. The library community has a strong interest in federal information policy and collectively, our associations represent thousands of libraries and librarians across the Nation.

Today we will focus our comments on the key provisions of S. 803 that enhance public access to government information. There are many other important provisions in the legislation, and our associations stand ready to continue to work with you and your staff on all provisions as the bill is further refined.

Librarians working with and for the American public know first-hand, on a daily basis, the importance and impact that government information has on the health and lives of all Americans, on the economic well being of our Nation and on the preservation of our democracy. Public, school, academic, law and

research libraries, including the more than 1300 Federal Depository Libraries across the country, provide access to and assist the American public in finding and sorting through this tremendous amount of critically important Federal government information on all subjects and in many formats.

Our public, school, academic, law and special libraries across the Nation are key access points for the American public and already are and should be members of e-government teams at the federal, state and local levels. Libraries, including Federal Depository libraries, assist thousands of Americans on a daily basis in locating and using the government information they need as well as connecting our public with government services and/or agency personnel. The American public relies on librarians, who are the knowledge experts and who understand the complexities and importance of organizing information by building directories and catalogs, and of preserving information. In the electronic environment, libraries function in several important roles in e-government including:

·   Providers of information through their collections, the organization and cataloging of information, and other functions;

·   Public access points for access for connecting to the Internet and providing local information and community services, and in closing the digital divide for those without access to the latest technology;

·   Educators and intermediaries by providing the necessary tools and expertise to assist and inform the public in accessing government information through physical and virtual collections and services;

·   Partners with other government agencies in the development of the infrastructures, policies and information collections in all formats;

·   Partners with the government in recognizing the need for continuous, permanent public access to government information.

Our democracy is based on the public's right to have access to information by and about their government. Government has an affirmative obligation to disseminate and provide broad public access to its information, to guarantee its authenticity and integrity, to ensure that government information remains in the public domain, and to ensure its continuous, permanent availability and preservation. There is also a Federal responsibility to adequately fund these functions for the public good.

During the past decade, Federal agencies, Congress and the courts have moved increasingly to rely on the Internet as the preferred system of public information access and dissemination. It is estimated that Federal entities today provide public access to more than 30 million web pages. This number will continue to grow exponentially. The public searches through the web sites of their elected representatives and congressional committees as well, to learn about the latest legislative proposals and their Members' position on issues of importance to them. The courts also are moving towards a fuller electronic environment that will provide access to opinions, dockets and even Electronic Case Files.

There are many agency success stories exemplifying good practices for public access to Federal government information. And yet, with all the growth towards a fuller electronic environment, the government's financial investments in technology, and the individual progress in many agency programs, overall progress governmentwide from the users' perspective has been slow, uncoordinated and without a clear vision for the future. But the move to an e-government has not been accompanied by the development of a comprehensive policy framework focusing on the life-cycle of electronic government information. Access in many cases has been disorganized and untimely. Lack of adequate funding has further eroded information access and compromised a reasonable transition to electronic dissemination, which affects all branches of government - Federal agencies, Congress, and the

courts. We cannot have an effective e-government without effective access to government information.

A strong and positive framework is absolutely necessary to ensure that the public will have seamless, continuous and permanent access to important electronic information. The *E-Government Act of 2001* addresses the need to increase the visibility of the many unresolved challenges of e-government and to develop a coordinated approach to make optimum use of digital technologies for the benefit of our citizenry. Without sound and reasonable information policies supported by adequate funding for the life-cycle of government information, e-government cannot move forward. A system that is already overwhelmed due to the lack of financial support will need an investment in adequate funding to succeed.

As we come together this morning to comment on S. 803, I would like first to commend the Committee on Governmental Affairs for initiating over a year ago a virtual public square for comment through the committee's web site that encouraged citizen participation in the development of this legislation. That open process exemplifies e-democracy and e-government at work. Sen. Thompson and Sen. Lieberman - we appreciate your joint vision and leadership in creating *e-Government: An Experiment in Interactive Legislation.*

This successful initiative provided a broad public forum through which the American public was given the unique opportunity to comment on issues of concern to them about e-government. S. 803 reflects many of the concerns and the issues raised during this dialog "to make the government more Internet-Friendly." There is little doubt that the American public would be well served if more congressional committees and members were to emulate this successful model in participatory government.

I would also like to recognize the diligent efforts of your Staff Counsel Kevin Landy in working with a broad array of stakeholders to develop this legislation. It has been a pleasure for us in the library

community to work with Mr. Landy on key provisions of the Act. We look forward to continuing to work with you as you refine and perfect this important legislative effort.

Mr. Chairman, when you and Sen. Conrad Burns and your other cosponsors unveiled S. 803 on May 1, 2001, our associations were pleased to have the opportunity to voice support for your efforts intended to improve public access to government information and services. This morning I would like to address three specific issues regarding the e-Government bill that are especially important from our perspective but especially focus on the access issues.

First, S. 803 articulates important purposes and goals of e-government, and establishes a new Office of Information Policy for the Executive Branch that will bring greater coordination and guidance to agencies.

Second, S. 803 includes important provisions that recognize the government's responsibility for the entire life-cycle of electronic government information, creating new policies and procedures to assist agencies in improving access to important information and services.

Third, in introducing S. 803, Sen. Lieberman called it a "work in progress." As you continue efforts to improve this legislation, we believe it is important to recognize the current statutory responsibilities of key agencies, and the important role of individuals within agencies who have specific responsibilities in the life-cycle of electronic government information.

First, access to government information is a basic right of all Americans, young or old, rich or poor, in our largest cities or most remote rural areas. It is also the government's affirmative obligation to provide the public with no-fee access to government information created and maintained with their tax dollars. This principle is fundamental to the open and participatory government that Congress and the library community have long affirmed. In order to meet this principle, the government must provide adequate funding for information technology,

permanent public access and preservation. Our democracy is based on the absolute right of all citizens, with nobody left behind, to know what actions their government is taking, to hold government accountable and to be able to participate in the workings of their government. This governmental obligation should include assuring access for those on the "other side" of the Digital Divide including those without electronic access and those with disabilities. Reaching these three goals through the exciting opportunities brought about by e-government will lead to greater public trust and confidence in our government.

Our Nation's libraries play a uniquely important role in this process. Your constituents have equitable no-fee access to Federal government information, created with their tax dollars, through the collections and services provided by their local library. From its earliest days, Congress wisely recognized the importance of the public's right and need to have access to the information created by the Federal government. The *Annals of Congress*, precursor to today's *Congressional Record*, were first published in 1789 to provide citizens with an official record of the debate and deliberations of their representatives in Congress.

Our Founding Fathers determined that an open and free government would guarantee a strong, vibrant and lasting democracy. Our challenge in the electronic age is to affirm these principles and recognize that the time has come to provide a policy framework to optimize and coordinate policies for electronic government information and services. S. 803 is an important effort to develop an efficient model to harness the strengths and benefits of the electronic environment more effectively to improve public access.

The findings and purposes of S. 803 are important for recognizing several shortcomings in the current model of electronic dissemination by Federal agencies. Numerous studies have concluded what many frustrated users of government information, including librarians, know for a fact—that locating

the government data or document one needs is often exceedingly frustrating because "finding tools" are inadequate and not comprehensive. This problem is complicated by the fact that web-based government information that one might have accessed a month or year ago may have disappeared from an agency web site into a black hole. While many agencies do a great job of posting important electronic documents to their web site, there is often no recognition of the value of that information to the public and the need for it to be available for continuous future use and for preservation.

We agree that there is currently a lack of coordination, cooperation, guidance or a means to oversee and measure agency compliance with many existing statutes. In the executive branch, the lack of enforcement for such policies as A-130, the lack of adequate funding for agencies, and the lack of coordination to guide agencies towards efficient use of technology to improve the public's access to information and services have become barriers between our citizens and their ability to easily locate and use government information. Policies and procedures are needed to assist agencies in becoming more efficient and effective in their dissemination responsibilities, and to ensure agency compliance with current statutes and the need for government accountability. Adequate funding must also be provided to support current functions as well as the transition to a more fully digital and electronic system.

S. 803 raises the visibility and improves coordination among agencies with respect to information policy issues. It establishes a new position of Federal Chief Information Officer in charge of a new Office of Information Policy at OMB. This proposal merits long overdue attention because it encompasses consideration of the challenges of e-government and provides coordination that will result in a strong framework for new and existing policies. The coordinating role of the Federal CIO is vital to ensure that agencies develop front-end solutions for the entire life-cycle of electronic information and services.

Generally, those who serve in the position of agency CIO come with strong backgrounds in technology, in IT procurement and in cyber security issues but they lack an understanding of the agency's responsibilities for public access. The CIO Council has focused its energies on important issues such as Y2K, cybersecurity, and privacy. The Council now needs to focus on the equally important responsibilities for the life-cycle of agency information. S. 803 will promote collaboration, consultation and teamwork between those who manage technology and those who manage information. A systematic and common sense approach that implements comprehensive life-cycle management of information policies is absolutely necessary to develop e-government. Again, the emphasis should be on access and coordination, not merely or strictly centralization.

Second, our organizations strongly believe that the Federal government is responsible for ensuring the entire life-cycle of electronic information, from creation to permanent public access and preservation. For many years now, we have testified before other committees within Congress that the Federal government must carry out these responsibilities in the electronic environment and must develop governmentwide policies and procedures to assist agencies in all three branches.

Librarians and information scientists--not information technologists—are the specialists in establishing cataloging, classification, indexing and metadata standards for government information products. Cooperative international bodies set current cataloging and classification standards using the combined knowledge of information professionals as a resource. The Library of Congress, the Government Printing Office, the national libraries, and other governmental agencies already cooperate with professional library organizations to create internationally recognized cataloguing standards such as MARC cataloguing records, AACRII, GILS and Dublin Core. In addition to the work of these agencies and organizations, it

should also be recognized that information technology standards that facilitate the integration of information technology are a separate issue from descriptive information science standards. Each is important in implementing an e-government proposal. The standard-setting bodies, however, are separate and need to be differentiated.

With the rapid and pervasive growth of electronic government information, one of the greatest challenges for users is simply identifying and locating the database or source that they need. In today's distributed electronic environment, there is a critical need for increased and enhanced coordination. In fact, an increased electronic environment requires greater coordination to bring all participants together on issues such as standards and guidelines.

I would like to highlight some specific provisions of the legislation:

·   Sec. 215 "Accessibility, usability and preservation of Government information.

We believe that an important benefit of the approach advanced in this legislation will be to bring together more closely within the planning and policy functions how an agency manages its information technology resources and the flow of information within agencies as well as to and from the public. In this way, agencies can engage in life-cycle planning, and ensure that technology plans are consistent with agency responsibilities for providing public access to their information resources.

It is critical to recognize the responsibility of the Federal government to provide for permanent public access to and preservation of electronic government information. Without a coordinated national program to systematically capture, preserve, and maintain ongoing access to electronic government data, important information is lost every day as files come and go from agency Web sites and computer servers. The information becomes inaccessible and thus useless to the American public whose tax

dollars have supported its creation. We believe that changes are necessary to correct the inadequacies in current law and to ensure permanent access to electronic government publications for future generations.   We believe that this system of permanent public access can be accomplished through a comprehensively coordinated program that includes Federal agencies, the Superintendent of Documents, the National Archives and Records Administration, the Library of Congress and other national libraries, depository libraries, and other library partners.

I would like briefly to describe two such successful partnerships. The first is at my institution, the University of Illinois at Chicago. The U.S. Department of State Foreign Affairs Network (DOSFAN) is a collaborative effort between the State Department's Bureau of Public Affairs, the University of Illinois at Chicago Library and the Federal Depository Library Program to provide permanent worldwide access to foreign policy information. (**www.dosfan.lib.uic.edu/**) When the collaboration began in 1993, DOSFAN official press briefings became available to the public for the first time. The site includes current and authenticated information, including the State Department's dispatches and advisories, information on human rights issues, consulate and embassy information, and information about travelling or living abroad. The site provides an easy way for citizens to submit questions or opinions about U.S. foreign policy through several email lists and contact points.

And the second is the Federal agency "Cybercemetery" maintained at the University of North Texas (**http://www.library.unt.edu/govinfo /research/research.html)**, another federal depository library, under a Memorandum of Understanding with the Government Printing Office (GPO). The "Cybercemetery" is a unique archive that provides the only continuous public access to information from defunct government agencies and special commissions. The web site was created in 1997 after the closing of the Advisory Commission on Intergovernmental Relations (ACIR), and since then the publications and working documents of eight

other defunct government bodies have been added. During the first month that the "Cybercemetery" was expanded to include the publications of the National Partnership for Reinventing Government (NPR), approximately 187,000 users accessed information from the NPR. The "Cybercemetery" was developed to provide continuous public access to valuable government information that is not otherwise available. The University of North Texas Libraries is to be commended for stepping in to fulfill what we believe is the government's responsibility for continuous permanent public access to important government information.

· Sec. 205 Federal Courts and Sec. 206 Regulatory Agencies.

We are very pleased that, based on comments from the public during the past year, S. 803 contains important provisions to improve access to information from the Federal courts and regulatory agencies. While much progress has been made throughout the court system to use the Internet for improved public access, including the creation of the official Supreme Court web site last year, Sections 205 and 206 provide an explicit framework for the courts to follow in creating and maintaining content on their web sites. We fully support these provisions, with the caveat that we believe that the courts and regulatory agencies should not be given a permanent opt-out. We ask that you strengthen the opt-out provisions so that there is an annual statement of progress each year and that there be a set timeframe for compliance. In addition, while the public has no-fee access to electronic information from agencies and Congress, the same cannot be said for public access to the courts' fee-based PACER system. We therefore fully support Sec. 205(e) that repeals current statutory language permitting the Administrative Office of the U.S. Courts to charge fees to access PACER, and we urge Congress to appropriate adequate funding for this purpose.

And third, as you have noted, Chairman Lieberman, S. 803 is a "work in progress." The foundation for an effective e-government across all three branches of

government already exists and can be expanded successfully without creating new institutions. Rather, many existing Federal government policies, services and resources should be maintained, enhanced, properly funded and integrated into the vision that the *E-Government Act of 2001* proposes.

To strengthen provisions of this legislation that are most important to achieving your goal of enhancing citizen access to government information, it is very important to recognize the current statutory responsibilities of key agencies, such as the National Archives and Records Administration (NARA) that has statutory responsibility for the preservation of government records and the Government Printing Office (GPO) that has successfully fulfilled the mandate of the *GPO Electronic Information Access Enhancement Act* (P.L. 103-40) to build the award-winning *GPO Access* system. This legislation should more clearly involve the many Federal entities already providing access to government information. We would like to see a clearer recognition of these institutions, including the Library of Congress and the national libraries.

For example, we would like to suggest that the legislation recognize the Institute of Museum and Library Services (IMLS) and the Federal Library and Information Center Committee (FLICC) as well. The IMLS plays an important role in funding digital projects that use the latest sophisticated technologies to improve access to valuable state and federal government information. Through the agency's National Leadership Grants, IMLS has funded 20-25 digital library projects each year, bringing together libraries, museums, archives and historical associations to create valuable collaborative projects.

In addition, the IMLS is working closely with the National Science Foundation to address the challenge of integrating large digital collections across many different institutions. Based on the knowledge and expertise of the IMLS in cutting-edge technologies and their important national coordinating role, we believe the agency should have

a statutory role in the development of the Online National Library. In addition, with its fingers on the pulse of our nation's libraries, the IMLS is naturally suited to play an important role in the further development of Community Technology Centers, including libraries, to enhance citizen access to government information and services.

It is also important that the legislation recognize the broad array of Federal agency personnel who need to work together to successfully implement provisions of S. 803. While CIOs play an important role in issues related to technology per se, they often don't have a strong background in information dissemination, nor are they always aware of the agency's responsibilities for public access. Agency records managers, web masters, privacy officers, public affairs staff, and agency librarians should all be working together to ensure that the agency is fulfilling its responsibility for the life-cycle of web-based information.

We must also develop mechanisms to ensure the authority and integrity of information available on agency Web sites. Users must be assured that the information they locate is, in fact, official. Protecting one's privacy is another challenge of e-government and users must also be assured that government does not intrude into personal privacy and that all appropriate privacy policies and practices are adhered to by all segments of government. And, ultimately, you will need to address how the different branches of government will coordinate their lifecycle management of government information.

The Federal Library and Information Center Committee (FLICC), an interagency council of 55 information managers from all three branches of the U.S. Government, would be a tremendous asset in helping coordinate agency personnel to work together to fulfill the new responsibilities mandated by S. 803. The Committee was established in 1965 by the Library of Congress and the Bureau of the Budget (now the Office of Management and Budget) to foster excellence in federal library and information services through interagency cooperation. FLICC

carries out its mission by promoting efficient and effective information services, coordinating the sharing of available resources, and providing training and educational opportunities for federal information professionals. FLICC also serves as a forum for discussion of federal library and information policies, programs, and procedures to help inform the Congress, federal agencies, and others about these issues. We recommend that you recognize the expertise of agency librarians by carving out a role for FLICC in this legislation.

In conclusion, while these are very exciting times in many ways because technology offers many promises of improved public access, we must put into place government wide policies and practices that will make the vision of e-government a reality. In order to harness the Internet to enhance public access—the laudable goal of S. 803—it is incumbent upon the government to fulfill its responsibility for the entire life-cycle of electronic government information. Effective public access for the American people is the first step toward effective e-government.

The *Electronic Government Act of 2001* includes important provisions that will result in improved public access, and we share its vision. We believe that collaborative approaches and governmentwide policies across all three branches are necessary to implement the most effective system of e-government. We are committed to working with you to improve this important legislation so that the American public benefits fully from e-government. Thank you very much.

ORGANIZATIONAL BIOGRAPHIES

THE AMERICAN ASSOCIATION OF LAW LIBRARIES (AALL)

The American Association of Law Libraries is a nonprofit educational organization with over 5,000 members nationwide. Our members respond to the

legal and governmental information needs of legislators, judges, and other public officials at all levels of government, corporations and small businesses, law professors and students, attorneys, and members of the general public.

THE AMERICAN LIBRARY ASSOCIATION (ALA)

The American Library Association is a nonprofit educational organization of over 60,000 librarians, library educators, information specialists, library trustees, and friends of libraries representing public, school, academic, state, and specialized libraries. ALA is dedicated to the improvement of library and information services, to the public's right to a free and open information society--intellectual participation--and to the idea of intellectual freedom.

THE ASSOCIATION OF RESEARCH LIBRARIES (ARL)

The Association of Research Libraries is a not-for-profit organization representing 122 research libraries in the United States and Canada. Its mission is to identify and influence forces affecting the future of research libraries in the process of scholarly communication. ARL programs and services promote equitable access to, and effective use of, recorded knowledge in support of teaching, research, scholarship, and community service.