

WASHINGTON OFFICE SIX MONTH REPORT

ALA advises FCC why maintaining strong broadband privacy rules benefits the schools and communities that libraries serve

When the FCC determined just over a year ago that it prospectively treat the providers of broadband services to the public as “common carriers,” like telephone companies, exactly what consumer privacy protection standards the Commission would hold providers to was unclear. Recently, however, FCC Chairman Tom Wheeler [announced](#) the outline of a proposal that likely will be voted on at the end of March. In anticipation of that meeting and likely “Notice of Proposed Rulemaking,” ALA recently joined Common Sense Kids Action and the State Educational Technology Directors Association [urging the Commission](#) to move forward with a broadband privacy rulemaking and explaining why strong broadband privacy rules are necessary for schools and libraries and the communities we serve.

ALA advocates adding broadband to Lifeline at FCC and on Hill

The FCC continues work on its proposed [modernization](#) of the 1980’s era Lifeline program, which traditionally applied to telephone service and is slated for an FCC vote on March 31. Recognizing that access to broadband is today a “must-have” service” for all Americans, the FCC is expected to rule that the \$9.25 subsidy for lower income individuals can be used to secure access to broadband in efforts to close the “homework gap” and improve job prospects for families. ALA has been actively engaged in supporting this modernization—meeting with FCC Commissioners and staff; filing public [comments](#) with the FCC; and collaborating with a [diverse coalition](#) of public interest groups on joint letters, talking points and Congressional outreach. Net Neutrality, E-Rate, Lifeline Programs Likely Safe from Legislative Attack in Current Congress Congressional Republicans have expressed strong opposition to a number of regulations issued by the Federal Communications Commission (FCC) in the past year addressing network neutrality, the Lifeline and E-rate programs, and other policies. While some in the majority have called for Congressional action to nullify the FCC’s net neutrality Order or to enact funding caps on Lifeline (both strongly supported by ALA), it does not appear that Republicans will be able to gain the bipartisan support needed to pass legislation materially affecting these important FCC initiatives in either chamber of Congress.

In other broadband/communications-related news, in April ALA was invited by the newly created Congressional Rural Broadband Caucus to participate in a briefing for Congressional staff and the public on the role of libraries in providing connectivity for rural businesses and encouraging entrepreneurship. As reported in [District Dispatch](#) by OGR assistant director Kevin Maher, who also attended, in response to questions from Congressional staff Marijke also detailed library service to veterans. OGR will continue to collaborate with the new Caucus to build an understanding of, and support for, library funding and programs among all Members of Congress, particularly those representing rural areas.

Through the voice of LCA, ALA is advocating for copyright policy reforms

The Library Copyright Alliance (of which ALA and ACRL are members) submitted comments to the Copyright Office on two concerns. The first is regarding the triennial 1201 rulemaking process on anti-circumvention. The LCA argues that the process is time and resource consuming and that previously made exemptions—such as circumvention of DRM on DVDs for classroom use of film clips—should be made permanent if there is no objection from the copyright holder and that if seeking to renew an exemption, the burden of proof should be on the rights holder to show harm. The second concern is the notice and takedown provision of the Digital Millennium Copyright Act. LCA argues that the third party liability provision is necessary for libraries, particularly to protect libraries when library users allegedly infringe copyright using public library computers. Responses from the Copyright Office are expected in late spring. LCA is also urging the Senate Judiciary Committee to act quickly on the ratification of the Marrakesh treaty that would allow for the creation and sharing of accessible content across borders for people with print disabilities.

Washington Copyright Plate Full, though Not of Legislative Fare

Studies: As previously reported, earlier this year the Copyright Office announced studies of three aspects of copyright law and invited public input on each issue. The formal comment and reply comment periods on all three have now closed. ALA, in concert with library and/or other coalition partners, participated in each of these proceedings (see links to [key filings here](#)), which were augmented by the Copyright Office with multi-stakeholder “roundtable” events on all three issues.

Roundtables: The first roundtables concerned the controversial “triennial rulemaking” proceeding through which exceptions to the law’s prohibition against “circumventing” a copyright protection mechanism or technology under Sec. 1201 of the Digital Millennium Copyright Act (DMCA) may be requested. A second set also were held to elicit comment on the so-called “safe harbor” provisions of the DMCA, pursuant to which online service providers are granted immunity from liability for facilitating copyright infringement by their users if they agree to “take down” allegedly infringing material from their networks upon receipt of a statutorily dictated notice from a copyright owner. A third proceeding concerns the transferability of “embedded software” like the forms increasingly incorporated in consumer goods and vehicles of every kind.

ALA and several of its partners in the [Re>Create Coalition](#) (including past PLA president Jan Sanders), as well as the group’s Executive Director, participated actively in the roundtables. In all cases, ALA and its fellow Coalition members urged the Copyright Office to make its processes, and the law, substantially more fair use- and consumer-friendly to facilitate scholarship, creativity and national economic health.

Congress: In Congress, the House Judiciary Committee’s extensive “review” of the Copyright Act is finally nearing a close. After holding more than two dozen hearings over more than two years, the Committee is currently in the process of meeting with stakeholders who wish to make further suggestions or arguments. Committee Chairman Bob Goodlatte (R-VA6) recently announced publicly, in a [speech to the U.S. Chamber of Commerce](#), that he intends to move

legislation on matters of “consensus.” It is unclear to virtually all stakeholders, however, to what the Chairman may have been referring as all potential statutory changes still appear moderately to hotly contested.

In the Senate, action is similarly stalled on possible ratification of the Marrakesh Treaty. A Resolution of Council urging Congress to approve the Treaty and its associated implementing legislation is anticipated at the upcoming Annual meeting. Finally, neither chamber has yet to address modernization of the Copyright Office, or much more controversial proposals to remove it from the Library of Congress.

Courts: Finally, in mid-April the U.S. Supreme Court denied without opinion the Authors Guild’s request that the Court hear its appeal from the US Court of Appeals for the Second Circuit’s late-October decision holding the [Google Books project and database to be lawful fair use](#) of books digitized and stored en masse. No further opportunities to litigate this matter are open to the Guild.

CopyTalk Webinar Discusses State Governments Copyrighting Works

[Ernesto Falcon](#), legislative counsel with the [Electronic Frontier Foundation](#), recently reviewed California state legislation that would authorize copyright authority to all state agencies, local governments, and political subdivisions—as well as the court decisions that led to its creation and the debate that now faces the state legislature. When drafting the federal copyright law, Congress explicitly prohibited the federal government (and its employees) from having the authority to create a copyright in government-created works. Federal law, however, is silent on state government power to create, hold, and enforce copyrights – resulting in a patchwork of state copyright laws. In recent years entities of state government have attempted to rely on copyright as a means to suppress dissemination of taxpayer-funded research and to chill criticism but have failed in the courts due to a lack of copyright authority.

Libraries celebrate Fair Use Week

ALA staff and members boosted the signal on [Fair Use Week](#) with the Association of Research Libraries from February 22 to 26. Daily blog posts highlighted the important role fair use plays in achieving the Constitutional purpose of intellectual property rights in the US: to promote the progress of science and the useful arts. The flexible nature of the fair use doctrine has permitted copyright to adapt to new technologies and changes. More than 135 organizations participated this year—double that in 2015. Check out the District Dispatch to see [posts](#) from Carrie Russell, Tom Lipinski, Tammy Ravas, Eric Harbeson and more.

ALA former E-Rate Chair Linda Lord assists in tribute to those who forged '96 Telecom Act

ALA’s Washington Office helped to coordinate logistics for former Maine state librarian Linda Lord, former chair of ALA’s E-Rate task force, to travel to the Nation’s Capital to accept an inaugural *Access to Opportunity* award on behalf of Senator Olympia Snowe (R-ME). The award was presented as part of an historic [20th Anniversary celebration of the landmark 1996 Telecommunications Act](#). The E-Rate Program, in particular, has helped fuel the range of services libraries are able to provide. Before 1996, only 28 percent of public libraries provided

public Internet access, compared with over 99 percent who report this today. ALA invited IMLS Director Dr. Kathryn Matthew, to join Emily Sheketoff and Linda Lord for the event. Among the many luminaries who spoke were former Sen. Trent Lott (who served as emcee), Sen. Ed Markey, and Sen. Angus King, who presented Linda with Sen. Snowe's award.

Application Window for E-rate Extended

The Schools and Libraries Division of the Universal Service Administrative Company (USAC), which administers the E-rate program, [announced](#) on April 15 that it will extend the current form 471 filing window through May 26. For libraries and consortia, a second window will open to extend the filing window for those two groups until July 21. ALA advocated for this extension and submitted a [formal request](#) for such on April 4.

E-rate advocacy and support continues with a PLA webinar on "Making E-rate Make Sense." OITP Assistant Director Marijke Visser and E-rate Taskforce members presented on recent changes to the program and new resources available to support library applications.

***Wall Street Journal* editorial board meets with ALA President Sari Feldman**

The Washington Office helped facilitate ALA President Sari Feldman's meeting with four members of the Wall Street Journal's editorial board. At the meeting, Sari was able to brief the group on the ways that libraries and library professionals are transforming communities across the nation. She described how libraries are fostering economic opportunity and entrepreneurship, citing examples of hi-tech companies that have sprung up from library services and the resources made available. She fielded questions and laid the groundwork for future editorial opportunities. She also met the letters editor, an influential member of the *WSJ* newsroom staff.

Continuing Advocacy Efforts Pay Off

Staff from the Washington Office have continued to look for opportunities for libraries (public and community colleges) to engage more in the nation's efforts around workforce investment activities. Emily Sheketoff did three presentations at the National Association of Workforce Boards, in a session they call "Quickshops," where you make the same presentation to a number of small groups. Her presentation was put online, along with [the handout](#), so others who couldn't get to her presentation could read what she had to say.

The senior manager of the Walmart Foundation's Career Opportunity program approached Emily and she was able to interest her in including public libraries in her \$100 million program connecting local organizations doing workforce activities. She will be meeting with the Phoenix Public Librarian April 28; Phoenix is the first pilot city for this project.

Office of Government Relations

ALA Laying Groundwork for Broad Support of Librarian of Congress Nominee

In the wake of Dr. Carla Hayden's nomination to serve as the nation's next Librarian of Congress, OGR has established active communication channels with relevant senior staff in the White House, Library of Congress and the Senate Rules Committee, which is tasked with holding confirmation hearings on her appointment. Once that hearing is held, ALA will launch a multi-front "grasstops" and grassroots campaign in support of her rapid confirmation by the full Senate. The timing of these events remains unclear. ALA, of course, has urged her earliest possible consideration by the Rules Committee.

Dr. Hayden's Procedural Path to Confirmation Votes Clear, but Timetable Unknown

Librarian of Congress designee Dr. Carla Hayden, as [reported in District Dispatch](#), was warmly received by Members of the Senate Rules Committee in a late April confirmation hearing. Subsequently, Committee staff reports, she has responded to supplemental written questions submitted in mid-May by several Committee Senators and, OGR has learned, met just before the Memorial Day recess with long-time fair use supporter Sen. Ron Wyden (D-OR). To date, no public opposition to her nomination has surfaced in any quarter of the larger copyright community including, perhaps most significantly, from representatives of major copyright-based industries like the Motion Picture Association of America or the Association of American Publishers. At this writing, however, it remains unclear when the Rules Committee will meet to vote on whether to recommend that Dr. Hayden be confirmed by the full Senate or, if/when they do, a chamber-wide vote would occur. Absent new opposition, however, there remains a good chance that one or both such approvals could come prior to Congress' next major recess for Independence Day. OGR will continue to monitor the "state of play" closely.

ALA Again Wages Multi-Front Campaign to Protect FY2017 LSTA, IAL Funding

As [recently reported in District Dispatch](#), continued federal funding for libraries is again a target of proposed budget cuts, including a specific Administration proposal to trim nearly \$1 million from LSTA's popular and successful "Grants to States" program. As in past years, OGR has responded with a multi-faceted campaign to place LSTA and IAL in the best possible position as Congress begins its FY 2017 appropriations cycle. Specifically, in coalition to date ALA has: participated in nearly three dozen meetings with key members of Congress and/or their staffs; co-edited the annual Committee for Education Funding Budget Response (which included two chapters written by ALA) that will be presented to Congress; joined [a letter](#) to Congress urging fair funding for education and domestic programs signed by 660 organizations; and joined with four coalitions to urge Congress to increase education funding (Early Literacy, Non-Defense Discretionary, Committee for Education Funding, and Title IV Funding).

ALA individually has submitted 13 funding requests backing LSTA and IAL to individual Members of Congress and orchestrated a multi-week grassroots effort to secure the maximum number of

signatures by Members of Congress on [four annual “Dear Appropriator” letters](#) in support of LSTA and IAL (one letter for each program in each chamber). OGR’s two blogs, multiple email alerts and twitter announcements, several grassroots alerts, and targeted state appeals made in conjunction with state chapters produced: more than 14,000 confirmed individual emails by ALA members and other library supporters, at least 725 tweets, and a significant volume of non-logged phone calls. These contacts resulted in: 34 and 31 signatures on the Senate LSTA and IAL letters respectively (+2 and +1 over 2015), and; 88 and 124 signatures on the House LSTA and IAL letters. (Totals are pending as the letters continue to circulate for signature as of this writing). In sum, 529 of a total 535 Members of the Senate and House have been contacted at least once thus far by ALA’s grassroots in support of FY2017 LSTA and IAL funding.

Fight for FY 2017 LSTA and IAL Funding Moves into High Gear; Outcome Uncertain

House and Senate appropriators have begun to move spending bills with an eye towards finishing all 12 bills by October 1, the start of the new fiscal year. If they do, it will be the first time since 1994 that Congress has hit that mark. The odds, however, aren’t helped by [Speaker Ryan’s commitment](#) to House Republicans that the House would conduct its business pursuant to procedures called “regular order,” under which bills may be amended more often and more extensively. Lately, House Democrats have taken advantage of that promise to force the majority to take votes on amendments to appropriations bills on uncomfortable subjects, like “LGBT” anti-discrimination proposals, as the November’s elections loom.

To date in the appropriations process, ALA has focused its efforts on opposing the President’s recommended cuts in funding under the Library Services and Technology Act (LSTA), among them a nearly \$900,000 cut in the Grants to States program. ALA is urging lawmakers to instead fund that critical program at last year’s level of \$182.9 million. The President has recommended, and ALA also is working to support, such “level funding” of \$27 million for the Innovative Approaches to Literacy program, which supports school library acquisitions for the nation’s poorest children.

As always, ALA’s current appropriations advocacy has taken multiple forms. In mid- and late-March, OGR issued a grassroots call-to-action (to which the grassroots responded splendidly) to urge Senators and Representatives to sign on to the [annual “Dear Appropriator” letters](#). In late March, ALA presented its funding priorities to Congressional staff at a spring Committee for Education Funding briefing coincident with the release of CEF’s annual education funding [budget response book](#). Also, in April, ALA Washington Office Executive Director Emily Sheketoff submitted comments to the [House](#) and [Senate](#) Appropriations Committees’ again urging at least level funding for LSTA and IAL. Supporting LSTA and IAL funding also was a priority issue at this years’ National Library Legislative Day.

ALA’s Washington office also participated in dozens of Congressional meetings and [other events](#) in support of funding for LSTA, IAL, and Every Student Succeeds Act Title IV programs. Funding for LSTA, IAL, Title IV and other education programs is expected to be taken up by House and Senate Appropriations Subcommittees in June. Beyond that, the timing of subsequent steps in the legislative process is unclear.

ALA Opposes Congressional Moves to Block LC Subject Heading Changes

As reported recently in both [mainstream press](#) and [District Dispatch](#), the House Legislative Branch appropriations bill recently was approved by the full House Appropriations Committee on May 17 with report (non-bill) language effectively instructing the Library of Congress not to implement its proposal to change the subject headings “Aliens” and “Illegal Aliens” to less pejorative terms. The action came after an amendment (strongly [backed by ALA and ALCTS](#)) to strip the objectionable language by Rep. Debbie Wasserman Schultz (D-FL23) failed (24-25). (The [language had been inserted in the bill’s report](#) at the Subcommittee level.) The amendment also was supported by a [joint letter](#), entered into the record, by the Chairs of the Hispanic, Black, and Asian Pacific American Caucuses.

The full Senate Appropriations Committee passed its version of the bill on May 19th, however, with no such language -- as also jointly requested of key Senators by the presidents of ALA and ALCTS. Consequently, even if both chambers pass their Legislative Branch appropriations bills, the matter now must be negotiated “in conference.” November, post-election, is the earliest that such a scenario is likely to play out. The unprecedented “standalone” bill to preempt the Library’s proposed actions, the “Stopping Partisan Policy at the Library of Congress Act” ([H.R. 4926](#)), remains unlikely to advance.

As in the past, library professionals and the public at large have been invited by the Library to comment informally through mid-July on the proposed subject heading changes. Given the volume of comments anticipated with respect to the terms “Aliens” and “Illegal aliens,” the Library has for the first time turned to an [online survey form](#). It is unclear how such comments, which have not been solicited as part of a formal rulemaking proceeding, will be assessed by the Library or when it will make a final determination as to whether to proceed with its controversial proposed changes.

ALA Backs Bill to Repeal Cybersecurity/“Information Sharing” Statute Passed as Part of Massive Year-End Funding Package

With [Senate passage of the Cybersecurity Information Sharing Act](#) (S. 754) or “CISA” in late October, OGR last reported in December 2015 that negotiations were then actively underway to include the [privacy-hostile legislation](#) in the massive “omnibus” funding bill that Congress was then pushing hard to pass by year’s end. Sadly, over [ALA’s individual public objection](#) and [objection in coalition](#) with many other diverse national groups, the renamed Cybersecurity Act of 2015 was included in the omnibus bill approved by Congress and signed by the President just after that report. In late January, ALA joined 16 other national groups from across the political spectrum in [calling upon all Members of Congress](#) to support H.R. 4350, introduced by Reps. Justin Amash (R-MI) and John Conyers (D-MI) in late January, to repeal the cybersecurity legislation. The bill’s prospects of passage are low, however, in the current political environment.

Congress Enters Encryption “Back Door” Mandate Debate

Fueled by the controversy and litigation arising from the FBI’s recent demands of Apple ([publicly opposed by ALA](#)) in the wake of the San Bernardino attack, the debate over whether

encryption systems can or must be built with “back doors” to permit authorized law enforcement access and/or surveillance has become legislative. As expected at last report, several bills addressing the issue in multiple ways already have been introduced or are anticipated imminently. Specifically: House Homeland Security Committee Chairman Michael McCaul (R-Texas) and Senate Intelligence Committee member Sen. Mark Warner (D-Va.) [introduced a bill on February 29 \(H.R. 4651/S. 2604\)](#) proposing a [commission](#) comprised of technology, law enforcement, intelligence, privacy groups and others to thoroughly discuss how law enforcement can access encrypted communications that involve terrorism and make recommendations; at this writing, Senate Intelligence Committee co-chairs Richard Burr (R-NC) and Dianne Feinstein (D-CA) are [expected within days](#) to formally propose a bill to require that “back doors” be built into all encryption systems; and the ENCRYPT Act ([H.R. 4528](#)), sponsored by Rep. Ted Lieu (D-CA) and Rep. Blake Farenthold (R-TX), would "prevent any state or locality from mandating that a 'manufacturer, developer, seller, or provider' design or alter the security of a product so it can be decrypted or surveilled by authorities." Other legislation is expected, however, no bill is expected to have an easy or rapid path to passage.

Encryption “Back Door” Mandate Debate Continues Unabated Post-Apple/FBI Controversy

In the wake of the Apple/FBI fight, federal legislation to [mandate a “back door” into encryption](#) systems remains a hotly debated subject in Washington. On paper, there remain two [principal competing legislative vehicles](#) for the debate: a [likely “dead” draft bill](#), the [“Compliance with Court Orders Act of 2016,”](#) by Intelligence Committee Vice-Chairs [Sens. Richard Burr \(R-NC\) and Dianne Feinstein \(D-CA\)](#) that would compel companies to assist law enforcement in accessing encrypted data when so-directed by a valid court order; and the [Digital Security Commission Act \(H.R. 4651\)](#) by House Homeland Security Committee Chairman Michael McCaul (R-TX) and Sen. Mark Warner (D-VA), [summarized here](#), to establish a national commission to address and make recommendations on the issue.

In addition to working with Congress on the matter, in mid-April ALA and its [coalition partners](#) [also continued to pressure the White House](#) to publicly oppose restrictions on robust encryption or mandates to weaken or circumvent it. Notably, positive legislation also has been introduced in the House. The “ENCRYPT Act” ([H.R. 4528](#)), sponsored by Rep. Ted Lieu (D-CA33) and Rep. Blake Farenthold (R-TX27), would "prevent any state or locality from mandating that a 'manufacturer, developer, seller, or provider' design or alter the security of a product so it can be decrypted or surveilled by authorities." No bill discussed above is expected to have an easy or rapid path to passage.

“Save Crypto” Campaign against Mandated Encryption System “Back Doors” Continues; “Save Security” Campaign Launches on Day of Argument to Support Apple’s Case in Court

Last year, ALA joined a large number of other national groups in promoting the [#SaveCrypto](#) campaign. The campaign, launched on September 30, 2015, initially was organized around a drive to encourage 100,000 individuals to sign a petition mounted on the White House’s “We the People” website calling on the President to confirm that he opposes efforts to mandate that encryption designers include a “back door” -- ostensibly for the use of law enforcement only when authorized -- in their systems. The 100,000 signature target was reached four months ago in just nine weeks. The White House, however, has yet to substantively respond as

it promises on the “We the People” website to do so for all petitions that meet the 100,000 signature threshold. Coalition efforts to secure that detailed reply continue. In addition, in early January ALA and scores of other national organizations and individual technical experts [wrote to the President](#) asking him to affirmatively and publicly reject policies that would weaken encryption, and to urge other world leaders to take a similar stand. ALA and others also [wrote in early March to senior White House staff](#) at the heart of encryption policymaking to respectfully ask that civil society and human rights organizations be included in high-level discussions bearing on mandated encryption to the same extent as technology companies that participated in a recent Administration/Silicon Valley “summit” have been.

ALA Supported Coalition Pushes Landmark Privacy Protections Unanimously through House

After literally years of work by ALA and many coalition partners, a bill to finally reform the Electronic Communications Privacy Act (ECPA), [H.R. 699, passed the House](#) on April 27th. Critically, it did so by a vote of 419–0 and devoid of language that, until late in the process, threatened to weaken the bill to the point that ALA and other privacy advocates likely would have been forced to withdraw their support. ALA and its grassroots actively lobbied for passage of H.R. 699, releasing a [statement](#) by president Sari Feldman and writing in coalition to the [Senate on May 24th](#), the [House on April 26th](#), and all [House Judiciary Committee Members on April 13th](#). (As passed by the House, HR. 699 would require law enforcement authorities to obtain a judicial warrant based on probable cause to obtain the content of personal emails, texts, electronic files, photos and virtually any other private and electronically stored data. [Under current law](#), in most cases, only a subpoena is needed to get such material after it’s more than six months old.)

The bill’s fate in the current Congress now rests with the Senate Judiciary Committee, which was to have “marked up” a slightly altered version of the bill on May 26th but was forced to forego action in the face of a flurry of late amendments seemingly designed to make the bill unsupportable by advocates of real reform. The Committee is now scheduled to again consider the measure and amendments to it on June 9th. It is unclear at this writing, however, whether the Committee will succeed in reporting the bill out to the full Senate and, if it does so, whether that bill will be one that contains unsupportable “poison pill” provisions. Those could include exempting certain civil agencies from the bill’s strong new judicial warrant requirements, or affording law enforcement exemptions from the new warrant requirement in “emergencies” so broadly defined as to effectively nullify the bill’s intended new protections.

House Judiciary Committee to Finally Vote on Electronic Communications Privacy Act

As [previously reported](#) in District Dispatch many times over the past several years, despite enormous bi-partisan support, bills to meaningfully reform the Electronic Communications Privacy Act (ECPA) have been bottled up in the House Judiciary Committee. As last reported, the House Judiciary Committee held a long-sought and contentious hearing on the current bill, the [Email Privacy Act](#) (H.R. 699), in early December of last year at which proponents repeatedly pressed the bill’s principal antagonist – Judiciary Committee Chairman Bob Goodlatte (R-VA6) -- to immediately bring it before the Committee for an “up or down” vote. The pressure worked.

Initially committing publicly to “marking up” H.R. 699 in the Judiciary Committee “in March,” the Chairman now formally has set April 13, 2016 for markup of H.R. 699. Anticipating efforts by Chairman Goodlatte to weaken the bill, ALA is actively working in coalition with other public and private sector groups to move an unweakened Email Privacy Act out of the House Judiciary Committee and to a vote in both chambers of Congress before year’s end. HR. 699 would require law enforcement authorities to obtain a judicial warrant based on probable cause to obtain the content of personal emails, texts, electronic files, photos and virtually any other private and electronically stored data. [Under current law](#), in most cases, only a subpoena is needed to get such material after it’s more than six months old.

ALA Backs Whistleblower Protection Bill, Protests Mischaracterization of Whistleblowers as Threat by Office of the Director of National Intelligence

Together with the ACLU, OpenTheGovernment.Org, PEN American Center, Public Citizen and more than two dozen other national groups, [ALA wrote in December](#) to Senate Judiciary Committee Chairman Charles Grassley (R-IA) and Ranking Member Patrick Leahy (D-VT) in support of their FBI [Whistleblower Protection Enhancement Act](#), S. 2390. As noted in this [Bill of Rights Defense Council blog](#), current law does not adequately shield FBI whistleblowers from professional retaliation. No near-term action on the bill is expected. ALA also joined with a similar group of organizations from across the political spectrum in a [letter to the Inspector General of the Intelligence Community](#), Charles McCullough, seeking public correction of a top national intelligence community official’s public mischaracterization of whistleblowers as an “inside threat” to the government and national security. His response remains pending.

Other Diverse ALA Pro-Privacy Coalition Work Continues Apace

During the current reporting period, ALA has helped craft and lent its name to several additional coalition communications to Congress pertaining to privacy and surveillance. Specifically, ALA has: written to the [Director of National Intelligence](#) seeking information on the number of American citizens whose communications have inadvertently been gathered in pursuit of foreign intelligence under Section 702 of the Foreign Intelligence Surveillance Act (FISA); asked the [House Committee on Oversight and Government Reform](#) to hold hearings regarding the widely reported incidence of communications by Members of Congress having been intercepted by the National Security Agency; and urged the [House Judiciary Committee](#) to redesignate a hearing on Section 702 of FISA as at least partially unclassified to allow for public attendance and participation in building a record.

ALA Succeeds in Push for Legislation to Make CRS Reports Publicly and Freely Available

At last report, support was growing in the [private sector, press](#) and among Members of Congress for a bill that would direct the US Government Publishing Office to presumptively make almost all Congressional Research Service research reports promptly and widely available to the public without charge. Legislation to do just that, the Equal Access to Congressional Research Service Reports Act of 2016, [S. 2639](#) and [H.R. 4702](#), was introduced in early March. As noted then in [District Dispatch](#), ALA worked closely with more than 40 other organizations to reach this milestone, including particularly Demand Progress. The coalition’s statement on introduction of the bill, as well as the press statements released by all four of its Senate

authors, are available on the [Demand Progress website](#). Currently the public is able to get only piecemeal access to these reports as they are released at the discretion of various Congressional offices. ALA has expressed its appreciation to Senators John McCain (R-AZ) and Patrick Leahy (D-VT) who sponsored the bill in the Senate and Representatives Leonard Lance (R-NJ) and Mike Quigley (D-IL) who introduced it jointly in the House. OGR looks forward to working closely with these offices and others in Congress to bring this long overdue legislation to a vote in both chambers.

Legislation Mandating Broad Public Access to CRS Reports Likely Stalled

As reported previously, ALA joined with a number of other groups to support the early March introduction of the “Equal Access to Congressional Research Service Reports Act of 2016,” [S. 2639](#) and [H.R. 4702](#). Given the compressed congressional calendar, on April 6th ALA again teamed with our coalition partners to [urge House and Senate committees to move forward with a markup of the bill](#). While that has not yet happened, Rep. Quigley (who introduced H.R. 4702) attempted to provide access to CRS reports through another avenue, introducing two amendments during the a House Appropriations Committee markup on May 17th. Regrettably, both amendments failed.

The first amendment, as proposed in H.R. 4702, would have directed the Government Publishing Office (GPO) to establish and maintain a public website to provide searchable, sortable, and downloadable public access to Congressional Research Service (CRS) reports without charge. When that amendment failed, Rep. Quigley then offered language to the appropriations bill that merely would have required a comprehensive list of all CRS reports produced (properly confidential documents excepted as in H.R. 4702) to be made publicly available. The lack of support during the House Appropriations markup is of concern, but ALA and our partners will continue to try to move this issue forward. That effort is likely to continue in the 115th Congress, which will be constituted in early 2017.

Seamus Kraft wins 2016 James Madison Award

On March 11th, ALA president Sari Feldman [awarded the OpenGov Foundation’s Director Seamus Kraft with the James Madison award](#). Kraft has engineered a number of breakthrough initiatives aimed at opening government access and transparency to the public. Those projects include: creating America Decoded, which publishes legal codes, legislative data and existing laws in standardized data for major states and cities; launching MADISON—an open legislative data and engagement platform for writing, publishing and annotating legislation—in federal, state and local governments; being the driving force behind the recent successful bipartisan push that officially opened the House of Representatives to open-source software; and hosting four, nationwide #Hack4Congress events to catalyze progress and strengthen the open government community.

Broad FOIA reform bill passes in the Senate

[A year after it was introduced](#), the Senate finally voted on [S. 337, the FOIA Improvement Act](#), and the bill passed unanimously. It is now time for the Senate and House negotiators to reconcile S. 337 with the House’s own version of FOIA reform, [H.R. 653](#), which passed

unanimously in January of this year. With an extra-long summer recess to accommodate the major parties' political conventions looming, and a legislative calendar further truncated by the 2016 elections themselves, time will be tight if Congress and the public are to avoid the sad situation we were left in at the end of the 113th Congress when [time simply ran out to enact FOIA reform in 2014!](#) Thanks to Senator John Cornyn (R-TX), Senate Judiciary Committee Chairman Charles Grassley (R-IA) and Judiciary Ranking Member Patrick Leahy (D-VT) not only for introducing and supporting S. 337 in the current Congress, but for their longstanding commitment to meaningful FOIA reform over many years and multiple Congresses. We now have forward movement!

National Library Legislative Day Tops Grassroots Highlights List

Just over 400 participants from all but three states again attended this year's National Library Legislative Day (NLLD) in Washington. Participants reacted favorably to changes in the structure of the event, including particularly condensed issue briefings and added time for a media training panel. The event's popular "newbie" training session, traditionally offered on the Sunday before Monday's formal "Leg Day" briefings, was in particularly high demand this year. Subscription by more than 120 first-time NLLD participants necessitated the addition of a second training session for the first time in NLLD's more than 40 year history.

NLLD this year also both facilitated and showcased ALA's deepening collaboration with the [Harry Potter Alliance](#) (HPA). Pre-NLLD social media and email "challenges" inaugurating a constructive and friendly rivalry between our respective grassroots netted more than 630 contacts by HPA members, *and almost 2200 contacts by ALA activists*, to congressional offices in support of [ALA's key policy "asks"](#) on federal funding, copyright and privacy legislation. They also actively advocated for Dr. Carla Hayden's immediate confirmation as Librarian of Congress and in support of the Library of Congress' autonomy in subject heading determinations (see discussion above).

This year for the first time, we were able to live-stream the morning briefings for those who participated in NLLD virtually.

NLLD participants also were afforded a preview of the [inaugural "SPARK" video](#), jointly produced by OGR with HPA. Comprised of 3 -5 minute "shorts" designed to introduce teens and young adults to Congress and federal advocacy, the new video series ([publically announced by ALA](#) on May 2) aims to demystify the advocacy process for young and new advocates, giving them concrete tips on calling legislators' offices, scheduling meetings and planning their own campaigns. Three of eight videos have been completed at this writing with the remainder expected to be released this summer.

Finally, OGR is pleased to report that interest in active advocacy by members and other supporters is strong. In the past year: net subscriptions to [District Dispatch](#) increased and the number of individuals who follow District Digest (the weekly Washington Office newsletter) now stands at 9,825, up 60% (from 6,000); more than 12,700 new advocates signed up to receive legislative alerts through Engage, increasing ALA's pool of recipients by more than 10%; and the Washington Office Tumblr account, [Library Advocates](#), reached the 15,000 follower milestone.

Open Government Data Bill Introduced in both Chambers and Advances in Senate

In late April, the “OPEN Government Data Act” was introduced in both the House ([H.R. 5051](#)) and Senate ([S. 2852](#)). These identical bills would establish a comprehensive policy across the federal government to ensure that government data is accessible to the public by requiring federal agencies to publish government data in machine-readable and open formats, and to use open licenses. While the House Committee on Oversight and Government Reform has not yet acted on H.R. 5051, the Senate Committee on Homeland Security and Governmental Affairs approved S. 2852 on May 25th, making it “ripe” for potential floor consideration. In early May, ALA joined in expressing its [support for these bills](#) and OGR will continue to work to move them forward in Congress, as possible. With very few actual “legislative days” remaining in the current Congress’ calendar prior to its extended summer recess and the November elections, however, their prospects for passage remain unclear.

New Initiative Archives Key Washington Office, COL Documents in Easily Searchable Form

In close collaboration with ALA archives staff at the University of Illinois, Urbana-Champaign, the ALA Washington Office Information Manager Stephen Mayeaux has initiated a program of metadata curation for, and regular document uploads to, the [ALA Institutional Repository](#) (ALAIR). All deposits will be made available in ALAIR . This effort is part of a long-term content management strategy by the Office intended to facilitate searchable access to past and present Washington Office materials. It is also intended to ensure the long-term storage and discoverability of current, “born digital” office content on a range of federal legislative, regulatory, and library advocacy issues.

Newly archived and preserved materials include: ALA- and coalition-authored letters to federal officials and congressional committees, newsletters, publications, amicus briefs, and comments and submissions on federal rulemaking procedures, among others. To date, more than 1100 documents have been uploaded to the [ALA Washington Office](#) collection. A parallel project also is underway to build a comparable [Committee on Legislation](#) collection.

These projects represent a continuation and expansion of work that the Washington Office has undertaken since the arrival of its Information Manager to upload large quantities of older materials to the Archives that previously were unavailable in digital format elsewhere on www.ala.org. A complete and fully searchable database of all ALA Council Resolutions addressed by the Committee on Legislation from 2001 forward is now complete. Select other Council Resolutions dating back as far as 1961 also are available. Regular updates of the archives will continue with the goal of making ALAIR a thorough, searchable permanent collection of Washington Office-generated content.

Office for Information Technology Policy

Information Policy Workshop for ALA Leaders

In collaboration with the ALA Executive Board, OITP organized an all-day information policy [workshop](#) for member and staff leaders from the various divisions and offices of the association just prior to the 2016 Midwinter Meeting. The workshop was part of the implementation plan for ALA's strategic direction on information policy. ALA President Sari Feldman served as general chair of the workshop, and featured speakers included Marjory Blumenthal from the White House Office of Science and Technology Policy, Gwenn Weaver from the U.S. Department of Commerce, IFLA President Donna Scheeder, and Alan Fishel, partner at D.C. law firm Arent Fox.

New Collaboration on Financial Counseling and Veterans

ALA has [joined forces](#) with the National Foundation for Credit Counseling® (NFCC®) and local libraries to deliver financial education and resources to members of the military and their families across the country. Members of the U.S. armed forces, Coast Guard, veterans, and their families face financial challenges often not adequately addressed by resources designed for the general public. ALA and NFCC will leverage local member agencies and libraries to help improve the financial lives of service members, veterans and their families. Participating pilot libraries will be announced in mid-March, with programs to begin this spring.

ALA Submits Comments to the Department of Health and Human Services (HHS) and the Department of Education

In response to a call for comments on a joint draft policy statement on family engagement and early learning, ALA (with input from AASL, ASLC, YALSA and PLA) submitted [comments](#) to the U.S. Departments of HHS and Education. Their draft policy statement includes specific Principles of Effective Family Engagement Practices and recommendations for state and local action. The draft also reviews relevant research and includes an appendix with resources for planning engagement programs, professional development, and families.

OITP other select activities:

South by Southwest: Charlie Wapner [presented](#) with Benetech at South by Southwest EDU regarding how 3D printers can be leveraged in libraries, museums and schools to create new learning opportunities for students with disabilities.

OITP Deputy Director Larra Clark also participated in South by Southwest Interactive as part of a library outreach contingent and met with Texas State Libraries and Archives and Texas library leaders.

ALA Holds First-Ever National Policy Convening

ALA held a [National Policy Convening](#) in Washington, D.C., April 12–13, to highlight the contributions of libraries to national policy priorities and raise the profile of libraries and ALA within the policy community. Chaired by ALA President Sari Feldman, the convening included a broad range of speakers that included a U.S. Senator and representatives from the National League of Cities, U.S. Small Business Administration, Aspen Institute, Harvard University Library, Google, Consumer Technology Association, and more. The convening represents one part of the plan and strategy to position libraries in the next Presidential Administration.

ALA Issues New Report on the Practical Aspects of 3D Printing

Co-authored by 3DPrint360 CEO Zach Lichaa and OITP's Charlie Wapner, [“Progress in the Making: Librarians’ Practical 3D Printing Questions Answered”](#) poses and answers sixteen practical questions related to establishing 3D printing as a library service. All of the questions were fielded from library professionals interested in 3D printing technology. As a by-product of OITP's policy advocacy on 3D printers and libraries, we are able to provide this practical information to assist library professionals.

OITP Named as Collaborators on Three IMLS Grants

In the recent new IMLS awards for the National Leadership Grants for Libraries Program and the Laura Bush 21st Century Librarian Program, OITP was named collaborators on three of them. Such cooperative efforts are key to our policy work, as by working with talented and effective partners, we expand our reach and impact considerably. The projects are:
Post-master's certificate in youth experience design, University of Maryland (YALSA is also a named collaborator on this project)
Evaluation of hotspot lending programs for rural libraries, University of Texas
Digital library design guidelines on accessibility, usability, and utility for blind and visually impaired users, University of Wisconsin—Milwaukee

Nick Gross Appointed as Google Policy Fellow

Nick Gross, a Ph.D. candidate in media law and policy at the University of North Carolina, Chapel Hill, was named as ALA's 2016 Google Policy Fellow. He will work on a variety of technology and internet policy issues this summer while in residence at the Washington Office. Previously, Nick completed a J.D. at the University of Miami School of Law and worked as a staff attorney for the U.S. Court of Appeals for the Eleventh Circuit. He is a member of the California bar.

OITP Adds Media Analytics Summer Intern

On June 6, Brian M. Clark will begin an internship with ALA's Office for Information Technology Policy (OITP) for the summer. Brian recently completed his junior year at Elon University in North Carolina, where he is majoring in media analytics and minoring in business

administration. His projects will focus on social media and the web and how ALA can better leverage communications technologies to achieve more effective policy advocacy.

ALA Briefs Congressional Caucus on Value of Broadband for Rural Libraries

At the April meeting of the bipartisan Congressional Rural Broadband Caucus, OITP Associate Director Marijke Visser and co-panelists from the public and private sectors briefed the caucus, congressional staff and a general audience at a public session entitled “Strengthening Rural Economics through Broadband Deployment.” Marijke provided examples of how libraries have helped small businesses develop business plans, conduct market research, foster employee certification, use 3D printers, and even use library software programs to design and print creative menus for a restaurant. Membership in the caucus currently stands at 34 representatives.

ALA Joins Roundtable on “What’s Your Digital IQ?”

OITP Deputy Director Larra Clark, speakers from the Council of Better Business Bureaus (BBB), Nielsen and the Multicultural Media, Telecom and Internet Council (MMTC) in a roundtable discussion on the importance of digital empowerment. “What’s Your Digital IQ?” was opened by Congressman Gus Bilirakis (R-FL) and former Federal Trade Commissioner Julie Brill talking about the importance of the \$1 trillion digital economy and the need for tools to help people be smart online and protect themselves against hackers and scams. Brill referenced recent [analysis](#) from the National Telecommunications and Information Administration (NTIA) citing that a lack of trust in Internet privacy and security may deter online activities.