

**ALA Committee on Legislation  
Report to Council  
2014 Midwinter Meeting – Philadelphia, Pennsylvania**

**Vivian Wynn  
Chair, ALA Committee on Legislation  
January 27, 2014**

The Committee on Legislation (COL) collaborated with the Intellectual Freedom Committee to pass two resolutions and also passed one additional resolution and one tribute. The first resolution addresses COL's support for the reforms in the USA FREEDOM Act. The second resolution addresses the need to expand federal whistleblower protections. The third resolution addresses the need to maintain government websites during a federal government shutdown. The tribute honors Sen. John Rockefeller for his commitment to libraries.

We refer you to the *ALA Washington Office Six-Month Report* that gives you additional background information about ALA's federal legislative activities since Annual 2013.

The resolution is CD#20.1:

**RESOLUTION ON CURBING GOVERNMENT SURVEILLANCE AND RESTORING CIVIL LIBERTIES**

*Resolved*, that the American Library Association

1. calls upon Congress to pass legislation supporting the reforms embodied in H.R. 3361/S. 1599 as introduced, and upon the President to sign such legislation; and
2. commends Senator Patrick Leahy and Congressman James Sensenbrenner for sponsoring the USA FREEDOM Act, the 143 legislators in the Senate and the House who have co-sponsored it, and the 85 organizations that have endorsed it, as of January 27, 2014.

This resolution is CD#20.2:

**RESOLUTION ON EXPANDING FEDERAL WHISTLEBLOWER PROTECTIONS**

*Resolved*, that the American Library Association (ALA) on behalf of its members:

1. urges Congress to amend the Whistleblower Protection Enhancement Act of 2012 to extend existing legal protections for whistleblowers to employees of all national security and intelligence agencies, and to non-federal employees working for civilian contractors;
2. urges Congress to establish a secure procedure by which all federal employees, and all non-federal employees working for civilian contractors, may safely share evidence they have discovered of fraud, waste, or abuse with the appropriate oversight committees of Congress, and directly with the press and the American people, with the protection of legally enforceable rights against retaliation or prosecution;
3. commends the courage and perseverance of federal employees, and non-federal employees working for civilian contractors, who risk their livelihoods, their reputations and their liberty to expose evidence of government fraud, waste, or abuse.

This resolution is CD#20.3:

**RESOLUTION ON MAINTAINING GOVERNMENT WEBSITES DURING A GOVERNMENT SHUTDOWN**

*Resolved*, that the American Library Association (ALA):

1. urges the President to direct the Office of Management and Budget (OMB) and Department of Justice (DoJ) to develop guidance to federal agencies stating that, in the event of a government shutdown or other emergency, continued access by the public to essential information on agency websites is an “excepted” activity that would warrant the retention of personnel or the obligation of funds to assure access;
2. urges the Office of Management and Budget (OMB), in the absence of such a guideline, to direct each agency to communicate the status during a shutdown of its website to the Government Printing Office (GPO) or another appropriate agency, which would widely communicate and update information about which agencies are maintaining their websites, which are updating them and which are closing them;
3. urges OMB to require each agency to determine what information is essential and should be available if a government shutdown or emergency should occur. For such an occurrence, develop a contingency plan for continued public access to information;
4. urges OMB to direct agencies to work with GPO in hosting their online publications and data in the Federal Digital System (FDSys) or other publicly accessible means;
5. urges GPO to expand its automated harvesting of Federal agencies’ websites and to redirect persistent uniform resource locators (PURLs) to GPO-harvested copies rather than agency websites; and
6. urges that GPO or another appropriate agency be directed to maintain a clearinghouse of web pages that provide alternate ways of accessing government information.

This resolution is CD#20.4:

**RESOLUTION HONORING SENATOR JOHN D. (JAY) ROCKEFELLER IV FOR HIS SUPPORT OF AMERICA’S LIBRARIES**

*Resolved* that the American Library Association (ALA):

1. extends its deepest gratitude to Senator John D. (Jay) Rockefeller IV for his extraordinary service and record of achievement; and
2. expresses sincere appreciation for his years of dedicated commitment to the American public and to the libraries that serve them.

Additionally, COL brings to you the following information items:

COL would like to thank the Federal Depository Library Program Task Force for their ongoing work. In particular the committee thanks Chair Maggie Farrell, Anne Elias, Janet Fischer, Lori Goetsch, Mary Mallory, Bruce Sarjeant, Laura Sours, Robbie Sittel, and ALA staff member Jessica McGilvray.

The Task Force conducted a very successful open dialogue on Saturday, January 25th, during the ALA Midwinter conference. Approximately 70 members attended and discussed several issues that would be critical in developing a national preservation plan. The participants discussed ways in which ALA would advance a plan as well as the role of ALA in speaking to FDLP concerns. The open dialogue complements both the online survey and the request to ALA units to formally submit comments. All three strategies are utilizing the same set of questions and will provide a broad overview of FDLP concerns that will advise the Task Force. The goal of the Task Force is to seek broad perspectives among the divisions, roundtables, and units within ALA in order to develop recommendations and possible processes in future ALA conversations regarding the future of the FDLP. The Task Force will submit their final report to COL, June 2014.

During COL's first business meeting on Friday, the committee discussed Council Document 49 (Annual 2013), *Resolution on Digitization of U.S. Government Documents*, which was referred to COL at Annual 2013. COL moved that they would defer discussion on CD 49 until the Federal Depository Library Program Task Force completes its work as CD 49 directly related to the work of the task force. COL will report back to Council on CD 49 at Annual 2014.

COL unanimously passed a statement regarding CD 37 (Midwinter 2014) The statement in full:

COL has seen and discussed CD 37 (MW 2014) and strongly opposes its passage.

COL feels CD 20.4 (Annual 2013) strongly states the positions that ALA has regarding whistleblowers and reaffirms the content of 20.4 (Annual 2013). COL feels that documents such as CD 20.4 (Annual 2013) are written to stand the test of time. COL feels ALA should focus on what the revelations have told us about our government, not on the people who have revealed this information.

COL believes mentioning individuals, such as CD 37 (MW 2014) does, is not an appropriate approach because it detracts from the ability of ALA to fight for the significant reforms needed to our nation's surveillance laws and to seek long term changes that end mass surveillance.

## **Government Information**

The Government Information Subcommittee (GIS) held two meetings at ALA Midwinter 2014. The first meeting was held jointly with the Government Documents Round Table's (GODORT) Legislation Committee. During this meeting, Janet Fisher provided an update on the COL FDLP Task Force's Open Dialogue held that morning. At the conclusion of the update and subsequent discussion, the committees turned their attention to the resolution on maintaining government websites during a government shutdown.

The subcommittee met again to continue their work on the resolution discussed at their first meeting. They completed their edits and submitted the resolution to the Committee on Legislation. The subcommittee will continue to hold regular conference calls.

## **E-Government Services**

The subcommittee on E-Government Services met once during the ALA Midwinter 2014 conference. The members discussed updates needed for the E-Government Toolkit and what activities they should focus on in the coming year. They also discussed a series of e-government webinars that will be held in the coming months by ALA and iPAC at the University of Maryland. The subcommittee will continue to hold monthly conference calls to their work.

## **Grassroots**

The COL Subcommittee on Grassroots Advocacy held two meetings at the 2014 Midwinter meeting. The group discussed ways to re-establish state advocacy networks, a key goal of the larger COL committee. The subcommittee viewed and discussed several videos that the Washington Office hopes to use with legislators to demonstrate library programs. The group also discussed ways to promote National Library Legislative Day, being held on May 5 and 6, (NLLD) and brainstormed special events to help celebrate the 40<sup>th</sup> anniversary of NLLD. At the second meeting, the subcommittee was briefed by Washington Office staff on legislative updates and the upcoming need for grassroots support. Finally, the group analyzed Stephanie Vance's report on the ALA advocacy survey completed in late 2013. Subcommittee members look forward to working with Stephanie and the Office of Government of Relations on ways to address the issues raised in the survey.

## **Copyright**

The COL Copyright Subcommittee held one meeting at the 2014 Midwinter meeting. Martin Garner, Chair of the Committee on Professional Ethics, briefed members on the copyright portion of the upcoming Intellectual Freedom Manual. The copyright subcommittee will appoint two members to work on the manual with other interested copyright groups across the association. Ted Wegner briefed the group on the ongoing copyright review in the House Judiciary Committee. The subcommittee discussed an ongoing project to develop sound bites about copyright for members to use at National Library Legislative Day and with legislators at home. The Subcommittee Chair will hand out further assignments on this project. Finally, members indicated their interest in planning a copyright program for the 2014 Annual meeting.

## **Telecommunications**

The Committee on Legislation (COL) Subcommittee on Telecommunications met on Saturday afternoon at the 2014 ALA Midwinter Conference. At this meeting the subcommittee discussed several relevant issues including, but not limited to, the federal E-rate program; net neutrality; and possible congressional reauthorization of the Federal Telecommunications Act. Furthermore, the subcommittee discussed its role and what possible actions the subcommittee can take in the future. Finally, the subcommittee passed a resolution to honor retiring U.S. Senator Jay Rockefeller.

## **Legislation Assembly**

The Legislation Assembly met Monday morning of the 2014 ALA Midwinter Conference. At this meeting, the assembly shared and discussed current resolutions that they are working on. These included whistleblower protections, the USA Freedom Act, the government shutdown, honoring Rockefeller. Following this, the assembly heard from the groups and divisions present in the meeting. Finally the assembly heard from Washington Office staff on legislative updates.

## RESOLUTION ON CURBING GOVERNMENT SURVEILLANCE AND RESTORING CIVIL LIBERTIES

Whereas the U.S. National Security Agency (NSA) operates multiple classified programs to collect, mine, retain, and share with third parties data on U.S. persons who are not under investigation for criminal activity;

Whereas the data collected by these programs include activities of library users;

Whereas these programs are conducted with minimal oversight and inadequate transparency;

Whereas among recent decisions and study group reports there is no consensus regarding the constitutionality and statutory basis of these programs<sup>1</sup>;

Whereas the American Library Association (ALA) is committed to the principles of privacy, open government, governmental transparency, and accountability<sup>2</sup>;

Whereas the ALA has defended vigorously the privacy rights of library users and supported openness, accountability and governmental transparency<sup>3</sup>;

Whereas Senator Patrick Leahy (D-VT) and Congressman James Sensenbrenner (R-WI) have introduced the USA FREEDOM Act (H.R. 3361/S. 1599) which

- ends bulk collection of U.S. persons' communications records
- requires court orders to collect U.S. persons' communications under the Foreign Intelligence Surveillance Act (FISA) Amendments Act
- creates new and shorter sunset provisions to ensure proper oversight
- reforms the Foreign Intelligence Surveillance Court
- increases transparency and oversight
- limits the types of records obtainable under Section 215 and National Security Letters and the authority by which they are obtained;

now, therefore, be it

*Resolved*, that the American Library Association (ALA):

- calls upon Congress to pass legislation supporting the reforms embodied in H.R. 3361/S. 1599 as introduced, and upon the President to sign such legislation; and
- commends Senator Patrick Leahy and Congressman James Sensenbrenner for sponsoring the USA FREEDOM Act, the 143 legislators in the Senate and the House who have co-sponsored it, and the 85 organizations that have endorsed it, as of January 27, 2014.

<sup>1</sup>ACLU v. Clapper (S.D.N.Y.) (*slip op.*, December 27, 2013); FISC 3 October 2011 decision, released 21 August 2013; Klayman v. Obama (D.D.C.) (*slip op.*, December 16, 2013); Privacy and Civil Liberties Oversight Board, 2014, *Report on the Telephone Records Program*; President's Review Group on Intelligence and Communications Technologies, 2013, *Liberty and Security in a Changing World*

<sup>2</sup>Article III, *ALA Code of Ethics*, 1939; *ALA Policy on Confidentiality of Library Records*, 1971; *Policy concerning Confidentiality of Personally Identifiable Information about Library Users*, 1991; *Privacy: An Interpretation of the Library Bill of Rights*, 2002; *ALA Resolution on the Retention of Library Usage Records*, 2006; *Resolution on the Need for Reforms for the Intelligence Community to Support Privacy, Open Government, Government Transparency, and Accountability*, 2013

<sup>3</sup> *Resolution Reaffirming the Principles of Intellectual Freedom in the Aftermath of Terrorist Attacks*, 2002; *Resolution on the USA PATRIOT Act and Related Measures That Infringe on the Rights of Library Users*, 2003; *Resolution on the Terrorism Information Awareness Program*, 2003; *Resolution on the USA PATRIOT Act and Libraries*, 2005; *Resolution on the Use and Abuse of National Security Letters: On the Need for Legislative Reforms to Assure the Right to Read Free of Government Surveillance*, 2007; *Resolution on the Reauthorization of Section 215 of the USA Patriot Act*, 2009

## RESOLUTION ON EXPANDING FEDERAL WHISTLEBLOWER PROTECTIONS

Whereas in 2003 the American Library Association (ALA) cautioned that the USA PATRIOT Act and related laws, regulations, and guidelines would "increase the likelihood that the activities of library users, including their use of computers to browse the Web or access e-mail, may be under government surveillance without their knowledge or consent"<sup>1</sup>;

Whereas the public now knows that the National Security Agency (NSA) has been collecting the telephone call metadata of millions of customers of Verizon Business Services, AT&T, and Sprint pursuant to orders issued by the Foreign Intelligent Surveillance Court (FISC) under Section 215 of the USA PATRIOT Act;

Whereas pursuant to court orders issued by the FISC under Section 702 of the FISA Amendments Act (FAA) the NSA operates programs that collect and retain vast quantities of data on internet usage; and while authorized to target communications of foreign persons, the NSA has admitted that it also collects and stores Internet data from U.S. persons;

Whereas in 2004 ALA affirmed its "support for accountable government and the role of whistleblowers in reporting abuse, fraud, and waste in governmental activities"<sup>2</sup>;

Whereas in 2011 ALA urged "Congress to pass legislation that expands protections for whistleblowers in the Federal government," and further urged "the U.S. President, Congress, the federal courts, and executive and legislative agencies to defend the inalienable right of the press and citizens to disseminate information to the public about national security issues and to refrain from initiatives that impair these rights"<sup>3</sup>;

Whereas Presidential Policy Directive 19 of October 10, 2012, prohibits retaliatory actions against federal employees in intelligence agencies but limits such protected communications to superiors within their agency chain of command and relevant Offices of Inspector General, and is exclusively enforced on the administrative level by the intelligence community targeted in a whistleblower's disclosure and does not include judicial review of administrative rulings;

Whereas public access to information by and about the government is essential for the healthy functioning of a democratic society and a necessary prerequisite for an informed and engaged citizenry empowered to hold their government accountable for its actions;

Whereas the ALA values access to documents disclosing the extent of public surveillance and government secrecy, as access to these documents enables the critical public discourse and debate necessary to redress the balance between our civil liberties and national security;

Whereas such disclosures enable libraries to support discourse and debate by providing resources for deliberative dialogue and community engagement; and

Whereas the ALA remains concerned about due process and protection for persons who provide such revelations; now, therefore, be it

*Resolved*, that the American Library Association (ALA):

1. urges Congress to amend the Whistleblower Protection Enhancement Act of 2012 to extend existing legal protections for whistleblowers to employees of all national security and intelligence agencies, and to non-federal employees working for civilian contractors;

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<sup>1</sup> "Resolution on the USA Patriot Act and Related Measures that Infringe on the Rights of Library Users" (2003)

<sup>2</sup> "Resolution on Securing Government Accountability Through Whistleblower Protection" (2004)

<sup>3</sup> "Resolution on Access to and Classification of Government Information" (2011)

2. urges Congress to establish a secure procedure by which all federal employees, and all non-federal employees working for civilian contractors, may safely share evidence they have discovered of fraud, waste, or abuse with the appropriate oversight committees of Congress, and directly with the press and the American people, with the protection of legally enforceable rights against retaliation or prosecution;
3. commends the courage and perseverance of federal employees, and non-federal employees working for civilian contractors, who risk their livelihoods, their reputations and their liberty to expose evidence of government fraud, waste, or abuse.

**RESOLUTION ON MAINTAINING GOVERNMENT WEBSITES DURING A GOVERNMENT SHUTDOWN**

Whereas public online access to federal government information directly affects U.S. citizens in areas as diverse as weather forecasting, natural hazards, immigration, health, and taxation;

Whereas federal government information has been paid for by the public through taxes and should remain freely available even during government shutdowns;

Whereas from October 1 through 16, 2013, the United States federal government shut down and curtailed most routine operations after Congress failed to enact legislation or interim authorization for appropriating funds for fiscal year 2014;

Whereas there have been 18 partial and total federal government shutdowns since 1980;

Whereas Office of Management and Budget (OMB) Circular A-11, OMB Memorandum M-13-22, and the Department of Justice Attachment to OMB M-13-22 do not provide sufficient guidance to agencies about government websites during government shutdowns;

Whereas during the 2013 government shutdown some federal websites became inaccessible, while others continued to function at full or limited capacities; and the public was not informed which agencies were in which category; and

Whereas Federal Depository Libraries were unable to provide alternative access to electronic information to the public during this shutdown; now, therefore, be it

*Resolved*, that the American Library Association (ALA):

1. urges the President to direct the Office of Management and Budget (OMB) and Department of Justice (DoJ) to develop guidance to federal agencies stating that, in the event of a government shutdown or other emergency, continued access by the public to essential information on agency websites is an "excepted" activity that would warrant the retention of personnel or the obligation of funds to assure access;
2. urges the Office of Management and Budget (OMB), in the absence of such a guideline, to direct each agency to communicate the status during a shutdown of its website to the Government Printing Office (GPO) or another appropriate agency, which would widely communicate and update information about which agencies are maintaining their websites, which are updating them and which are closing them;
3. urges OMB to require each agency to determine what information is essential and should be available if a government shutdown or emergency should occur. For such an occurrence, develop a contingency plan for continued public access to information;
4. urges OMB to direct agencies to work with GPO in hosting their online publications and data in the Federal Digital System (FDSys) or other publicly accessible means;
5. urges GPO to expand its automated harvesting of Federal agencies' websites and to redirect persistent uniform resource locators (PURLs) to GPO-harvested copies rather than agency websites; and
6. urges that GPO or another appropriate agency be directed to maintain a clearinghouse of web pages that provide alternate ways of accessing government information.

Endorsed in principle by GODORT



**RESOLUTION HONORING SENATOR JOHN D. (JAY) ROCKEFELLER IV  
FOR HIS SUPPORT OF AMERICA'S LIBRARIES**

Whereas Senator Jay Rockefeller has served as United States Senator representing the state of West Virginia for 30 years and leaves a legacy of strong, unyielding support for libraries and the public interest; and

Whereas he has been an enthusiastic champion of the work of the American Library Association (ALA) and the work of all types of libraries both as a United States Senator and for eight years as Governor of West Virginia; and

Whereas he was instrumental in leading a bipartisan effort to establish the E-rate program in the U.S. Telecommunications Act of 1996, resulting in more than \$2 billion annually for public libraries and K-12 schools; and

Whereas he vigorously defended the E-rate program following its inception, to make telecommunications and internet access affordable and accessible to public libraries and K-12 schools; and

Whereas, his work on behalf of and dedication to the public interest leaves a long-lasting and positive impact on library patrons, the public, and students in his home state of West Virginia and in communities across the country; and

Whereas, he has demonstrated his unwavering commitment to the American public through his steadfast leadership and tireless work in his role as an elected official; now, therefore, be it

*Resolved*, that the American Library Association (ALA):

1. extends its deepest gratitude to Senator John D. (Jay) Rockefeller IV for his extraordinary service and record of achievement; and
2. expresses sincere appreciation for his years of dedicated commitment to the American public and to the libraries that serve them.

**WASHINGTON OFFICE**  
**Six-Month Report**  
**July 1, 2013–January 1, 2014**

**OFFICE FOR INFORMATION TECHNOLOGY POLICY (OITP)**

**ALA Joins Educators, Telecommunications Firms in Supporting E-rate**

In June, President Obama announced the ConnectED initiative, which aims to connect America’s students to high-capacity broadband and high-speed wireless. The current funding cap on the E-rate program consistently falls far short of meeting basic demand for broadband-enabled services, and technology trends show needs and future capabilities for libraries and schools are only growing. In July, the Maine State Librarian Linda Lord called for a “proactive vision for meeting the educational and learning needs of our communities for the next 15 years and beyond” at a hearing of the U.S. Senate Committee on Commerce, Science and Transportation.

Throughout the fall of 2013, ALA asked the Federal Communications Commission to accelerate deployment of the high-capacity broadband needed to serve students and learners of all ages through our nation’s libraries and schools. ALA called for new E-rate funding to jumpstart and sustain high-capacity broadband connections that support digital learning and economic development through libraries and schools (by proposing “ConnectUS” and FINAL programs). OITP representatives discussed E-rate in October at the Schools, Libraries and Health Broadband Coalition meeting in Washington, D.C. ALA met with the Federal Communications Commission in November to advocate for modernization proposals.

**Libraries Applaud Dismissal of Google Book Search Case**

After eight years of litigation, the U.S. District Court for the Southern District of New York upheld the fair use doctrine in November 2013 when it dismissed *Authors Guild v. Google, et al.*, a case that questioned the legality of Google’s searchable book database. The Library Copyright Alliance—which is comprised of the American Library Association, the Association of College & Research Libraries and the Association of Research Libraries—welcomed U.S. District Judge Denny Chin’s decision to protect the Google database that allows the public to search more than 20 million books. In his dismissal of the case, Judge Chin referenced an [amicus brief](#) submitted by the Library Copyright Alliance and enumerated the public benefits of Google Book Search by calling the project a fair use under the copyright law. The Authors Guild recently filed an appeal.

**ALA Launches “Authors for Library E-books” Campaign**

During the 2013 Annual ALA Conference, Maureen Sullivan, ALA immediate past president, announced the launch of “[Authors for Library Ebooks](#),” a new initiative that asks authors to stand with libraries in their quest for equitable access to e-books. Bestselling authors Cory Doctorow, Ursula K. Le Guin and Jodi Picoult helped kick off the campaign. The campaign represents an extension of ALA’s advocacy strategy to ensure all people have access to the world’s knowledge and literature through our nation’s libraries—regardless of format. Developed by the ALA’s [Digital Content & Libraries Working Group](#), the campaign encourages authors to sign on to a statement of shared values, to discuss the issue with their publishers, and raise awareness of their concerns through their websites, social media and other communications channels.

**ALA Launches Policy Revolution! Initiative for Libraries**

The Office for Information Technology Policy will begin work on a national public policy agenda and action plan for U.S. libraries with support from a new grant from the Bill & Melinda Gates Foundation. Nearly \$1 million in funding over three years will enable ALA to increase library visibility and bolster capacity for sustained action on the national level. The initiative will evaluate ALA advocacy efforts and enhance the organization’s policy messaging and communications.

### **Pew Report: Libraries Key to American Dream**

An overwhelming majority of Americans acknowledge that public libraries offer more than just books and provide community-tailored programs that improve the quality of life, according to “How Americans value public libraries in their communities,” a report released from the Pew Research Center in December. The report found that 95 percent of Americans agree that libraries play an important role in giving everyone a chance to succeed. The Pew Research Center study found that 72 percent of all Americans adults have either used a public library in the past year or live in a household with a family member who is an active library user. Read the ALA statement:

<http://www.ala.org/news/press-releases/2013/12/pew-study-libraries-and-society-illustrates-expanding-roles-us-libraries>. Visit <http://www.pewInternet.org/topics/Libraries.aspx> to learn more about the Pew study. OITP represents ALA on the advisory committee for the Pew studies on libraries.

### **ALA Leadership Talks Ebooks with Publishers in New York**

In late September, ALA President Barbara Stripling led an ALA delegation to New York to meet with publishers and others in the publishing ecosystem; the delegation included Immediate Past President Maureen Sullivan, Keith Michael Fiels, DCWG Co-chair Robert Wolven and Alan S. Inouye. ALA delegation members met with executives at Penguin Random House and Simon & Schuster, the Association of American Publishers and the American Booksellers Association. Alan Inouye wrote about the leadership meetings on the American Libraries’ [E-content blog](#).

### **Google, ALA Host Webinar: Revisiting CIPA 10 Years Later**

In July, the American Library Association and Google, Inc., hosted a national symposium where library, education, technology, legal and policy experts considered the impact of the Children’s Internet Protection Act on access to electronic information. Participants joined a wide range of experts to discuss insights looking at legal, ethical, and political implications of how the CIPA requirements have been implemented in the past 10 years. “Revisiting the Children’s Internet Protection Act: 10 Years Later” was part of the Office for Information Technology Policy and Office for Intellectual Freedom’s larger project on CIPA and access to information, made possible through support of Google, Inc. A white paper will be released at the 2014 ALA Midwinter Meeting in Philadelphia.

### **ALA Submits Comments, Testifies on Department of Commerce Green Paper on Copyright**

In November, ALA, with the Library Copyright Alliance (LCA), submitted comments in response to the Department of Commerce’s green paper, Copyright Policy, Creativity, and Innovation in the Digital Economy. The Internet Policy Task Force of the Commerce Department issued its report in July 2013 and proposed recommendations in three areas: updating the balance of rights and exceptions; assessing and improving enforcement tools to combat online infringement; and realizing the value of the Internet in commerce via online licensing. Any changes in the law in these three areas will impact libraries if exclusive rights are expanded in the digital environment, if online service providers (like libraries who provide public access to computers) are held liable for the infringements of others. The LCA commented on statutory damages in the context of individual file sharers and secondary liability and on online licensing, specifically: the impact of online licensing platforms on fair use; collective rights organizations operating such a platform, and possible negative consequences of the proliferation of licensing as contracts place restrictions on copyright exceptions.

At a public meeting held in December, LCA sat on a Department Commerce panel on online transactions. LCA is concerned about mandatory licensing regimes that make the assumption that all uses can be licensed will restrict fair use. In addition, existing licensing mechanisms and clearinghouses have a history of fraud. LCA will follow up with reply comments on the public meeting in January 2014. Additional public roundtables are tentatively scheduled in the spring 2014.

### **Jamie Schleser Selected for 2013 ALA Google Policy Fellowship**

Jamie Aurelia Schleser, a doctoral student from American University, served as the American Library Association’s 2013 Google Policy Fellow. During the summer of 2013, Schleser worked with OITP in Washington, D.C. on technology and Internet policy issues. As a Google Policy Fellow, Schleser worked in diverse areas of information policy that include digital copyright, e-book licenses and access, telecommunications policy, digital literacy, online privacy, and the future of libraries. Her dissertation examines how networked memory institutions—including the Internet Archive, the World Digital Library and the Digital Public Library of America—are using the Internet to inform cultural production and communication in broad strokes.

## **Digital Content Working Group Hosts Ebook Town Hall**

Nearly 700 librarians, publishers and media reporters participated in the American Library Association's first "Virtual Town Hall" on Ebooks in October. As part of the virtual town hall, several key ALA leaders discussed efforts made to advocate for library interests in the publishing world. Participants had the opportunity to join ALA President Barbara Stripling, Immediate Past President Maureen Sullivan and the leadership of the ALA's Digital Content Working Group to discuss ALA ebook activities, plans and future directions. Panelists also provided views on the current digital publishing climate and discuss ways that ALA can better advocate for important library interests. [View the archived town hall.](#)

## **OFFICE OF GOVERNMENT RELATIONS (OGR)**

### **ALA calls for accountability and transparency in nation's surveillance laws**

ALA was gravely concerned, but unfortunately not surprised, at the June 2013 revelation that the U.S. government obtained the data on millions of innocent and unsuspecting Americans (as well as several world leaders). ALA called upon Congress to provide more accountability and transparency about how the government is obtaining and using vast amounts of information about innocent people. In July, the American Library Association joined an unprecedented coalition of Internet companies and advocates to [deliver a letter](#) to the U.S. government demanding greater transparency around national security-related surveillance of Internet and telephone communications. Key civil liberties organizations and major companies such as Apple, Facebook and Twitter, joined in the effort with dozens of other companies and organizations, both large and small. [WeNeedToKnow](#), the newly launched petition directed at the White House invites the public to contribute to the call for greater transparency around government surveillance.

In response to the NSA leak, ALA launched "[ALA Liberty](#)," a website that contains tools libraries can use to host educational sessions and public forums that help Americans understand their First and Fourth Amendment rights. The website contains guides and tip sheets for libraries interested in informing members of the public about their civil liberties. The tools provide an overview of the deliberative process and outlines ways that the public can demand government oversight and transparency from legislators.

Reforms to the National Security Agency's massive unconstitutional surveillance program may soon be underway. In the same week in December, the surveillance reform debate was enjoined in all branches of government.

- **Executive Branch:** In December, President Obama's Review Group on Intelligence and Communications Technologies released a report calling for transparency, online security tools, and organizational reforms to the NSA.
- **Legislative Branch:** The American Library Association joined more than 50 businesses, civil liberties groups and public interest organizations in opposing the FISA Improvements Act, a bill that will legalize and extend NSA mass surveillance programs. Opposers to the bill include the American Civil Liberties Union, the Electronic Frontier Foundation, PEN American Center, TechFreedom, and others.
- **Judicial Branch:** D.C. District Court Judge Richard Leon ruled that the National Security Agency's surveillance practices on millions of unsuspecting Americans may be unconstitutional. In the ruling, D.C. District Court Judge Leon found the surveillance practices to be an "indiscriminate" and "arbitrary invasion" of personal data on Americans. In addition to finding that the program violates First and Fourth Amendments guaranteed by the Constitution, Judge Leon also examined the ineffectiveness of the NSA program in preventing terrorism. One week later, a district court in New York found just the opposite, ruling that the bulk collection of telephone data does not violate the Constitution. Judge William Pauley of the Southern District of New York found that privacy protections protected in the Fourth Amendment should be balanced against a government need to prevent future terrorist attacks. "The right to be free from searches is fundamental but not absolute," said Judge Pauley. "Whether the fourth amendment protects bulk telephony metadata is ultimately a question of reasonableness." ALA expects that the surveillance issue will be taken to the U.S. Supreme Court.

### **ALA Welcomes USA Freedom Act**

ALA is rallying librarians to support the USA Freedom Act, a bill that will improve the balance between terrorism prevention and personal privacy protection. The USA FREEDOM Act would place restrictions on bulk phone and internet government surveillance, and permit companies to make public the number of FISA orders and National Security Letters received. The bicameral legislation would rewrite section 215 of the Patriot Act. ALA is encouraging members, library supporters and privacy advocates to tell their U.S. representatives and senators to cosponsor the Freedom Act.

### **Library Services Impacted by Government Shutdown**

In October, the U.S. government shut down after Congress failed to compromise on a continuing resolution to fund the government. While the ALA Washington Office remained up and running, the shutdown had a noticeable impact on library services across the country. The Institute of Museum and Library Services closed and was unable to disperse grants and funds to libraries as part of the Library Services and Technology Act. The Government Printing Office was shut down, and the U.S. Census websites and collection surveys were unavailable until the government reopened. The Library of Congress was also closed to the public and researchers for the duration of the shutdown.

### **IMLS, ALA Detail Affordable Care Act Resources for Library Staff**

The Institute of Museum and Library Services (IMLS) and ALA announced information resources for libraries to use to assist patrons about the Affordable Care Act in July. OCLC's library program WebJunction will provide online educational webinars, tip sheets, and other resources to help library staff members respond to increased patron information needs related to the new health insurance marketplace. Library staff can access materials, online resources, webinar registrations, and archived webinar recordings at the WebJunction website.

### **OGR Involved with New Project on Seniors and Technology**

In the fall, the Office of Government Relations co-sponsored and participated in a pilot workshop with Senior Service America, Inc., Montgomery County Public Libraries, the Benton Foundation, as well as officials from both the U.S. Department of Labor and the Maryland Workforce Corporation. Participation in the workshop is part of ALA's efforts to ensure that libraries are recognized and can get funding for workforce investment programs. The pilot workshop is intended to be replicated in a number of other states and support senior job hunters by offering digital literacy training through libraries and cooperative activities with various state and local government employment services.

### **ESEA Reauthorization Bill Introduced in U.S. Senate**

The Strengthening America's Schools Act, a bill that would reauthorize the Elementary and Secondary Education Act, was introduced in the United States Senate. S 1094 is a huge victory for libraries as it creates a specific provision for school libraries and implements the Improving Literacy and College and Career Readiness through Effective School Library Program. The bill is the first to recognize the role school library programs play in student learning since the Elementary and Secondary Education Act was first enacted in 1965.

### **ALA Opposes Harmful Federal Research Legislation**

In November, legislators circulated language for the Frontiers in Innovation, Research, Science and Technology Act of 2013, a bill that would restrict public access to articles reporting on federally-funded research for up to three years after initial publication. The proposed delay is two and a half years longer than what is proposed in the bicameral and bipartisan Fair Access to Science and Technology Research Act. ALA has joined in a letter with 10 other national and regional library, publishing, and advocacy organizations expressing our strong opposition the current language in the FIRST bill.

### **National Freedom of Information Day Set for March 2014**

The 16th annual National Freedom of Information Day conference will be held Friday, March 14, 2014, at the Knight Conference Center at the Newseum in Washington, D.C. The Newseum Institute's annual conference brings together librarians, nonprofits, government officials, lawyers, journalists and educators to discuss freedom of information and open records. Last year, the American Library Association posthumously awarded activist Aaron Swartz the Madison Award for his dedication to promoting and protecting public access to research and government information.

**OGR Hosts Free Webinar on Local Library Advocacy**

In November, the Office of Government Relations hosted “The Fiscal Situation in Washington and How it Gives Librarians a Huge Advantage,” a webinar that taught library advocates how to influence state and local politics. The webinar was led by OGR advocacy consultant Stephanie Vance, who outlined the current political climate in Washington D.C. and detailed ways that advocates can use inactivity on the federal level to their advantage at the local level. Stephanie Vance also presented findings from a recent OGR advocacy survey that generated over 1,000 responses. The information gathered in the survey will help ALA Washington Office staff and library advocates continue to develop successful grassroots strategies.