

**SIX MONTH REPORT TO COUNCIL**

**FROM ALA WASHINGTON OFFICE**

**JANUARY 10, 2012**

**Office for Information Technology Policy (OITP)**

**Digital Content**

President Molly Raphael proposed to the ALA Council that she would appoint a new, standing committee (by mid September) that will initially follow up on the recommendations of the EQUACC report in subgroups on accessibility, public relations, environmental scan, model project incubation, and licensing.

**Establishment of the Digital Content and Libraries Working Group**

The ALA president appointed the members of the new Digital Content and Libraries Working Group in October. Sari Feldman, executive director of the Cuyahoga County Public Library, and Robert Wolven, associate university librarian at Columbia University, were named as the co-chairs. An ALA Connect site, e-mail list, and background materials were assembled and the group's first conference call occurred in November. Subgroups to address particular topics such as licensing, privacy, and education are being formed. The Working Group will be meeting at the Midwinter Conference to develop its strategy and plans for the months ahead.

**FCC Chairman announces digital literacy and broadband adoption efforts**

In October, Federal Communications Commission (FCC) Chairman Julius Genachowski announced a new national effort to address broadband adoption, digital literacy, and the employment skills gap. Right now, about 100 million Americans don't have high-speed Internet at home, and lack of digital literacy skills is a contributing reason. As the ALA and librarians know, this disconnect impedes digital opportunity on many fronts as employment and government resources and services move online. The Institute of Museum and Library Services and staff in the ALA Office for Information Technology Policy are meeting and advocating with FCC staff to ensure libraries and librarians are engaged and supported in these national efforts. More information is [here](#), and OITP will share more information as soon as it's available.

**Confronting the Future**

In June, the Office for Information Technology Policy's (OITP) released its latest policy brief, which breaks down the formidable challenges in store for libraries during the next few decades. The brief, "Confronting the Future: Strategic Visions for the 21st Century Public Library" was written by OITP Fellow Roger E. Levien, president of Strategy and Innovation Consulting.

### **The Future of Public Libraries Webinar**

In October, we presented a panel with a range of possible responses as contrasting visions: physical vs. virtual library; individual vs. community focus; portal vs. archive service; collection vs. creative approach. This session featured Dr. Roger Levien, OITP Fellow and author of “Confronting the Future: Strategic Visions for the 21st Century Public Library”. Maxine Bleiweis, Westport Public Library, and Marc Gartler, Madison Public Library provided perspectives from the field as well.

For more visit: <http://wp.me/p1zex0-1OQ>

### **Digitizing Hidden Collections Webinar**

Some of the resources highlighted during the November 2 webinar on digitizing collections include:

- Information and best practices from the [Federal Agencies Digitization Guidelines Initiative](#)
- Peter Hirtle’s guide to copyright, “Copyright and Cultural Institutions: Guidelines for U.S. Libraries, Archives, and Museums,” which can be [downloaded for free](#).
- The [Perspectives paper](#) that sparked the webinar

166 people attended this webinar.

For more visit: <http://wp.me/p1zex0-1PK>

### **Gates Foundation Benchmarks Project**

OITP, along with the Public Library Association, continues its work as a member of the [\*Public Access Technology Benchmarks coalition\*](#).

OITP is drafting and coordinating supporting materials that will document the benchmark development process and support future training and curriculum development activities by coalition members.

### **COSLA Community of Practice**

OITP is serving as a collaborator and member of the advisory group of a new COSLA Public Access Technology Community of Practice (CoP) launched at the ALA Annual Conference. Through a grant from the Bill & Melinda Gates Foundation, the Chief Officers of State Library Agencies (COSLA) will facilitate a CoP over the next two years. The CoP will provide opportunities to share strategies, solutions and how-to information on topics that most support BTOP (Broadband Technology Opportunities Program) projects and benefit a range of public access technology efforts led by state library agencies.

### **OITP appoints its first research associate**

In November, OITP established the OITP Research Associates Program for early career professionals with a serious interest in national public policy. Ms. Jessie Mannisto will serve as the first OITP Research Associate with a term extending through August 2012. She was [OITP’s Google Policy Fellow this past summer](#), and completed her master’s degree at the University of Michigan’s School of Information in spring 2011. As a Research Associate, Jessie will continue her work on “contemplation” as

described in her [guest blog](#). Her work on contemplation is expected to be published in the *OITP Perspectives* series within the next several months.

For more visit: <http://wp.me/p1zex0-1PY>

### **Renee Hobbs named as OITP Fellow**

OITP has named Dr. Renee Hobbs as its most recent OITP Fellow for a term through 2012. Dr. Hobbs is one of the nation's leading authorities on media literacy education and is the author of **Digital and Media Literacy: Connecting Culture and Classroom**, **Copyright Clarity: How Fair Use Supports Digital Learning**, and **Reading the Media: Media Literacy in High School English**. Formerly a professor at Temple University's School of Communication and Theater, Hobbs has developed award-winning multimedia resources to integrate digital and media literacy into the context of K-12 education and conducted research to examine the impact of media literacy on academic achievement. As a Fellow, Hobbs could become involved in any aspect of OITP's work, but her primary focus will be on digital literacy. Hobbs will use her experiences in the larger context of digital and media literacy and her appreciation of the significant role libraries play in this sphere to enrich the ongoing work of the ALA Digital Literacy Task Force.

### **OITP will host a Google Policy Fellow for the summer 2012**

Once again, we are participating in the Google Policy Fellows program. For the summer of 2012, the selected fellow will spend 10 weeks in residence at the ALA Washington Office to learn about national policy and complete a major project. Google provides the stipend for the summer, but the work agenda is under the full control of ALA and the fellow. The Google Washington office provides an educational program for all of the fellows, including lunchtime talks.

For more visit: <http://www.districtdispatch.org/2011/12/ala-seeks-candidates-for-google-policy-fellowship/>

### **Robert L. Oakley Memorial Scholarship**

In recognition of his life accomplishments and contributions, the [American Library Association](#) and the [Library Copyright Alliance](#) have 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/or active in the fields that Robert Oakley was expert in—intellectual property, public policy, copyright and their impacts on libraries and the ways libraries serve their communities.

For more visit: <http://wp.me/p1zex0-1OG>

### **Native American Comments to FCC**

The American Library Association (ALA) submitted a filing to the Federal Communications Commission (FCC) June 21 in response to its call for comments regarding improving communications services for native nations. The filing was submitted in consultation with the American Indian Library Association (AILA), an affiliate of ALA that serves native communities from Alaska to Hawaii and across the contiguous United States.

The ALA supports the FCC's efforts to improve access to and utilization of high-capacity broadband across the nation and stressed that in the case of broadband and native nations, it is vitally important to aggressively address the vast digital divide that exists between native nations and the rest of the country.

### **Outreach**

OITP staff participated in a policy roundtable on community colleges, minority students, and science, technology, engineering, and mathematics education. This roundtable launched a new initiative by the Joint Center for Political and Economic Studies. In addition, OITP staff met with staff of the Pew Research Centers' Internet and American Life Project. Pew initiated a new study focused on libraries, funded by the Bill & Melinda Gates Foundation. The first phase emphasizes e-books, with a report expected in spring 2012.

For more visit: <http://www.districtdispatch.org/2011/12/libraries-are-logical-obvious-partners-collaborators-for-increasing-minority-student-engagement-in-science-and-technology/>

### **Google Book Lawsuit**

Seeing limited progress in settlement negotiations, Judge Chin established a trial schedule for the Google Books case to begin in July 2012. All parties said they would continue negotiations while also preparing for trial. Chin suggested that the trial would concern the "snippets" issue, but both the Association of American Publishers (AAP) and Author's Guild did not agree, with attorneys for AAP asserting that the trial was about the unauthorized "copying, scanning, and storing" of books. Read more at: <http://www.districtdispatch.org/2011/09/book-scanning-case-set-for-trial-while-parties-continue-negotiations/>.

### **Authors Guild Lawsuit**

Related to the substance of the Google Book Search lawsuit, the Authors Guild filed its own lawsuit, Authors Guild, Inc. et al. v. HathiTrust et al., against HathiTrust and its research library partners. The Library Copyright Alliance (LCA), whose members include the American Library Association, the Association of Research Libraries, and the Association of College and Research Libraries, issued a statement opposing the validity of the suit and how it challenges fair use. Read more at: <http://www.districtdispatch.org/2011/09/library-copyright-alliance-speaks-out-against-authors-guild%E2%80%99s-decision-to-file-a-lawsuit-against-hathitrust-and-partners/>

### **World Intellectual Property Organization (WIPO)**

U.S. libraries were represented by the Library Copyright Alliance (of which ALA is a member) at recent sessions of the World Intellectual Property Organization (WIPO). WIPO is a United Nations organization focused on copyright, patent, trademark and other intellectual property concerns. At the WIPO Intergovernmental Committee on Traditional Cultural Expressions, LCA voiced its concern with the current draft of a proposed treaty to provide protection for traditional cultural expressions.

## Office of Government Relations (OGR)

### **Appropriations**

On December 16 the U.S. House of Representatives and on December 17 the U.S. Senate approved a \$915 billion budget bill for FY 2012. This massive budget bill, that was passed by the House with a 296-121 vote and cleared the Senate with a 67-32 vote, will be the year-long spending for the Military Construction-VA, Defense, Energy-Water, Financial Services, Homeland Security, Interior-Environment, Labor-HHS-Education, Legislative Branch and State-Foreign Operations. A FY '12 budget bill had previously been passed for Agriculture, Commerce-Justice-Science, and Transportation. This most recently passed FY'12 budget bill contains many library programs including money for school libraries and the Library Services and Technology Act (LSTA).

After Congress zeroed out funding to Improving Literacy Through School Libraries for FY 2011, both the Senate and House recognized in FY '12 that they cut the primary source of federal funding to school libraries. In the new federal budget, Congress appropriated **\$28.6 million** for literacy. A minimum of half, or \$14.3 million, must go to low income school libraries while the rest of the money will go to national not-for-profits that work for childhood literacy.

This budget appropriates money for the Institutes of Museum and Library Services (IMLS) which includes **\$185 million** for LSTA funding. This is a 2.3 percent cut from the FY '11 amount of \$189 million. Under LSTA; Grants to States was appropriated at **\$156.6 million**, Native American Library Services was funded at **\$3.8 million**, National Leadership for Libraries was funded at **\$11.9 million**, and the Laura Bush 21<sup>st</sup> Century Librarian was funded at **\$12.5 million** in FY '12.

President Obama signed the bill December 23.

### **ESEA**

The Senate Health, Education, Labor, and Pensions (HELP) Committee met on October 20, 2011 and passed the Elementary and Secondary Education Act (ESEA) with a 15-7 vote. Joining all Democrats in voting in favor of the legislation were three Republicans, Senators Mike Enzi (R-WY), Lamar Alexander (R-TN), and Mark Kirk (R-IL). Unfortunately, an amendment sponsored by Senator Sheldon Whitehouse (D-RI) and Senator Patty Murray (D-WA) that would support school libraries was withdrawn by Senator Whitehouse due to a lack of support from other members on the committee. Even though this amendment was withdrawn, Senator Whitehouse did state that he does wish to reintroduce this amendment on the Senate floor.

The next step in the legislative process is for the ESEA bill to be brought before the full Senate. It is unknown at this time when this will happen, but won't happen before the Senate comes back to Washington on January 23, 2012. The ALA Washington Office

is working with Senator Reed, Whitehouse, and Murray's staff to get a school library amendment introduced when and if ESEA is brought before the Senate floor next year.

### **Government Printing Office (GPO) Update**

[President Obama appointed](#) William J. Boarman Public Printer by recess appointment a year ago and on December 17<sup>th</sup> the Senate returned Mr. Boarman's nomination to the President. A day later on December 18<sup>th</sup> the [GPO released a statement](#) regarding the nomination. On Tuesday, December 20<sup>th</sup> [Mr. Boarman announced](#) that Davita Vance-Cooks who has been his Chief of Staff, will be the Deputy Public Printer and act as head of the agency. Mr. Boarman will step down from the position of Public Printer at the end of this session of Congress.

GPO Appropriations: The GPO was appropriated \$126,200,000 with \$35,000,000 of that amount for the Superintendent of Documents' Salaries and Expenses. These monies will ensure that Congressional and other government information products will continue to be dispersed, primarily through the Federal Depository Library Program.

### **Consumer Product Safety Improvement Act (CPSIA)**

On August 1, U.S. Rep. Mary Bono Mack (R-CA) introduced H.R. 2715, a bill to provide the Consumer Product Safety Commission (CPSC) with greater authority and discretion in enforcing the consumer product safety laws, and for other purposes. This bill provides the further guidance that the CPSC stated was required in order to enforce the CPSIA as Congress had originally intended. This bill protects libraries in two ways:

1. Page 2 of the bill specifies that "each limit set forth ... shall apply only to a children's product ... that is manufactured after the effective date of such respective limit." This would then require the manufacturers of books to ensure that their processes are safe and fall within the limits of the law.
2. Pages 18-19 of the bill states that "the third party testing requirements established ... shall not apply to ordinary books or ordinary paper-based printed materials" and then continues to define both ordinary book and ordinary paper-based printed materials.

The bill passed the House (421-2) and then went to the Senate where it was passed without amendment by unanimous consent.

### **Internet (Net) Neutrality**

The legislative clock has begun to tick on the issue of [Internet \(net\) neutrality](#) (the concept of online non-discrimination). At the start of the 112<sup>th</sup> Congress, Senator Hutchinson (R-TX), introduced S.J. Res. 6, joined by 39 fellow Republican co-sponsors. It is a resolution of disapproval under the Congressional Review Act (CRA) to repeal net neutrality regulations [adopted by the FCC](#) in December 2010. The Office of Management & Budget (OMB) approved the FCC's order and it was published in the Federal Register on Sept. 21, 2011, with an effective date of Nov. 20, 2011 (60 days

after OMB's approval was published). Once the FCC's order was published in the Federal Register, a 20-day clock was started in the Senate under the CRA. On November 10, 2011 the U.S. Senate voted on S.J. Res. 6, an *anti*-net neutrality bill to overturn the Net Neutrality decision adopted by the Federal Communications Commission (FCC). The resolution was *defeated* in a partisan vote – 46 yeas and 52 nays. The bill's demise allowed the FCC order upholding net neutrality to take effect November 20, 2011.

The ALA has a strong history of supporting net neutrality principles and is engaged in a very active and targeted lobbying campaign.

### **Privacy and Surveillance**

Some observers had thought that the 10th anniversary of the 9/11 attacks might renew interest in surveillance legislation. It did not. Since Congress merely renewed for four more years, without any reforms, the three expiring provisions of the USA PATRIOT Act, including Section 215, the "library provision," earlier this year, there is little Congressional interest in revisiting such issues.

For many months, other legislative proposals on privacy and surveillance have been "hanging" out there waiting for Congressional attention. Although some Hill offices suggest that "yes, there will be movement" on proposals such as ECPA (Electronic Communications Privacy Act) and CALEA (Communications Assistance for Law Enforcement Act) little has happened in the last few months that suggest action is pending.

There are also growing concerns about the tremendous amount of personal data being collected by the federal government - and if or how to curb such surveillance. The Obama Administration argues that it has the legal right to do this (for example cell phone tracking) without any new legal reauthorizations. Despite the public concerns, little appears to be happening.

The House can just "pass a bill" with its clear majority, although the political environment is such that, unless there is agreement on bills already ironed out behind the scenes, it is unlikely that computer privacy and other surveillance proposals will be introduced or see final passage anytime soon. Meanwhile, the Senate is holding off on many pieces of legislation. With presidential and congressional elections only 14 months away, every issue appears contentious.

### **Copyright-related activity**

There has been much activity in recent weeks on so-called anti-piracy bills in the U.S. Senate and U.S. House of Representatives. In the House, H.R. 3261, the "Stop Online Piracy Act" introduced by Rep. Lamar Smith (R-TX) back in October is still in being marked up by the Judiciary Committee. Markup will continue once the House returns on January 17, 2012. Debate of the proposed amendments by members of the committee have been impassioned.

Meanwhile, the Senate's PROTECT IP Act of 2011 (S. 968), or PIPA, bill is on the move, too. Introduced back in May of 2011 by Sen. Leahy (D-VT), cloture was filed on December 17 to proceed to a roll call vote on the bill scheduled for January 24, 2012 (the first day the Senate is back in session in the new year).

Additional information, including ALA's letters sent to Congress in response these bills' activity, are available at

<http://ala.org/ala/issuesadvocacy/copyright/copyrightlegislation/index.cfm>.

### **Grassroots Advocacy**

During the summer recess, targeted alerts were sent to 13 U.S. Congressional districts regarding town hall meetings being held in libraries.

Since June, 6 action alerts urging calls to Congress have been sent to the entire ALA advocacy base. This base includes over 60,000 library advocates. Issues featured in these alerts include:

- Support for the Strengthening Kids' Interest in Learning and Libraries (SKILLS) Act
- Funding for the Government Printing Office (GPO)
- Support for the American Jobs Act (AJA)
- Opposition to the Stop Online Piracy Act (SOPA)

Targeted alerts to specific states and Congressional districts were sent regarding funding for school libraries in the appropriations bill, including school libraries in the Elementary and Secondary Education Act (ESEA), and funding for the Library Services and Technology Act (LSTA).

### **Webinars**

On August 30, OGR hosted a webinar titled "10 Quick and Painless Steps to Effective Library Advocacy." This inclusive webinar covered simple advocacy tasks like calling Congress, using ALA resources, and writing a letter to the editor. The webinar, moderated by ALA consultant and "Advocacy Guru" Stephanie Vance, was attended by over 200 people.

On December 6th, OGR hosted it's final webinar of the year called "Education, Advocacy and Lobbying – Oh My!: What's Allowed (and What's Not) When Reaching out to Elected Officials." This webinar, also led by Stephanie Vance, discussed both the letter and the spirit of the law when it comes to lobbying and advocacy. Participants also discussed criteria to be used to assess specific situations. Over 175 people participated in this online event.