

SIX MONTH REPORT TO COUNCIL

January 2015

ALA Washington Office Activities

Presidential Contender Sen. Jim Webb, FCC Leaders Address ALA Annual Conference

During the “Washington Office Update” program at the 2014 ALA Annual Conference, former Virginia Senator Jim Webb discussed the upcoming national election season and the ways that the elections will affect libraries and library funding. Called a “potential presidential candidate” by *The Washington Post*, prior to creating his Presidential Exploratory Committee, Sen. Webb has been a combat Marine, a counsel in Congress, an Assistant Secretary of Defense and Secretary of the Navy, an Emmy-award winning journalist, an accomplished filmmaker and an author of ten books.

Just prior to Sen. Webb’s address, the Washington Office secured a video from Tom Wheeler, the Chairman of the Federal Communications Commission (FCC). In the [video](#), the Chairman speaks about the changing nature of libraries today, emphasizing the importance of providing access to digital resources, technology, and free public Wi-Fi. Finally, Gigi Sohn, special counsel for External Affairs to Chairman Wheeler, met with PLA leadership, representatives from COSLA, ARSL, the OITP Advisory Committee, and the ALA E-rate task force to discuss E-rate details and the nature of library services in today’s and tomorrow’s libraries. In addition to these meetings, Gigi Sohn took a field trip to the main library of the Las Vegas-Clark County Library District, where she saw a model of what libraries can offer their communities.

Net Neutrality Activities

In June, Vermont State Librarian Martha Reid voiced the concerns of our nation’s libraries about the importance of an open Internet at a U.S. Senate Committee on the Judiciary field hearing. Also in June, the ALA rallied librarians to support the Online Competition and Consumer Choice Act of 2014, a bill that would prohibit paid prioritization over the Internet. In July, ALA, along with other library and higher education organizations representing thousands of colleges, universities, and libraries nationwide, released a set of net neutrality principles to inform the Federal Communications Commission’s decision to protect the openness of the Internet. The principles describe how network neutrality protections are essential to protecting freedom of speech, educational achievement, and economic growth. In mid-September, ALA and the Center for Democracy & Technology (CDT) urged the FCC in a letter to adopt strong, enforceable net neutrality rules essential to preserving freedom of speech, educational achievement and economic growth online. In the letter to the FCC, the organizations call for the FCC to set the bar higher than the “commercially reasonable” standard the agency had proposed—whether using

Title II for reclassification or Section 706 of the Communications Act, for a standard of Internet reasonableness to preserve the open nature of the Internet.

In mid-September, ALA and the Center for Democracy & Technology urged the FCC in a letter to adopt strong, enforceable net neutrality rules essential to preserving freedom of speech, educational achievement and economic growth online. In October, John Windhausen, telecommunications counsel to ALA, represented libraries and higher education institutions as a panelist for an Open Internet roundtable discussion hosted by the Federal Communications Commission (FCC). Later, in November, President Barack Obama re-affirmed his commitment to network neutrality principles and to the strongest rules to protect the open internet. The American Library Association welcomed his statement and outline of principles that echo those of public comments filed by the ALA and a coalition of library and higher education organizations this year.

Media Interest in Washington

In August, ALA President Courtney Young appeared on Comcast Newsmakers, a national interview program that airs on the Headline News (HLN) network. Highlighting new data from the 2014 Digital Inclusion Survey, Young discussed the plethora of digital learning opportunities available in libraries and detailed the ways that 21st century libraries have transformed into high-tech classrooms for young students and adult learners nationwide. In October, The Washington Post highlighted the library community's efforts to protect the public from government intrusion or censorship in the feature article ["Librarians won't stay quiet about government surveillance."](#)

ALA Leaders Present at West Virginia Library Association Conference

In October, Emily Sheketoff, executive director of the American Library Association (ALA) Washington Office and Carrie Russell, program director of the ALA Program for Public Access to Information, presented at the West Virginia Library Association Conference. Russell led a copyright workshop at the conference. Sheketoff was the keynote speaker discussing activities in Washington and detailing how West Virginians could impact legislative actions. Sheketoff also presented a session on Advocacy.

Advocacy and Social Media Update

We are happy to report that the ALA Washington Office Tumblr page has gained 200+ followers in the past month alone, bringing us to 11,635 followers total. We are also seeing an increase in response to our legislative alert emails. In November, our first alert regarding the USA Freedom Act, had an 18% click-through rate. Another legislative alert, which asked advocates to reach out to the new Members of Congress, was sent out in early December and had a 27% click through rate.

Copyright Updates

In June, the U.S. Second Circuit Court of Appeals upheld the ruling in *Authors Guild v. HathiTrust*, deciding that providing a full text search database and providing access to works for people with print disabilities is fair use. This decision affirms that libraries can engage in mass digitization to improve the discovery of works and provide full access to those works to students

with print disabilities enrolled at the respective HathiTrust institutions. The Library Copyright Alliance (LCA), of which ALA is a member, filed an amicus brief in support of the HathiTrust. In October, the U.S. Court of Appeals for the 11th Circuit handed down an important decision in *Cambridge University Press et al. v. Carl V. Patton et al.* concerning the permissible "fair use" of copyrighted works in electronic reserves for academic courses. Although publishers sought to bar the uncompensated excerpting of copyrighted material for "e-reserves," the court rejected all such arguments and provided new guidance in the Eleventh Circuit for how "fair use" determinations by educators and librarians should best be made. Remanding to the lower court for further proceedings, the court ruled that fair use decisions should be based on a flexible, case-by-case analysis of the four factors of fair use rather than rigid "checklists" or "percentage-based" formulae.

The ALA Washington Office has continued to actively meet with and lobby both the US Copyright Office and Patent and Trademark Office at senior levels of both agencies in support of the fastest, and least legislatively complicated, ratification of the Marrakesh Treaty to promote the world-wide flow of copyrighted material to the print disabled. Specifically, ALA and its coalition colleagues continue to urge both agencies, consistent with the position taken by the US delegation in Marrakesh, to recommend "clean" ratification of that agreement without proposing any changes to existing US law, particularly Section 121 of Title 17: the "Chaffee Amendment." ALA continues to coordinate closely with major national advocacy groups for the blind and print-disabled in these efforts.

As the new Congress is set to convene, ALA also has been strategizing with potential allies in the public and private sectors in anticipation of activity on multiple Congressional fronts, including the potential introduction of "orphan works" legislation. Such proposals may well be outgrowths of the comprehensive "review" of copyright by the House Judiciary Committee, and the anticipated release early in the new year of independent reports and recommendations by both the U.S. Patent & Trademark and Copyright Offices.

OFFICE FOR INFORMATION TECHNOLOGY POLICY (OITP)

ALA Launches Educational 3D Printing Policy Campaign

In September, ALA announced the launch of “Progress in the Making,” a new educational campaign that will explore the public policy opportunities and challenges of 3D printer adoption by libraries. The association released “Progress in the Making: An Introduction to 3D Printing and Public Policy,” a tip sheet that provides an overview of 3D printing, describes a number of ways libraries are currently using 3D printers, outlines the legal implications of providing the technology, and details ways that libraries can implement simple yet protective 3D printing policies in their own libraries. Over the next coming months, ALA will release a white paper and a series of tip sheets that will help the library community better understand and adapt to the growth of 3D printers, specifically as the new technology relates to intellectual property law and individual liberties.

ALA Welcomes Forward Movement on E-Rate Modernization

In July, the FCC voted to release the first Order as part of its E-rate modernization proceeding. ALA President Courtney Young released a statement, saying that the Order represents a solid first step toward increasing library participation in the E-rate program and moving our communities toward the gigabit speeds increasingly needed to support Wi-Fi, digital learning and multimedia collections. In September, ALA submitted comments to the FCC on the Further Notice of Proposed Rulemaking (FNPRM) that accompanied the July E-rate Order.

In December, the Federal Communications Commission (FCC) approved a landmark E-rate modernization order that addresses the broadband capacity gap facing many public libraries and schools (and therefore school libraries). In response, ALA President Courtney Young released a statement, saying that “We are very pleased that the Commission, as ALA recommended, has removed restrictions that have prevented many libraries from getting the broadband they so desperately need. In addition, we applaud the Commission for recognizing our concerns regarding the funding shortage...The FCC confirmed that it will add an additional \$1.5 billion to the yearly program for libraries and schools.” FCC Chairman Tom Wheeler called Keith Michael Fiels to thank ALA for our efforts and for Marijke Visser’s contributions (as the lead library advocate) on behalf of libraries during the past 18 months. To assist libraries in understanding the changes and encourage more libraries to apply for this funding, PLA and OITP sponsored a webinar January 8. OITP also convened a planning session in Washington with experts on the program and followed this up with a briefing for librarians at Midwinter.

ALA Collaborates with Senator Byron Dorgan to Publish Op-ed in *Roll Call*

“America doesn’t move ahead by leaving some behind,” former Senator Byron Dorgan wrote in an op-ed published in June in [Roll Call](#), where he made the case that the FCC should bolster its support for high-speed internet infrastructure development in rural American communities. In the piece, Sen. Dorgan advocated for increased support for E-rate, the program that helps schools and libraries obtain affordable vital Internet access and advanced telecommunications services. The op-ed was developed under the rubric of ALA’s *Policy Revolution!* initiative, a national public policy agenda and action plan for U.S. libraries supported by the Bill & Melinda Gates Foundation. [Read the op-ed.](#)

Nearly 100 Percent of Libraries Offer Tech Training and Workforce Programs, Study Finds

According to a new study, released in July 2014, from the ALA, nearly 100 percent of America's public libraries offer workforce development training programs, online job resources, and technology skills training. Overall, libraries report technology improvements—including nearly ubiquitous public Wi-Fi, growing mobile resources and a leap in e-book access—but the ALA's 2014 Digital Inclusion Survey also documents digital differences among states and an urban/rural divide. The Digital Inclusion Survey is managed by the ALA Office of Research and Statistics; OITP is a partner of the research project.

Over-Filtering in Schools and Libraries Harms Education, New ALA Report Finds

Schools and libraries nationwide are routinely filtering internet content far more than what the Children's Internet Protection Act requires, according to "Fencing Out Knowledge: Impacts of the Children's Internet Protection Act 10 Years Later," a report released by the ALA Office for Information Technology Policy (OITP) and the ALA Office for Intellectual Freedom (OIF) in June. "Fencing Out Knowledge" is based on a year-long study that included a two-day symposium during the summer of 2013 and other research. [Read the report.](#)

ALA Opposes E-Book Accessibility Waiver Petition

In October, ALA and the Association of Research Libraries (ARL) renewed their opposition to a petition filed by the Coalition of E-book Manufacturers seeking a waiver from complying with disability legislation and regulation, specifically Sections 716 and 717 of the Communications Act as Enacted by the Twenty-First Century Communications and Video Accessibility Act of 2010. Amazon, Kobo and Sony are the members of the coalition, and they argue that they do not have to make their e-readers' Advanced Communications Services (ACS) accessible to people with print disabilities.

Simon & Schuster Expands and Modifies Ebook Lending Program

In June, Simon & Schuster expanded its pilot library ebook lending program to serve all U.S. libraries. Immediate Past President Barbara Stripling responded to the ebook expansion by releasing a press statement indicating ALA encouragement of the continued progress on the library ebook front, though noting much work remains to be done. In November, ALA and its Digital Content Working Group (DCWG) welcomed Simon & Schuster's announcement that it will allow libraries to opt into the "Buy It Now" program. The "Buy It Now" merchandising program, which enables library users to directly purchase a title rather than check it out from the library. Simon & Schuster ebooks are available for lending for one year from the date of purchase.

***Publishers Weekly* Honors ALA Leadership for Library Ebook Advocacy**

In December, [Publishers Weekly](#) lauded ALA DCWG former co-chairs Sari Feldman and Bob Wolven in the publication's annual "Publishing People of 2014" recognition for their role in advocating for fair library ebook lending practices. From 2011–2014, Feldman, who is the

incoming ALA president and the executive director of the Cuyahoga County Public Library in Ohio, and Wolven, who is an associate university librarian at Columbia University, led meetings with some of the world's largest book publishers and coordinated successful advocacy and education activities with libraries leaders across ALA divisions and offices.

ALA Leadership Visits New York City

In December, an ALA leadership delegation met with executives from Penguin Random House, Macmillan Publishers, and Hachette Book Group to discuss library ebook issues. Additionally, the delegation met with leaders of the New York Public Library and Metropolitan New York Library Council (METRO) about digital content and other issues. The delegation was led by Courtney Young and the co-chairs of the Digital Content Working Group, Carolyn Anthony and Erika Linke. Also participating in the delegation were Sari Feldman, Barbara Stripling, Keith Michael Fiels, and Alan S. Inouye.

OTIP Leaders Attend ICMA Conference

In September, ALA staff attended the International City/County Management Association (ICMA) Conference in Charlotte. Larra Clark, OITP deputy director, shared findings and new tools from the Digital Inclusion Survey, with a particular focus on how local communities can use the new interactive mapping tools to connect library assets to community demographics and concerns.

OITP Director Appointed to University of Maryland Advisory Board

In September, the College of Information Studies at the University of Maryland appointed Alan Inouye, director of ALA's Office for Information Technology Policy to the inaugural Advisory Board for the university's Master of Library Science degree program. The Advisory Board comprises of 17 leaders and students in the information professions who will guide the future development of the university's MLS program. The Board's first task will be to engage in a strategic "re-envisioning the MLS" discussion.

Chris Harris Appointed OITP Fellow for Youth and Technology Initiatives

In September, Office for Information Technology Policy (OITP) appointed Chris Harris to serve as a Fellow for the emerging OITP program on Children and Youth Initiatives. In his other life, Chris is the director of the School Library System for the Genesee Valley Educational Partnership, an educational services agency supporting the libraries of 22 small, rural districts in western New York. Most recently, Chris integrated his personal interest in gaming with his passion for education and non-traditional learning and is editorial director of Play Play Learn. Chris is in on the ground floor as OITP develops its new program and will be integral in shaping it as well as helping to coordinate with ALA's youth divisions, the American Association for School Librarians, the Association for Library Service to Children, and the Young Adult Library Services Association.

Margaret Kavaras Appointed as OITP Research Associate

In August, ALA announced the appointment of Margaret Kavaras as a Research Associate for the organization's Office for Information Technology Policy. As part of the OITP Fellows Program, Kavaras may work on diverse issues in information technology policy within the OITP portfolio. Kavaras previously worked for the technology policy unit as a Google Policy Fellow during the summer of 2014. Her appointment as a Research Associate will extend from September 1, 2014, through August 31, 2015.

Adobe Responds to ALA on Egregious Data Breach

ALA decried the confirmed reader data breaches by Adobe and called for immediate corrective action to encrypt and protect reader information. The plain text transmission of reader data over the internet that was first reported October 7, 2014, presumably stretches back as far as the release of Adobe Digital Editions (ADE) 4.0 in early September. The ADE e-book reader application is used by thousands of libraries and many tens of thousands of e-book readers around the globe.

Held Policy Workshop in Conjunction with COSLA Annual Meeting

To advance the work of the Policy Revolution! initiative, OITP held a workshop in October that was co-located with the COSLA Annual Meeting in Wyoming. This broad-ranging discussion provided valuable input into the policy agenda development process. Workshop participants featured leadership of COSLA, IMLS, and library leaders from the mountain states.

ALA Urges Department of Education to Consider Libraries as Early Learning Partners

ALA urged the Department of Education in a letter to include public libraries as early learning partners in the Proposed Requirements for School Improvement Grants in October. The Association specifically asks that the Department of Education include public libraries as eligible entities and allowable partners under the new intervention model that focuses on improving early learning educational outcomes.

ALA Washington Office Copyright Event "Too Good To Be True"

On November 18th, the American Library Association (ALA) held a panel discussion focused on the recent judicial interpretations of the doctrine of fair use. The discussion, entitled "Too Good to be True: Are the Courts Revolutionizing Fair Use for Education, Research and Libraries?" is the first in a series of information policy discussions to help us chart the way forward as the ongoing digital revolution fundamentally changes the way we access, process and disseminate information. This event, held under the rubric of the Policy Revolution! initiative, took place at Arent Fox, a major Washington, D.C. law firm that generously provided the facility for our use.

OFFICE OF GOVERNMENT RELATIONS (OGR)

Workforce Bill Finally Passes

In July, President Barack Obama signed the Workforce Innovation and Opportunity Act, a law that will open access to federal funding support to public libraries for effective job training and job search programs. ALA President Courtney Young applauded the presidential signing of the Workforce Innovation and Opportunity Act in a statement. ALA thanks Senator Jack Reed (D-RI) and Representative Rush Holt (D-NJ) for their efforts to include libraries in the legislation.

Webinar Winning Streak Unbroken

The last few months have been full of webinars! In October, more than one thousand people participated in the webinar “\$2.2 Billion Reasons to Pay Attention to WIOA,” an interactive event that focused on ways public libraries can receive funding for employment skills training and job search assistance from the recently-passed Workforce Innovation and Opportunity Act (WIOA). The Office of Government Relations and the University of Maryland’s iPAC continued their joint webinars in October with, “*Fighting Ebola and Infectious Diseases with Information: Resources and Search Skills Can Arm Librarians*” that rapidly reached its registrant limit and got such positive feedback that a follow-up program was offered in December. In November, “*Connecting Patrons with Legal Information @ the Public Library*” also quickly “sold out.”

ALA Applauds Unanimous Ruling in Two Civil Liberties Cases

In June, the U.S. Supreme Court unanimously upheld the Fourth Amendment when they ruled in *David Leon Riley v. State of California* and *United States v. Brima Wurie* that officers of the law must obtain warrants before they can search the cellphones of arrestees. The two cases began when police officers searched the cell phones of defendants Riley and Wurie without obtaining a warrant. The searches recovered texts, videos, photos, and telephone numbers that were later used as evidence. Earlier in March, the American Library Association and the Internet Archive filed a “friend of the court” brief in *David Leon Riley v. State of California* and *United States v. Brima Wurie*.

ALA Active on Surveillance and Privacy Issues

ALA continues to work closely and aggressively in tandem with partners in several coalitions to reform the multiple statutes that provide the government with various forms of surveillance and investigatory authority. In June, ALA joined more than 30 other civil liberties and privacy organizations in writing to key Members of the Senate to support the modification of the USA FREEDOM Act so that it truly ends the “bulk collection” of telephone business records, and builds transparency and additional oversight into court-approved surveillance activities.

Pro-Privacy Library Letters Let Loose on Congress

As the “lame duck” Congress opened in mid-November, Senate Majority Leader Harry Reid surprised his colleagues by immediately maneuvering procedurally to bring the ALA-backed USA FREEDOM Act to the Senate floor for debate and, it was hoped, an “up or down” vote. The Office of Government Relations immediately crafted and emailed an alert to more than

110,000 librarians and library supporters linked to ALA's Legislative Action Center. From the LAC, pre-drafted letters of support to individual recipients' Members of Congress in both chambers could quickly and easily be sent. The email alert was "clicked" open by more than 13% of all recipients (an excellent rate), 2000 of whom (also a high 13 percent) generated a total of 7,000 letters to Congress virtually overnight. Sadly, Senator Reid's attempt to move USA FREEDOM failed to garner the necessary 60 votes.

ALA Supports "CORE Act" to Expand Access to Learning Resources and School Libraries

In June, ALA applauded the leadership of Senators Jack Reed (D-RI) and Sherrod Brown (OH-D) and Representative Marcia Fudge (OH-D) for introducing the "Core Opportunity Resources for Equity and Excellence (CORE) Act" (S. 2557/H.R. 5001). The legislation aims to address existing disparities in public education by establishing accountability requirements for states and school districts. Emily Sheketoff, executive director of the ALA Washington Office, announced support of the CORE Act and called upon library supporters to contact their legislators to cosponsor the bills with Rep. Fudge and Sens. Reed and Brown.

ALA Sends Letter to Data Advisory Council

ALA sent a letter to the director of the Office of Digital Engagement at the Department of Commerce to encourage the agency to appoint a librarian as part of the new Data Advisory Council. The letter stated: "The roll of a librarian is to organize and deliver information in a usable, timely and accessible way; while aiding the public in utilizing that information as needed. Not only have librarians long handled government data, but they are always seeking new and better ways to fulfill the public's need of that information. The knowledge that librarians have of both accessing and utilizing data, would be of great benefit to the Department of Commerce."

OGR "Test Kitchen" Whips Up Holiday "Advocake" Recipe

On December 2, in an effort to educate the at least 60 new Members of the House of Representatives and a dozen new Senators, the Office of Government Relations issued a targeted call to action to more than 50,000 advocates residing in all newly elected Congressional Members' states and districts asking them to request a *local* meeting with their new Members' staffs *before* the upcoming holidays. Styled as a recipe card, recipients were given basic instructions in the form of a "key ingredients" list and step-by-step instructions on how to "bake" and deliver a "Holiday Advocake." Also included were a library "Community and Connection" fact sheet and a beginner's guide to key library legislative and policy positions for them to print, review themselves and leave behind with Congressional staff in their meeting. Recipients also were encouraged to invite their new Members to visit their local libraries, and to provide a brief report of their meetings to OGR's new Grassroots Communications Specialist, Lisa Lindle, who designed and produced the "Advocake" recipe cards.

Improved Access to Government Information

H.R.1233, the Presidential and Federal Records Act Amendments of 2013 was signed by the President and became Public Law No: 113-187. ALA supported this bill from its inception, including signing on to a letter that expounded on its importance. "H.R. 1233 imposes a time limit in which a former president must assert any claim of privilege upon a determination of the

Archivist to make available to the public a record of that former president. The bill also establishes processes for managing the disclosure of records upon the assertion of privilege by a former president, and grants to the incumbent president the power to decide whether or not to uphold any privilege claim of a former president, absent a court order to the contrary.”

Congress Wraps Up Federal Funding For Library Programs

The lame-duck Congress passed a massive \$1.1 trillion spending package (CROmnibus) before the end of the 113th Congress providing funding for a number of programs supported by the ALA and the library community. A last minute agreement in Congress ensured level funding for most programs but also included slight increases for some programs, including Striving Readers, the Institute of Museum and Library Services got \$1 million for their move to L’Enfant Plaza, Library of Congress, and 21st Century Community Learning Centers. ALA worked to support continued funding for library programs.

IRS Provides Update to Libraries on Tax Form Program

In November, the Internal Revenue Service (IRS) announced that the agency will continue to deliver 1040 EZ forms to public libraries that are participating in the Tax Forms Outlet Program (TFOP). TFOP offers tax products to the American public primarily through participating libraries and post offices. The IRS will distribute new order forms to participating libraries in the next month. When the CROmnibus passed, it cut IRS Distribution funds by \$300 million, so the Director of the Distribution Office will be coming to Midwinter to listen to public librarians about their ideas of what should continue to be distributed in libraries and how.

FOIA Improvement Act Fails to Make it Out of the House

S.2520, the FOIA Improvement Act, passed the Senate on December 8, 2014, and was then sent to the House of Representatives where it died at the end of the 113th Congress. ALA remained active on this bill up until its last breath, including regular contact with Congress and an alert to members in West Virginia asking that they tell Sen. John Rockefeller to remove his hold on S.2520 (which he later did). Although this bill did not become law, we will continue to fight the good fight next congress.

Government Agency Becomes More Transparent

ALA has been closely monitoring the issue of a possible closure of NTIS and the progress of S.2206, the Let Me Google That For You bill in Congress. On October 28th, in response to some of the concerns raised by the bill, NTIS announced that “the full text for 800,000 of [their] documents can be downloaded immediately in electronic PDF format without charge.” S.2206 died at the end of the 113th Congress, but we will continue to monitor the issue in the 114th.