

TO: ALA Executive Board

RE: *Report on Washington Office Activities*

ACTION REQUESTED/INFORMATION/REPORT:
For information purposes. No actions requested.

ACTION REQUESTED BY:
No action requested.

CONTACT PERSON:
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DRAFT OF MOTION:
None.

DATE: *January 3, 2014*

BACKGROUND: The report provides information on recent ALA Washington Office initiatives and projects.

Attachments: Executive Board Report on Washington Office Activities (September–December 2013)

ALA WASHINGTON OFFICE

Libraries Applaud Dismissal of Google Book Search Case

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

OFFICE FOR INFORMATION TECHNOLOGY POLICY (OITP)

ALA Launches Policy Revolution! Initiative for Libraries

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

New Pew Report: Libraries Key to American Dream

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

<http://www.ala.org/news/press-releases/2013/12/pew-study-libraries-and-society-illustrates-expanding-roles-us-libraries>.

Visit <http://www.pewInternet.org/topics/Libraries.aspx> to learn more about the Pew study. OITP represents ALA on the advisory committee for the Pew studies on libraries.

ALA Joins Educators, Telecommunications Firms in Supporting E-rate

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

for modernization proposals.

Digital Content Working Group Hosts Ebook Town Hall

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

ALA Leadership Talks Ebooks with Publishers in New York

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

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

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

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

OFFICE OF GOVERNMENT RELATIONS (OGR)

NSA Surveillance Examined by Three Branches of Government

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

- ***Executive Branch:*** In December, President Obama's Review Group on Intelligence and Communications Technologies released a report calling for transparency, online security tools, and organizational reforms to the NSA.
- ***Legislative Branch:*** The American Library Association joined more than 50 businesses, civil liberties groups and public interest organizations in opposing the FISA Improvements Act, a bill that will legalize and extend NSA mass surveillance programs. Opposers to the bill include the American Civil Liberties Union, the Electronic Frontier Foundation, PEN American Center, TechFreedom, and others.
- ***Judicial Branch:*** D.C. District Court Judge Richard Leon ruled that the National Security Agency's surveillance practices on millions of unsuspecting Americans may be unconstitutional. In the ruling, D.C. District Court Judge Leon found the surveillance practices to be an "indiscriminate" and "arbitrary invasion" of personal data on Americans. In addition to finding that the program violates First and Fourth Amendments guaranteed by the Constitution, Judge Leon also examined the ineffectiveness of the NSA program in preventing terrorism.

One week later, a district court in New York found just the opposite, ruling that the bulk collection of telephone data does not violate the Constitution. Judge William Pauley of the Southern District of New York found that privacy protections protected in the Fourth Amendment should be balanced against a government need to prevent future terrorist attacks. "The right to be free from searches is fundamental but not absolute," said Judge Pauley. "Whether the fourth amendment protects bulk telephony metadata is ultimately a question of reasonableness." ALA expects that the surveillance issue will be taken to the U.S. Supreme Court.

ALA Welcomes USA Freedom Act

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

ALA Opposes Harmful Federal Research Legislation

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

ALA Calls for Nominations for the James Madison Award

The American Library Association is calling for nominations for an award that honors individuals or groups who have championed, protected and promoted public access to government information and the public's right to know. The James Madison Award, named in honor of President James Madison, was established in 1986 to celebrate an individual or group who has brought awareness to these issues at the national level. Madison is widely regarded as the Father of the Constitution and as the foremost advocate for openness in government. Nominations should be submitted to the ALA Washington Office no later than January 17, 2014. Submissions should include a statement about the nominee's contribution to public access to government information, why it merits the award and one seconding letter. ALA will announce the James Madison Award winner during the 2014 National Freedom of Information Day on March 14, 2014.

OGR Hosts Free Webinar on Local Library Advocacy

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

Library Services Impacted by Government Shutdown

On October 1, 2013, the U.S. government shut down after Congress failed to compromise on a continuing resolution to fund the government. While the ALA Washington Office remained up and running, the shutdown had a noticeable impact on library services across the country. The Institute of Museum and Library Services closed and was unable to disperse grants and funds to libraries as part of the Library Services and Technology Act. The Government Printing Office was shut down, and the U.S. Census websites and collection surveys were unavailable until the government reopened. The Library of Congress was also closed to the public and researchers for the duration of the shutdown.

OGR Involved with New Project on Seniors and Technology

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