TO: ALA Executive Board

RE: *Report on Washington Office Activities and Report on America's Public Libraries in the FCC's E-rate Proceeding*

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: *June 13, 2014*

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

Attachments:
- Executive Board Report on Washington Office Activities
- America's Public Libraries in the FCC's E-rate Proceeding: Positions of the American Library Association

WASHINGTON OFFICE NEWS

ALA Prepares to Help Protect the Open Internet via Net Neutrality

In May, the Federal Communications Commission (FCC) voted to open a new Notice of Proposed Rulemaking on ensuring the Open Internet. The American Library Association will actively engage—with ALA members, with library allies, with the FCC and with Congress, if needed—in this vital proceeding. ALA was one of the first to file when the FCC opened the docket in February. ALA, the Association of Research Libraries and EDUCAUSE followed up with key FCC staff and shared the perspective of education, research and learning organizations and examples of what's at stake for our community and our users. Beyond the most basic challenges to equitable access to information and intellectual freedom, higher education and libraries are generators and subscribers of critical educational and cultural content that could suffer under a two-tier or "fast-lane" approach to network neutrality. In May, Office of Government Relations Director Lynne Bradley was interviewed by *The Washington Post* for the feature article "Why the death of net neutrality would be a disaster for libraries": http://www.washingtonpost.com/blogs/the-switch/wp/2014/05/16/why-the-death-of-net-neutrality-would-be-a-disaster-for-libraries/.

The ALA Washington Office asks that libraries email the ALA Washington Office (lclark@alawash.org) examples of Internet Service Provider (ISP) slowdowns, lost quality of service relative to subscribed ISP speeds, and any other harm related to serving community needs.

Washington Office Hosts Press Briefing at National Press Club

On May 6, 2014, the American Library Association hosted "Responding to the Second Digital Divide," a National Press Club briefing that explored the ways that governments, schools and communities can better support libraries in bridging the growing skills-based digital divide. Panel leaders detailed effective tactics to sustain and improve Internet accessibility in libraries and discuss future directions for public access to information. The event coincided with the release of data showing that the digital divide is expanding, affecting far more than the disconnected—according to the report, one-fifth of people with advanced online access have insufficient levels of digital skills. Panelists included Clarence Anthony, executive director, of National League of Cities; John B. Horrigan, communications and technology policy consultant; Richard Reyes-Gavilan, executive director, District of Columbia Public Library; and Barbara Stripling, president, American Library Association.

The Washington Office Welcomes Adam Eisgrau

In April, former ALA Washington Office colleague Adam Eisgrau returned to the American Library Association. He is a veteran intellectual property and privacy policy lobbyist and joined the ALA's copyright and privacy advocacy efforts to increase visibility for library issues on a national level. As Congress takes renewed interest in copyright law, privacy measures and surveillance reform, Eisgrau will use his extensive background on these issues to increase the association's presence in Washington and educate lawmakers on the issues libraries face in championing the information rights and needs of the public.

OFFICE OF GOVERNMENT RELATIONS (OGR)

Presidential Contender Sen. Jim Webb to address ALA Annual Conference

The midterm elections are steadily approaching, and libraries need to be prepared. Want to learn more about how the November elections will affect libraries? Don't miss this year's "Washington Update" session at the ALA Annual Conference, where former Virginia Senator Jim Webb will detail the upcoming national election season and the ways that libraries and library funding will be affected. Called a "potential presidential candidate" by *The Washington Post*, Webb has been a combat Marine, a counsel in Congress, an assistant secretary of defense and Secretary of the Navy, an Emmy-award winning journalist, an accomplished filmmaker and an author of ten books. The session takes place on Saturday, June 28, 2014, from 8:30–10:00 a.m. in the Las Vegas Convention Center N259/261.

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 May, the House of Representatives passed a version of the USA FREEDOM Act intended to end the "dragnet"-style collection of Americans' phone records by the government, but did not go far enough to protect citizens' privacy. As a result, ALA President Barbara Stripling released a statement responding to the passage of the USA Freedom Act. 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. The Senate Judiciary Committee is expected to take up the measure within two to three weeks.

In addition, the ALA Washington Office sent legislative action alerts to nearly 5,000 subscribers in 22 key Congressional districts urging them to ask their Representative to cosponsor the Email Privacy Act, a bill that updates the Electronic Communications Privacy Act (ECPA) to require a warrant to search Americans' stored emails, texts, Facebook pages and cloud-stored data of all kinds.

Hundreds Gather for 40th Annual National Library Legislative Day

Hundreds of library supporters from across the country met with their members of Congress from May 5–6, 2014, to advocate for library funding during the American Library Association's 40th annual National Library Legislative Day. Senator Angus King (I-ME) jumpstarted the event by addressing library advocates at the opening briefing, which took place on Monday, May 5, 2014, at the Liaison Capitol Hill Hotel in Washington, D.C. Additional speakers included Maine State Librarian Linda Lord; Gabriel Rottman, legislative counsel for the American Civil Liberties Union; Shawn Daugherty, assistant director of SPARC; and Peter Jaszi, professor of law at the American University Washington College of Law. Library supporters who could not attend the Washington meetings connected virtually with legislators via phone calls, emails and social media platforms.

During National Library Legislative Day, the American Library Association named Mary Lynn Collins, a library trustee from Frankfort, Ky., the winner of the 2014 White House Conference on Library and Information Services (WHCLIST) Award. The award, which is given to a non-librarian participating in National Library Legislative Day, covers hotel fees in addition to a $300 stipend to reduce the cost of attending the event.

Workforce Investment Act Moves Forward

In May, the U.S. House and U.S. Senate have drafted "Workforce Innovation and Opportunity Act," a bill on workforce investment, which acknowledges the work libraries do to help the public gain important employment skills and find jobs—and the legislation allows libraries to be paid for these efforts. Thanks to their continuous work, libraries are part of this bill. We hope the Senate will take up this House-Senate WIA Agreement for a vote in mid-to-late June, then it would move to the House. Library advocates are encouraged to sign up for the ALA Washington Office's Legislative Action Center for advocacy opportunities to help push this legislation forward: http://ala.org/takeaction.

ALA Washington Office Submits Comments on Innovative Approaches to Literacy Program

On April 1, 2014, the ALA Washington Office submitted comments to the U.S. Department of Education on the Innovative Approaches to Literacy (IAL) grant program. IAL was funded in FY 2014 at $25 million and is a competitive grant program where, by law, a minimum of half of this money must go to low-income schools to update and maintain their school libraries. The rest of the money goes to national non-profits that work for childhood literacy.

ALA Responds to House Budget Proposal that Dismisses Role of IMLS

On April 1st, ALA President Barbara Stripling responded to the new budget released from Representative Paul Ryan (R-WI), the House Budget Committee Chairman. The proposal denounces the critical role that the Institute of Museum and Library Services plays in supporting civic engagement, literacy and lifelong learning in more than 123,000 libraries nationwide. Rep. Ryan recommends that the federal government not have a role in libraries and that Congress shift the federal agency's responsibilities to the private sector in his 2015 fiscal year budget resolution. In Rep. Ryan's own state of Wisconsin, more than 65 percent of libraries report that they are the only free access point to the Internet in their communities. Just blocks from Rep. Ryan's Wisconsin office, more than 716,000 visitors used the Hedberg Public Library in Janesville, Wisconsin to access library computers and research databases, check out books and receive job training in 2013.

(cont'd)
OFFICE FOR INFORMATION TECHNOLOGY POLICY (OITP)

New *American Libraries* Supplement Examines Major Trends in Digital Content

In May, *American Libraries* magazine released "Digital Discoveries," a new digital supplement where leading library visionaries and experts discuss trends in digital content technology and the current state of library ebook lending. Developed by ALA's Digital Content Working Group (DCWG), the digital supplement examines the ways that public and school libraries are defining their roles in the evolving digital publishing environment in a variety of new and interactive ways. The digital supplement also details ALA's progress in advocating for equitable access to ebooks produced by the world's largest book publishers. The supplement features ALA member-leaders, such as Past President Molly Raphael, and national experts, such as Lee Raine of the Pew Internet Project. Read the full report: http://viewer.zmags.com/publication/28a54223.

E-rate Engagement Continues

In April, the American Library Association called on the FCC to deploy newly identified E-rate program funding to boost library broadband access and alleviate historic shortfalls in funding for internal connections. In response to the FCC's March Public Notice, the ALA seeks to leverage existing high-speed, scalable networks to increase library broadband speeds, improve area networks and further explore cost efficiencies that could be enabled through new consortium approaches. ALA also favors using much of the short-term funding to support internal connections—particularly for applicants that have not received these funds in recent years.

In May, library and school broadband took center stage at a day-long FCC workshop on E-rate modernization. The workshop convened library professionals, education administrators, non-profit leaders and local government officials to discuss a host of connectivity topics, including the importance of internal connections in libraries and schools; the need to provide "last mile" connections to library patrons and students living in underserved areas; the challenges and benefits of collective internet access and network services purchasing; and the challenge of improving technical assistance services in libraries and schools. The workshop afforded the library community an additional opportunity to offer our perspectives and guidance to the FCC as it continues its E-rate modernization proceeding.

E-rate Advocacy Continues

In March, the Federal Communications Commission dived into rural broadband needs and challenges during an all-day workshop that took place in Washington, D.C. The workshop brought together educators, decision makers, policy and technology experts, and telecommunications leaders to help the FCC generate policies that will impact high-speed internet deployment in rural, high-cost areas. Maine State Librarian Linda Lord discussed the role of libraries in rural communities on a panel highlighting the critical need for high-speed broadband in rural areas for individual consumers, businesses, and community anchor organizations.

Jim Neal Represents Libraries at House Judiciary Subcommittee Copyright Hearing

In early April, the U.S. House Judiciary Subcommittee on Courts, Intellectual Property and the Internet held a hearing entitled, "Preservation and Reuse of Copyrighted Works." The hearing convened a panel of witnesses representing both the content and user communities to discuss a variety of copyright issues, including orphan works, mass digitization and specific provisions of the Copyright Act that concern preservation and deteriorating works. Representing the library community on the panel was Jim Neal, Columbia University librarian and vice president for Information. Neal's statement discussed fair use in the context of library preservation, the relationship between fair use and the library exceptions language of Section 108 of the Copyright Act, and the issue of orphan works. His statement was endorsed by the Library Copyright Alliance (LCA), which includes ALA, the Association of Research Libraries and the Association of College and Research Libraries. LCA also submitted a statement to the Subcommittee.

Margaret Kavaras Selected for 2014 ALA Google Policy Fellowship

Margaret Kavaras will serve as the ALA's 2014 Google Policy Fellow. Kavaras will spend ten weeks this summer in Washington, D.C. working on technology and Internet policy issues. As a Google Policy Fellow, Kavaras will work in diverse areas of information policy that include digital copyright, e-book licenses and access, telecommunications policy, digital literacy, online privacy, and the future of libraries. Kavaras is a recent graduate from the George Washington University, where she earned a bachelor's degree in international affairs and history. She will begin her graduate studies this fall at Central European University in Budapest. ALA has been a partner in the Google Policy Fellowship program since its inception seven years ago.

Library Associations Select Robert Oakley Scholarship Winner

In May, Library Copyright Alliance awarded Carla Myers the 2014 Robert L. Oakley Memorial Scholarship. The Library Copyright Alliance, which includes ALA, established the Robert L. Oakley Memorial Scholarship to support research and advanced study for librarians in their early-to-mid-careers who are interested and active in intellectual property, public policy, copyright and their impacts on libraries. Myers serves as the director of access services at the University of Colorado's Colorado Springs campus. The Oakley Scholarship awards a $1,000 scholarship to individuals or a team of individuals who meet eligibility criteria to encourage and expand interest in and knowledge of these aspects of librarianship, as well as bring the next generation of advocates, lobbyists and scholars to the forefront with opportunities they might not otherwise have.

ALA Participates in IMLS Hearing on Libraries and Broadband

On April 17, 2014, leaders from the American Library Association participated in "Libraries and Broadband: Urgency and Impact," a public hearing hosted by the Institute for Museum and Library Services (IMLS) that explored the need for high-speed broadband in American libraries. Larra Clark, director of the ALA Program on Networks, and Linda Lord, ALA E-rate Task Force Chair and Maine State Librarian, presented on two panels. Federal Communications Commission Chairman Thomas Wheeler made opening remarks at the hearing, and expert panelists from across the library, technology, and public policy spectrum will explore the issue of high-speed broadband in America's libraries. IMLS Director Susan H. Hildreth chaired the hearing, along

with members of the National Museum Services Board including, Christie Pearson Brandau of Iowa, Charles Benton of Illinois, Winston Tabb of Maryland, and Carla Hayden also of Maryland.

2014 Patterson Award Winner Announced

In April, the American Library Association announced that Georgia Harper is the 2014 recipient of the L. Ray Patterson Copyright Award: In Support of Users' Rights. Harper is the Scholarly Communications Advisor for the University of Texas at Austin Libraries, where she focuses on issues of digital access and previously, Senior Attorney and manager of the Intellectual Property Section of the Office of General Counsel for the University of Texas System. Harper may be best known for her ground-breaking Copyright Crash Course, one of the first comprehensive web sites devoted to copyright, higher education, and libraries, launched in 1996. With its iconic coffee cup logo, the Crash Course has influenced thousands of faculty, staff, librarians, and students and their understanding of the copyright law.

Abby Lull Joins OITP as Research Associate

In March, OITP announced the appointment of Abby Lull as research associate for the organization's Office for Information Technology Policy (OITP). As part of the OITP Fellows Program, Abby will work on copyright and licensing issues, as well as other aspects of the OITP portfolio. Abby is a recent master's graduate of the College of Information Studies at the University of Maryland, where she concentrated on copyright and intellectual property issues in information access and management. The OITP Fellows Program serves to draw on nationally recognized researchers, practitioners and policy advocates in library information sciences or allied areas to strengthen the OITP's involvement in national policy discussions.

ALAAmericanLibraryAssociation

America's Public Libraries in the FCC's E-rate Proceeding
Positions of the American Library Association
June 2014

Advocacy on the E-rate program has been a major policy priority of the American Library Association (ALA) since the inception of the program in the late 1990s. Through a lead policy analyst for E-rate, an E-rate Task Force, expert consultants, outside legal counsel, and active participation in two leading coalitions relative to E-rate, ALA is engaged in the current proceeding on reshaping the E-rate program for the broadband era. Accordingly, ALA's strategy builds on this expertise and record from the past decade and a half.

Since last fall, ALA's positions have been submitted to the Federal Communications Commission (FCC) in formal comments and discussed directly with FCC commissioners and staff, Congressional staff, and other key stakeholders. As the FCC considers the inputs from stakeholders (which include other library groups, the K-12 schools sector, Congress, telecommunications companies, and public interest groups), it is developing its own positions towards achieving its goals for E-rate reform. The process continues until the Commission votes on an order; voting on the first of two planned orders is expected on July 11, 2014. Accordingly, ALA's positions will continue to evolve to reflect the changing political realities. This summary accurately reflects ALA's positions as of June 18, 2014.

Reboot Not Recreate

The E-rate program has been successful. It has been a critical factor in moving libraries beyond the dial-up era of the 1990s to the broadband era of the 21st century. Virtually all 16,415 public library buildings now have broadband Internet connectivity at some level.

ALA strongly agrees with the FCC to focus the program on broadband connectivity. However, as the FCC recognizes, simple connectivity is not enough for the present, much less to fulfill future technological infrastructure needs that libraries require to advance *The E's of Libraries*™ (Education, Employment, Entrepreneurship, Empowerment, and Engagement)—the central role of libraries in communities.

Thus the next phase of the E-rate program needs to focus not just on broadband connectivity per se, but on providing scalable broadband infrastructure to libraries that enables 1 Gbps and faster speeds. The scalability characteristic allows libraries to grow their broadband capacity commensurate with need, and the E-rate program must help ensure the affordability of this broadband growth. Of course, this focus must be pursued in concert with the existing policy of according preference to rural and poorer libraries and schools.

Finally, ALA views K-12 schools as close partners in the E-rate program. Libraries seek new ways of collaborating with K-12 schools on E-rate and complementing schools' efforts to improve the E-rate program overall.

Leverage the "Down Payment"

The FCC has identified a one-time amount of $2 billion from unused funds that will be used as a "down payment" on E-rate reform. Given the years of underfunding the E-rate program, there are many needs for the $2 billion down payment. ALA proposes that a significant portion of these funds should be focused on investments in broadband networks that enable scalable broadband capacity for libraries (and schools) that have the poorest connectivity. These investments will provide direct benefit to the recipients and their technology users, but also provide insight on the most cost-effective ways to upgrade to high-capacity broadband for schools and libraries across the country in the long run—thus serving as "2 for 1 investments."

ALA identified three points of leverage—or more colloquially, ways to seize opportunities presented by grasping the "low-hanging fruit." As ALA's mission focuses on libraries, we advocate for these proposals for libraries. However, schools have analogous needs, and we are supportive of similar efforts targeted for schools—or to implement these concepts for schools and libraries together in integrated programs.

1) *Scalable Technologies Deployment Program.* Some libraries with poor broadband connectivity are in close proximity to broadband providers that can ensure scalable broadband at affordable initial construction charges and recurring costs after the deployment is complete. ALA recommends the establishment of a *Scalable Technologies Deployment Program* to encourage libraries to take advantage of such situations in which high-capacity broadband infrastructure is in sight, perhaps literally so.

2) *School-library Wide Area Network Partnerships.* Another proposal focuses on promoting collaboration between a library and nearby school. ALA urges the FCC to eliminate barriers and provide incentives for schools and libraries to deploy high-capacity broadband in cooperation, rather than in isolation. Currently, such collaborations are rare, but they are a natural partnership due to commonalities in their respective missions that may provide more cost-effective networking solutions.

3) *Network Diagnostics and Technical Support Program.* Some libraries, especially smaller libraries and others without dedicated information technology staff, need assistance to plan and orchestrate the implementation of high-capacity broadband. Thus, ALA proposes that some of the down payment be used to aid libraries in planning, purchasing, and implementing network infrastructure and internet access through state library agencies or in partnership with such agencies. In addition to the direct support provided to libraries, this *Network Diagnostics and Technical Support Program* is expected to yield improved aggregate processes such as improved network performance practices and bulk buying, developed through a grassroots (local/regional/state) approach.

Generally E-rate support for in-building networking (i.e., Priority 2) has been severely inadequate for years. ALA recommends that a large portion of the down payment should be directed to library and school P2 needs. Applicants that have not received P2 support in the past five years should receive preference for this funding opportunity.

Increase Library Participation and Benefit in the E-rate Program

Looking beyond the use of the $2 billion, the overall ongoing funding level of the program requires urgent attention so that all libraries and schools can obtain the high-capacity, affordable broadband capacity they need. For the current funding year, there is just enough funding to cover all Priority 1 (P1) needs (generally, telecommunications and internet services to, but not within, school and library buildings) with no support for P2 at all. Without a change in funding policy, the program won't be able to cover all of P1 needs, much less any of P2 needs, as soon as the next funding year. ALA strongly supports an increase in the E-rate fund (raising the cap). *At a minimum*, adjusting the fund to account for inflation retroactive to the program's inception should be done—this would increase the fund by approximately $1 billion per year. However, the documented needs far exceed this minimum increase.

In addition, some of the concepts in the three proposals described above may well prove beneficial for the permanent E-rate program. ALA is reviewing these concepts to determine which ones may be incorporated with greatest benefit, and how such adoption may be accomplished most effectively.

Receipt of support from the E-rate program depends on institutions submitting applications. Yet we know that the complexity of the application process discourages some libraries from applying, or causes libraries to request less than the amount for which they are eligible. The FCC should effect various program changes that would enable more libraries to receive greater funding from the E-rate program.

The first class of recommendations focuses on process changes that would reduce the administrative costs of applying. These costs are not trivial, and especially so for smaller libraries who have less administrative capacity for applying, and whose applications request lower dollar amounts as compared to larger libraries.

- *Eliminate E-rate program procurement rules*. Libraries are already subject to procurement rules at the state and/or local level for all of their acquisitions. There is no need for an additional layer of procurement rules for purchases under the E-rate program.
- *Simplify application process for multiyear applications*. Create evergreen 471 forms and application process so that an applicant does not need to repeat the application process each year for multi-year contracts or projects.
- *Eliminate the technology plan requirement for Priority 2*. ALA supports technology planning but does not think it should be a program mandate enforced by the FCC. (In 2010 the FCC removed the need for technology plans for P1 applications but retained it for P2 applications.)
- *Enable applicants to receive E-rate funds directly*. Currently, E-rate payments are first sent to the service provider, which adds an additional layer of administration, complexity and delay in getting the funds to the library.
- *Eliminate discrimination against consortium applications*. Each application within a consortium application must be fully reviewed and approved before any applicant may receive approval; thus consortium applications are often last to be approved. A process change is needed to allow approved applications to proceed in a more timely fashion.

- *Expand outreach by the Universal Service Administrative Company (USAC), especially to rural areas*. Training is conducted in major cities across the country. Increase the number of training sessions to include some smaller cities and/or use technology to provide training to remote locations. Identify other means to support applicants from smaller libraries. Provide a modest amount of funding to state library agencies to conduct E-rate training and outreach.

Other changes increase library benefits from participating in the E-rate program.

- *Increase data transparency*. Through increased access to data from USAC and heightened enforcement of the FCC's Lowest Corresponding Price rule, applicants will be in a better position to obtain more competitive pricing and terms.
- *Improve the discount metric*. Eligibility for the school lunch program is used to define the level of E-rate discount. But it is applied differently for schools and libraries. Modify the school methodology to match how library poverty is determined, or vice versa.
- *Facilitate fiber ownership by libraries when cost effective*. In some circumstances it is less expensive for libraries to own their own fiber when compared to ongoing costs charged by a commercial broadband provider.
- *Use library locale codes to determine rurality*. The Institute of Museum and Library Services developed library-specific geocoding for rural libraries. This classification is more accurate, and helps to ensure that libraries obtain the proper level of discounts.[1]

Conclusion

ALA continues its analysis and discussions within the library community and beyond to identify additional recommendations for improvements in the E-rate program. The Association deeply appreciates the FCC's initiative and leadership in soliciting broad stakeholder input in this needed revamping of the E-rate program, and acknowledges the strong Democratic and Republican support for the program overall, not only at the FCC, but also in the U.S. Congress and Administration.

ALA advocates for consideration of these proposals through engagement directly with the FCC and in communications with the larger stakeholder community. ALA looks forward to continuing our work and partnering with other groups who share a common goal of ensuring a viable, robust E-rate program that can address the 21st century broadband and network needs of our libraries and schools.

CONTACT FOR FURTHER INFORMATION
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Version of June 18, 2014

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[1] Readers are directed to ALA's submissions to the FCC for further details on all of ALA's proposals, available at http://apps.fcc.gov/ecfs/. Use "13-184" for the Proceeding Number and "American Library Association" as the Name of Filer.