TO: ALA Executive Board

RE: Washington Office Report

ACTION REQUESTED/INFORMATION/REPORT:
No action requested

CONTACT PERSON:
Kathi Kromer
kkromer@alawash.org

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BACKGROUND:
Report of activities of the Office of Government Relations and Office for Information Technology Policy

ATTACHMENTS:
Washington Office Report

WASHINGTON OFFICE REPORT

Office of Government Relations

Advocacy

- National Library Legislative Day was held May 1-2 in Washington, D.C. Highlights include:
  - primary "asks" of Congress for FY 2018: IAL/LSTA funding and reauthorization;
  - attendance of 550 limited by room capacity, highest in past decade or more;
  - more than 1,000 also registered for Virtual Library Legislative Day;
  - full morning of issue briefings live streamed with support from Google; and
  - hundreds of attendee meetings with House and Senate offices from all 50 states, including dozens of additional meetings for ALA and Division leaders set and staffed by OGR.

- Fight for Libraries! Campaign:
  - ALA President Julie Todaro statement in response to President Trump's first proposal to elimination of federal library funding and IMLS on March 16;
  - Six conference calls to brief membership and ALA, Division and chapter leaders on Fight for Libraries! (FFL) campaign organized, scripted by OGR for Julie Todaro;
  - State-by-state FFL issue briefs re: LSTA benefits prepared by OGR Information Manager;
  - Extensive "Top Ten" facts on library funding produced by OGR for District Dispatch;
  - Fight for Libraries! website designed, written and launched by OGR March 22 in response to Julie Todaro's call for a central web portal for appropriations advocacy campaign during an all-Divisions conference call organized by OGR;
  - House of Representatives library champions release FY18 "Dear Appropriator" (DA) letters on March 22;
  - Public statements for Julie Todaro on release of Trump administration budgets co-crafted by OGR;
  - Web-based tracking tools for letter signers in House and Senate built and maintained by OGR;
  - Web content, including ALA Legislative Action Center, modified throughout 8-week campaign for DA letter signatures;
  - Multiple customized Twitter and other graphics produced by OGR;
  - Senate library champions release FY18 DA letters on April 26;
  - Full COSLA membership briefed at May 3 Spring Meeting and actively engaged by OGR in direct advocacy via elected President, Legislative Chairs and Director.
  - RESULTS:
    - 42,000 emails sent to Congress via Legislative Action Center (23,000 of them after FFL portal launch);
    - House DA letters signed by record 144 Members for LSTA and 146 for IAL, increases of 64% and 18% above 2016, respectively; and
    - Senate DA letters signed by record 45 Members for LSTA and 37 for IAL, increases of just under 33% and 20% above 2016, respectively.

- o IMMEDIATE NEXT STEPS:
  - Chapters mobilized to urge key House and Senate Appropriations Subcommittee members to support IMLS and full LSTA, IAL funding;
  - OGR to facilitate in-State and in-District meetings by Chapter members and supporters with those Members of Congress or their staffs in June and July;
  - OGR to meet directly with staff to those target Members of Congress.

- Corporate Committee for Library Investment: A new advocacy group for library funding co-conceived by ALA and Gale/Cengage
  - o Exploratory conference call convened on March 16 was followed by a meeting on April 14;
  - o Core group of six companies that met at NLLD on May 1 agreed to form an alliance and to recruit other companies;
  - o Letter by 10 companies to all senators requesting their signatutes on DA letters was delivered electronically by OGR on May 10;
  - o Group name selected, logo design completed and website (fundlibraries.com) soft-launched May 12;
  - o CCLI publicly launched with national press release, redelivery of letter to all senators with 25 signers, including two national trade associations, May 17;
  - o Covered in Publishers Weekly and multiple other media outlets;
  - o Membership reaches 80+ companies through web sign-on form by May 19;
  - o Current membership at nearly 100 companies including Computer & Communications Industry Association (members include Google, Amazon, Intuit, Uber); and
  - o CCLI core members to sponsor recruiting reception at ALA Annual in Chicago.

FY 2017 Appropriations

- President signed $1.1 trillion omnibus Consolidated Appropriations Act of 2017 (H.R. 244)" to fund the government through September 2017;
- Bill contained $1 million more for the Institute of Museum and Library Services (IMLS) than originally anticipated for FY 2017, $628,000 of which to be split between the Grants to States program and National Leadership Grants; and
- Additional funds attributed to support and insistence of full Appropriations Committee's and relevant Subcommittee's chairs: Sens. Cochran (R-MS) and Blunt (R-MO).

FY 2018 Appropriations

The key Subcommittee in both chambers for library funding is "Labor, Health, Human Services, Education, and Related Agencies."

- Next steps in FY 2018 appropriations process include:
  - o Submission of individual House members' funding priorities to Committee;
  - o Receipt by all Subcommittees of total amount they may each allocate;
  - o Work by Subcommittees to set specific departmental and program funding levels (including possible hearings and Subcommittee "markups");

- o Full Committee consideration of up to 12 Subcommittee-passed funding bills; and
  - o Consideration by full House and Senate of such individual funding bills **OR**, as in FY 2017 and many recent years, passage of one or more Continuing Resolutions and/or an omnibus spending package potentially funding the government at FY 2107 levels or implementing across-the-board or specific cuts.
- Campaign to reauthorize LSTA through Museum and Library Services Act forthcoming shortly.

Telecom Government Information/Access

- Net Neutrality: On April 26 FCC Chairman Ajit Pai announced intention to dismantle 2015 Open Internet Order, which is strongly supported by ALA, as ALA recently reconfirmed in a letter to Congress and the FCC. FCC issued an associated Notice of Proposed Rulemaking at May 18 meeting to undo the Order. Initial Comments due July 17, and Reply Comments on August 16.
- E-rate: Comments filed with FCC supporting 2014 E-Rate Modernization Order currently under scrutiny from FCC and Congress.
- Broadband: OGR/OITP developing joint strategy to promote inclusion of library facilities and broadband speed and dramatic availability/speed enhancement in any infrastructure-related legislation/funding ultimately considered by Congress.
- Consultant/counsel Alan Hill, expert with 20+ years' experience in Congress and private sector, engaged to work on all issues above.

Copyright

- Legislation pending:
  - o A bill to strip the current Librarian of Congress of the authority to appoint the next Register of Copyrights in favor of giving that power to the President (H.R.1695) passed overwhelmingly in House on April 26, 2017 and since introduced as identical S. 1010 in Senate. No action presently scheduled, and path in Senate substantially slower given referral to Rules Committee, which also will consider removing Copyright Office from Library of Congress. ALA joined with Library Copyright Alliance (LCA) in commenting on the legislation and issued its own strong statement in opposition to the bill by President-Elect Neal.
  - o You Own Devices Act was reintroduced to assure that when consumers in the age of the Internet of Things buy devices with built-in they won't have to get permission from the owner of that software to sell or give away the device in which it's embedded.

- Briefs: ALA has joined in four judicial briefs addressing:
  - o copyrightability of annotations to a state's legal code;
  - o insulation from copyright liability under the "safe harbor" clause of the Digital Millennium Copyright Act;
  - o fair use's relationship to the First Sale Doctrine; and

- - fair use and the e-reserves practices of Georgia State University.

- Testimony: Also as part of LCA, OGR submitted
  - written testimony emphasizing the importance of funding Copyright Office modernization to the Legislative Branch Subcommittee of the Senate Appropriations Committee; and
  - comments to the Copyright Office in inquiry on Moral Rights of Attribution and Integrity.
- Copyright Office Proceedings: ALA is participating in and monitoring:
  - Section 1201 Study – Anticircumvention/Triennial Rulemaking;
  - Section 512 Study – Notice and Takedown Regime; and
  - Section 108 Inquiry - Library Copying.
- Marrakesh: OGR and LCA continue to look for opportunities to accelerate consideration of the Marrakesh Treaty and associated implementing legislation by the Senate Judiciary and Foreign Relations Committees. No action in current Congress to date and none forecasted.

Government Information/Access
- The OPEN Government Data Act introduced in late March in both chambers of Congress (S.760 and H.R. 1770) would codify the prior administration's order creating presumption of openness for all federally created documents. ALA endorsed the bill, which passed the relevant Senate committee on May 19 and is ripe for action by the full Senate, although timing is unsure.
- The Preserving Data in Government Act of 2017 (S. 960) introduced on April 27 would maximize the open availability of federal data in machine-readable formats and require public notice of the government's intention to make information unavailable.

Privacy

- OGR Managing Director attended invitation-only, day-long "Civil Society Leaders" meeting for ALA on May 19 at National Security Agency headquarters at Fort Meade, Md. with senior staff of Agency, advocates from other organizations; ALA's positions presented on range of privacy/ surveillance issues including "Sec. 702" reform; ground rules of meeting preclude disclosure of attendees and attribution of comments.
- Work ongoing with coalition partners to push for Senate passage of Electronic Communications Privacy Act.

Enhanced Visa Issuance Vetting Procedures

- At the request of, and in cooperation with, the Office of International Relations, OGR prepared and filed formal comments on May 18 with the State Department and Office of Management and Budget in Docket DS-5535 proposing enhanced international travel visa vetting procedures:
  - outlined likely negative financial impact of the proposals on ALA and other similarly situated businesses and organizations; and

- cited 2006 ALA Council Resolution opposing such travel restrictions.

Additional OGR news

- <u>Departures</u>: OGR said a find farewell, but not "goodbye," to longtime WO Executive Director Emily Sheketoff and was pleased to contribute actively to a widely-attended awards reception for her coincident with National Library Legislative Day activities.

- <u>Arrivals</u>: OGR welcomes Gavin Baker, former OITP policy analyst and long-time lobbyist and government information/access advocacy coordinator for Common Cause. Gavin arrived on May 22 in time to contribute substantially to the final four days of ALA's *Fight for Libraries!* campaign to secure record Senate support for LSTA and IAL.

Office for Information Technology Policy

ALA engages as net neutrality rises on the policy agenda

The FCC voted May 18 to open a new proceeding with the intent of rolling back network neutrality protections approved by the Commission in 2015 and later affirmed by the U.S. Court of Appeals for the D.C. Circuit. ALA issued a statement strongly opposing this plan and promising to engage in the forthcoming proceedings. Previously, ALA also placed an op-ed in The Hill, and a coalition of higher education and library organizations (of which ALA and ACRL are members) in March released revised principles on net neutrality and sent them via a letter to the FCC Chairman and Commissioners and the Chairs and Ranking Members of the Congressional Commerce Committees in both chambers.

ALA gears up for E-rate defense

On April 28, ALA was a major part of an E-Rate briefing at the Russell Senate Office building, organized by the Education and Libraries Network Coalition (EdLiNC, of which ALA is a founding member) and National Coalition for Technology in Education & Training (NCTET). The session opened with remarks from Sen. Ed Markey (D-MA) and included OITP's Marijke Visser as co-moderator and Henry Stokes from the Texas State Library and Archives Commission and a member of ALA's E-Rate Task Force. Relatedly, ALA also recently submitted comments to the FCC in its solicitation for input on an array of rules that it may revise or eliminate.

Decision makers: Libraries are ready to code

ALA issued a new brief Careers for America's Youth in the Digital Age: <libraries / ready to code>, targeted to national decision makers and influencers, articulating how libraries offer programs in coding and computational thinking and are poised to do much more. The brief was released at the #HouseofCode demo, panel and reception event on Capitol Hill on April 3-4, of which ALA was a sponsor. Nearly 100 students from over 50 Congressional districts participated.

The ALA Office for Information Technology Policy also will work closely with the University of Maryland iSchool YX Graduate Certificate program and YALSA to explore how *the participating students' work can augment the* Libraries Ready to Code *(RtC) initiative. Dr. Mega Subramaniam and Linda Braun, faculty in the YX Program, are also RtC team members.*

Refocusing our efforts on digital content advocacy

After deliberations with the Digital Content Working Group and the Executive Board, ALA reached the decision to establish a new, small subcommittee to focus on the strategic and policy aspects of digital content of importance to ALA overall. This subcommittee would operate within the rubric of the Office for Information Technology Policy Advisory Committee and serve as the successor to the Digital Content Working Group, which will sunset at the

conclusion of the 2017 ALA Annual Conference. The Advisory Committee is expected to establish this subcommittee at its meetings at the Annual Conference. Other aspects of digital content may be addressed by other ALA units as appropriate.