

**ALA Committee on Legislation
Report to Council
2016 Midwinter Meeting – Boston, MA**

**Ann Ewbank
Chair, ALA Committee on Legislation
January 12, 2016**

Committee on Legislation highlights:

- 1. ESSA:** The Every Student Succeeds Act (ESSA), reauthorizing the Elementary and Secondary Education Act (ESEA), was signed into law by the President at a White House ceremony on December 10th culminating a ten year effort by ALA members and staff to educate Congress on the important role that school libraries play in a student's education and to have that reflected in the language of this watershed law. This truly was a shining moment for our Association – Divisions, Offices, and members all working together to achieve this historic win for ALA and tens of millions of students in every part of the nation. All too often in our work with congressional issues we do not see much movement and it can be hard to encourage our grassroots to take action. That is one of the reasons that this win for school libraries is so encouraging! ALA members and supporters sent just under 10,600 individual emails to Congress urging them to include school libraries in the Every Student Succeeds Act: by far the most ever sent through the ALA Engage site on a single matter. Thank you for the time you took to contact Congress and a special thank you and congratulations to Emily Sheketoff, the ALA Washington Office's Executive Director, for her tireless efforts – assisted by Deputy OGR Director Jessica McGilvray -- in this area!
- 2. Surveillance Resolution:** Representatives from COL, IFC, SRRT, and Council formed a Working Group to review the National Surveillance Resolution discussed during last year's annual conference and to revise it consistent with the Council debate at that meeting. Over the course of three conference calls in August, September and October, the group discussed its charge and reviewed the resolution. A drafting party was formed and created a first draft revision of the resolution. The Working Group reviewed the first draft, made additional changes, and finalized the work on the document during the third call in October. At that time, the proposed draft document was taken back to COL, IFC, and SRRT for further review. All three groups reported that they could support the document in principle. The proposed draft of the revised resolution was then posted to the Working Group's ALA Connect page at <http://connect.ala.org/node/246874> and also was sent to the Council listserv in mid-November for further comment and discussion. No disapproving input was received through either channel. COL and IFC, both individually and jointly, discussed the final draft of the resolution at this midwinter meeting and jointly recommended its adoption to Council. This process is yet another example of pieces of ALA working together respectfully and successfully for the greater good of the Association. COL thanks IFC and its Chair, Pam Klipsch, for co-managing the process and is pleased and proud to have contributed to it.

3. **COL Retreat:** For the first time in a number of years, COL was able to hold its annual retreat in Washington, DC. Holding the retreat in our nation's capital allowed the members of COL to hear from not only the Office of Government Relations staff, but also from Hill staff and consultants. This provided an opportunity for enhanced learning and discussion to take place around the many issues that the Committee covers. Hosting the retreat in Washington also allowed the retreat to be held earlier in the COL year. This proved invaluable in facilitating planning discussions for the coming year's work. COL would like to thank ALA for its generous support for the retreat.

COL brings this action item to Council jointly with IFC:

The resolution is CD#20.1 (19.1):

Resolution for Restoring Civil Liberties and Opposing Mass Surveillance

RESOLVED, that the American Library Association, on behalf of its members and the public interest:

1. Urges the President and Congress to amend all germane surveillance-enabling authorities, such as Executive Order 12333, the Foreign Intelligence Surveillance Act (FISA) as amended, and the USA PATRIOT Act, to:
 - a. Require government agencies to obtain judicial warrants before collecting any individual's personal information from third parties and require court approval for National Security Letters;
 - b. Raise the standard for government collection of all records under FISA from "reasonable grounds" to "probable cause" and sunset Section 215 of the USA PATRIOT ACT (commonly known as the "library records" section);
 - c. Limit the government's ability to use information gathered under intelligence authorities in unrelated criminal cases, thereby making it easier to challenge the use of illegally obtained surveillance information in criminal proceedings; and
 - d. Prohibit the government from requiring hardware and software companies to deliberately design encryption and other security features to facilitate government access to information otherwise protected by such features;
2. Recommits itself to leadership in the fight for restoration of the public's privacy and civil liberties through statutory and other legal reforms; and
3. Commends and thanks all parties, both inside and outside of government, involved in developing and securing passage of the USA FREEDOM Act, resulting in movement away from overbroad surveillance laws and practices for the first time in more than a decade.

Additionally, COL brings the following action item:

The resolution is CD#20.2:

Resolution Honoring James H. Billington, Librarian of Congress Emeritus

RESOLVED, That the American Library Association on behalf of its members:

Extends its deepest appreciation to James H. Billington, Librarian of Congress Emeritus, for his extraordinary service to Congress, libraries and the public and for his nearly three decades of achievement.

Additional Information Items:

Government Information Subcommittee Educational Document:

During this conference the Government Information Subcommittee (GIS) sent forward to COL a revised educational document pertaining to the Federal Depository Library Program (FDLP). A document that originated from the Government Documents Round Table (GODORT) Legislation Committee was referred to GIS for further review and was discussed prior to and during this conference. COL was appreciative of the work of both GODORT and GIS and accepted it in its revised form. This educational document can be utilized to educate members of Congress, as well as ALA membership, on the purpose and work of FLDP.

Subcommittee reports:

Copyright

The Copyright Subcommittee met once during this Midwinter Meeting on Saturday afternoon. It reviewed significant regulatory and legislative developments of 2015, including particularly the US Court of Appeals' ruling in favor of the Google Books digitization project and the results of the so-called "Triennial Rulemaking" conducted by the Copyright Office under the Digital Millennium Copyright Act (DMCA). The bulk of the Subcommittee's time, however, was spent discussing both short- and longer-term opportunities to foster ALA federal advocacy on copyright matters. These include: encouraging broad participation in the Electronic Frontier Foundation's Copyright Week and the Association of Research Libraries' Fair Use Week in January and February of this year, respectively; gathering data and personal experiences that may underpin ALA's formal comments to the Copyright Office on Section 1201 of the DMCA due in March 2016; and assessing the desirability of pushing for legislation modeled upon UK law and IFLA's efforts to preclude limitations and exceptions to copyright law (like fair use) from being "contracted away" or otherwise defeated in end user license agreements. The Subcommittee resolved to meet again by conference call on January 20 to pursue these matters.

E-Government Services

The Subcommittee on E-Government Services met once during the Midwinter 2016 conference and spent the bulk of their meeting planning a pre-conference in Orlando prior to the Annual 2016 conference focused on e-government services. This pre-conference will provide librarians an opportunity to hear from and ask questions of federal agencies such as the Internal Revenue Service and Veterans Affairs. With their remaining time, the Subcommittee discussed needed

updates to the E-Government Toolkit that they will complete prior to the Annual conference and two webinars they will host this spring-- one that follows up on last year's presentation at Annual about the network of Veterans Resource Centers that have been set up in California, and another that repeats last year's webinar about Congress.gov, just in time for the permanent shutdown of the THOMAS website.

FLAG

The FLAG subcommittee met on Saturday afternoon, January 9th. Committee chairs Vivian Wynn and Joan Ress Reeves reviewed the charge of the committee and the list of Members of Congress for which the subcommittee has been able to find advocates. The subcommittee reviewed a list of priority Congressional Committee members provided by Emily Sheketoff, meant to help the subcommittee target key Members who are influential on library issues. The subcommittee divided up the key members of the Labor HHS Subcommittee and assigned members to find an advocate who would be able to contact those legislators. The meeting concluded with a discussion about the date and time for the February conference call.

Government Information

The Government Information Subcommittee (GIS) held one joint meeting with the Government Documents Round Table's (GODORT) Legislation Committee during ALA Midwinter 2016. Participants heard an update from the Government Publishing Office (GPO) and discussed and sent forward to COL a resolution honoring Dr. Billington and his time at the Library of Congress.

Grassroots

The Grassroots subcommittee met on Saturday, January 9th. Committee chair Susan Earl gave updates on a new initiative to reach out to division leaders. The initiative will encourage attendance at National Library Legislative Day, and will reiterate the ways that each division can take advantage of the Washington Office advocacy tools. Each member of the subcommittee was assigned a division to approach, with the goal of having the letters completed and sent by the end of January. Staff liaison Lisa Lindle gave an update on the social media roll out of the Speak Out document, which the committee has agreed should be mined for relevant resources (webinars, infographics, toolkits), to help direct new traffic to those resources. The meeting concluded with an update from Lisa about changes to Virtual Library Legislative Day (VLLD) and the new collaboration with the Harry Potter Alliance (HPA). The HPA has created a toolkit for librarians, encouraging them to reach out to local HPA chapters or to have a chapter hosted in their library, with the goal of encouraging library and HPA chapter collaboration on VLLD advocacy events. The HPA's target demographic is 13-22 year olds, not a traditional demographic for the ALA, and their participation helps encourage youth activism on library issues, and helps us engage librarians who may otherwise not have participated in NLLD or VLLD by giving them a youth program that they can host.

Legislation Assembly

The Legislation Assembly met on Monday morning during the 2016 ALA Midwinter Meeting. At this meeting, the staff provided legislative updates to the Assembly. The Assembly also received updates from several units. There was also an update on the two resolutions being proposed by COL. Following these updates, the meeting concluded with a general discussion on ways to facilitate the appointment of unit representatives, as well as ways to encourage all parts of ALA to participate in the Assembly. Members agreed that reciprocal sharing of staff and member

updates between the COL and Assembly listservs would help increase engagement and reinforce the value of the Assembly as a legislative information sharing platform across ALA.

Telecommunications

The COL Telecommunications Subcommittee met on Saturday, January 9, to review a number of important issues, including net neutrality, lifeline, E-rate, digital access, media mergers, Americans with Disabilities Act Title II implications for libraries, and a possible Communications Act re-write. Co-Chair Holly Carroll led a discussion of Colorado activity around local initiatives of community broadband. Holly's library partnered with several other organizations in the Fort Collins, Colorado, community to lead a successful local initiative to approve a community broadband initiative. Holly suggested the COL may be interested in pursuing an article in *American Libraries* or a webinar on how this success in Colorado could provide a model for local communities seeking to expand community broadband options. The Joint COL and OITP Telecommunications subcommittees met on Sunday to further discuss telecom policy and legislation. The Joint meeting highlighted a discussion of ongoing activities surrounding E-rate, spectrum, and Wi-Fi and the implications of Unlicensed LTE-U. Holly Carroll discussed the Colorado experience on community Broadband.

LSTA

The LSTA subcommittee met and discussed all the suggestions for changes to the Reauthorization of the Museum and Library Services Act. The subcommittee agreed to suggest that a change be made in the description of the Director's term which would remain 4 years, but say that the incumbent can remain in position until a new Director has been confirmed.

They are also looking to rewrite the terms for the Maintenance of Effort and research data collection and possibly removing the Special Rule section for the three Freely Associated States (the Marshall Islands, Micronesia and Palau) to have them receive an allotment similar to the Pacific Territories and US Virgin Islands.

When work has been completed, the Office of Government Relations will begin working with our Congressional allies to write and pass the reauthorization bill after October 2016.

Final Notes:

We would like to urge all Councilors who have not yet done so to sign up to receive District Dispatch blog posts in order to be fully informed on current legislative issues, and to receive legislative action alerts. We would also like to remind you that National Library Legislative Day is on May 2-3, 2016. Please consider attending the event and meeting with your legislators.

As always, COL would like to thank the staff of OGR for all of their hard work! The work of COL cannot happen without their help.

RESOLUTION FOR RESTORING CIVIL LIBERTIES AND OPPOSING MASS SURVEILLANCE

Whereas the American Library Association (ALA) has always supported the fundamental principles of government transparency and public accountability that undergird the People's right to know about the workings of our government and to participate in our democracy;

Whereas the ALA Council adopted "Resolution Reaffirming the Principles of Intellectual Freedom in the Aftermath of Terrorist Attacks" (2002-2003 CD#19.1), "Resolution on the USA PATRIOT ACT and Libraries" (2005 CD#20.6), "Resolution on the Use and Abuse of National Security Letters" (2006-2007 CD#19.3), and "Resolution on the Need for Reforms for the Intelligence Community to Support Privacy, Open Government, Government Transparency, and Accountability" (2012-2013 ALA CD#19.2 and CD#20.40), and other surveillance-related resolutions;

Whereas the ALA "values access to the documents disclosing the extent of public surveillance and government secrecy as access to these documents now enables the critical public discourse and debate needed to address the balance between our civil liberties and national security" (2012-2013 ALA CD#19.2 and CD#20.40);

Whereas the ALA reaffirms that "these disclosures enable libraries to support public discourse and debate by providing information and resources and for deliberative dialogue and community engagement" (2012-2013 ALA CD#19.2 and CD#20.40);

Whereas the nation's intelligence and law enforcement agencies conduct surveillance activities pursuant to multiple legal authorities, including Executive Order 12333, the Foreign Intelligence Surveillance Act (FISA) as amended, the USA PATRIOT Act, and the USA FREEDOM Act;

Whereas the ALA defends privacy rights and supports government transparency and accountability; and

Whereas passage of the USA FREEDOM Act meaningfully contributed to recalibration of the nation's privacy and surveillance laws, restoring civil liberties, but accomplished only a fraction of all such necessary change; therefore be it

RESOLVED, that the American Library Association, on behalf of its members and the public interest:

4. Urges the President and Congress to amend all germane surveillance-enabling authorities, such as Executive Order 12333, the Foreign Intelligence Surveillance Act (FISA) as amended, and the USA PATRIOT Act, to:
 - a. Require government agencies to obtain judicial warrants before collecting any individual's personal information from third parties and require court approval for National Security Letters;

- b. Raise the standard for government collection of all records under FISA from “reasonable grounds” to “probable cause” and sunset Section 215 of the USA PATRIOT ACT (commonly known as the "library records" section);
 - c. Limit the government’s ability to use information gathered under intelligence authorities in unrelated criminal cases, thereby making it easier to challenge the use of illegally obtained surveillance information in criminal proceedings; and
 - d. Prohibit the government from requiring hardware and software companies to deliberately design encryption and other security features to facilitate government access to information otherwise protected by such features;
5. Recommits itself to leadership in the fight for restoration of the public’s privacy and civil liberties through statutory and other legal reforms; and
6. Commends and thanks all parties, both inside and outside of government, involved in developing and securing passage of the USA FREEDOM Act, resulting in movement away from overbroad surveillance laws and practices for the first time in more than a decade.

**RESOLUTION HONORING JAMES H. BILLINGTON, LIBRARIAN OF CONGRESS
EMERITUS, JANUARY 2016**

WHEREAS, the 13th Librarian of Congress, James H. Billington, served the Congress and the Nation for nearly three decades and leaves an extensive legacy for the Library of Congress, America's first established cultural institution and largest library in the world; and

WHEREAS, He oversaw the creation of no-fee, high-quality electronic services, thereby increasing the Library's outreach to patrons onsite and online, which provided access to the Library's many unique and varied resources - "to get the champagne out of the bottle;" and

WHEREAS, He doubled the size of the Library's collections and strengthened the Library's commitment to the preservation of recorded human knowledge; and

WHEREAS, He launched the National Film Preservation Board in 1988 which identifies and selects 25 American films for preservation and inclusion each year in a new National Registry, to which the Librarian has since named 650 films, and which has become a critical touchstone for recognition and preservation of this important art form; and

WHEREAS, He transformed the Thomas Jefferson Building into a major exhibition venue which has showcased the depth and breadth of the Library's historic collections including the recent exhibits commemorating the 800th anniversary of Magna Carta as well as early American printing which featured the Rubenstein Bay Psalm Book; and

WHEREAS, He played a key role in the implementation of the THOMAS website in 1994 providing the public significant, and no fee, access to U.S. federal legislative information; and

WHEREAS, He created the American Memory project in 1990, which became the foundation for The National Digital Library in 1994 which provides access to rare and unique material in the Library's collections; and

WHEREAS, He established the National Book Festival, the John W. Kluge Center, and the audio-visual conservation center, among others; and

RESOLVED, That the American Library Association on behalf of its members:

Extends its deepest appreciation to James H. Billington, Librarian of Congress Emeritus, for his extraordinary service to Congress, libraries and the public and for his nearly three decades of achievement.

We refer you to following report that gives you additional information about ALA's federal legislative activities since Annual 2015.

SIX MONTH REPORT TO COUNCIL January 2015

ALA Washington Office Activities

ALA Co-hosts Reception for new IMLS Director

The ALA Washington Office co-hosted a reception with the American Alliance of Museums to welcome Dr. Kathryn Matthew as the new Director of the Institute of Museum and Library Services. Dr. Matthew was nominated by President Obama on March 10, 2015 to be IMLS Director and was confirmed by the Senate on September 22, 2015. She was sworn in as Director October 1, 2015.

The reception was in a private dining room of the Newseum and we had a four-piece ensemble to play background music. The reception was attended by our Washington supporters including staff and officials from Congress, the Library of Congress, National Archives and other library associations.

Government Officials Meet with ALA leaders

During the Libraries Transform national campaign launch in Washington, ALA President Sari Feldman took part in high level meetings at the Department of Labor (DOL) and at the Library of Congress. DOL officials discussed collaborative opportunities with the ALA leadership through the Workforce Investment program; while at the [Library of Congress](#) they met with Acting Librarian of Congress David Mao and Chief of Staff Robert Newlen, who said they welcome the chance to work closely with ALA.

Libraries Transform Launch Generates National Media Coverage

ALA Washington Office pitched several media outlets to cover the national launch by ALA President Sari Feldman of the Libraries Transform initiative. One result was that NBC TV news sent a camera crew who taped an interview with Sari at Thomson Elementary School, one of the four libraries on the October 29 tour. They also taped footage and interviews at the MLK Jr. Public Library. [The story](#) was produced and transmitted as a package to NBC affiliates around the country in advance of Thanksgiving telling how libraries transform communities, schools and the lives of library patrons as they provide the resources for a better quality of life. It was carried by NBC affiliates around the country reaching viewers nationwide.

As a follow-up to the national launch, the *Chronicle of Higher Education*, the leading magazine covering universities and colleges, conducted an [on-camera interview](#) with Sari about how libraries are transforming campuses with advanced technologies, training on new software tools and collaborative learning opportunities. A print version of the "On Leadership" interview accompanied the video and was also published in the December 18 issue of the *Chronicle*.

ALA Continues Central Role in Influential New Copyright Coalition

The Washington Office continues to participate actively in Re:Create, the public and private sector coalition dedicated to "rebalancing" copyright law in the public interest that launched with

support from Google last spring. Recent activity has included: 1) meeting in private session with John Morris, Associate Administrator and Director of Internet Policy for the [National Telecommunications and Information Administration](#); 2) strongly endorsing broad reform of Section 1201 of the Digital Millennium Copyright Act that requires libraries, researchers and many others to seek exemption every three years from the law's prohibition on "circumventing" encryption and other "technological protection measures;" and 3) publicly opposing reconstitution of the U.S. Copyright Office as an independent agency while strongly endorsing the Office's technological modernization. ALA also joined with other coalition members to assure that a [December 2 Committee on House Administration hearing](#) on Copyright Office modernization did not evolve into an opportunity for the Register of Copyrights to solicit Committee support for organizationally divorcing her Office from the Library of Congress and, with it, the Librarian's oversight authority. Legislation to take the Copyright Office out of the Library and establish it as an "autonomous agency" elsewhere in the Legislative Branch, [H.R. 4241](#), was introduced on December 11 by Rep. Tom Marino (R-PA10), with two additional cosponsors.

Libraries Land Significant Expansion of "AV" Exemption from Digital Millennium Copyright Act

In late October, the [Librarian of Congress approved a request](#) filed jointly nearly a year before by the Library Copyright Alliance (ALA, ACRL and ARL), educators and academic institutions to expand the permissible use of "clips" from copyrighted motion pictures in several ways within the higher education community and, notably, to extend this "Section 1201 exemption" to include K-12 settings. The Librarian also extended the exemption to Massive Open Online Courses (MOOCs) and to digital and media literacy programs offered by libraries and museums.

ALA Co-Founded Coalition Reaffirms Critical Value of Public Domain, Copyright Limitations

On September 22, as Members of the House Judiciary Committee prepared to meet in Nashville, TN -- the first of several public "listening tours" in cities around the country as part of their ongoing comprehensive review of copyright law -- the [Re:Create Coalition](#) issued a [strong statement co-drafted by OGR](#) reminding Committee members and the public of the many social and economic benefits of the public domain, as well as of maximizing fair use and other limitations on copyright rights. OGR will continue to work with and through both Re:Create and the Library Copyright Alliance to shape in advance such copyright reform proposals as the Committee and the current Congress may consider before concluding at the end of 2016.

ALA, ACRL, ARL and COSLA file amicus brief in net neutrality case

Continuing joint advocacy begun in early 2014, ALA, ACRL, ARL and COSLA argued in support of the Federal Communications Commission's (FCC) strong, enforceable rules to protect and preserve the open internet with an [amicus filing](#) on September 21 with the U.S. Court of Appeals for the District of Columbia Circuit. Oral arguments are scheduled for December 4, 2015, in the case of *United States Telecom Association, et al., v. Federal Communications Commission and United States of America*.

ALA Credited as "Winner" of USA FREEDOM Fight by Major Beltway News Outlet

In mid-December, *The Hill* -- perennially one of the top three inside the Beltway news outlets covering Capitol Hill -- released its list of the ten "[Top lobbying victories of 2015](#)," identifying

the “winners” of selected high-impact lobbying efforts. Under “National Security Agency Reforms,” *The Hill* named just two non-profit organizations among the winners of the fight to pass the USA FREEDOM Act: the ACLU and the American Library Association.

ALA Office of Government Relations Activities

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.

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.”

ALA applauds second circuit affirmation of fair use

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, 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.

Library Copyright Alliance, other associated IP coalition lobbying ongoing

OGR 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, OGR 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 US Patent & Trademark and Copyright Offices.

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.

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 (see <http://www.districtdispatch.org/wp-content/uploads/2014/12/advocake.docx>), 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. But 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.

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.