

**ALA Committee on Legislation  
Report to Council  
January 19, 2010  
2010 Midwinter Meeting - Boston, MA.**

**Mario Ascensio  
Chair, ALA Committee on Legislation**

The ALA Committee on Legislation (COL) brings this report to Council with four action items for your consideration. This report also includes several important information items.

We also refer you to the *ALA Washington Office Six-Month Report*, previously made available to you, where you will find additional information about recent legislative activities of the Committee on Legislation and the Office of Government Relations.

The first of the four resolutions is Council Document # 20.1:

**RESOLUTION ON TRANSPARENCY AND OPENNESS IN THE FEDERAL GOVERNMENT**

RESOLVED, that the American Library Association (ALA):

1. Commend the President of the United States and the Office of Management and Budget for improving the federal government's policies and capabilities for making government information available to the American public in an open, timely, participatory and transparent manner.
2. Calls upon the Obama Administration to support federal agencies providing services already in place that assist the public in their access and use of government information, including federal agency libraries, the Government Printing Office, the National Technical Information Service, and the General Services Administration's Office of Citizen Services.
3. Send copies of this resolution to President Barack Obama, Peter Orszag, the Director of the Office of Management and Budget, and other interested parties.

Endorsed by the Intellectual Freedom Committee

Endorsed in principle by Government Documents Roundtable

The second action item is Council Document # 20.2:

RESOLUTION TO SUPPORT DIGITAL INFORMATION INITIATIVES AT THE U.S. GOVERNMENT  
PRINTING OFFICE

RESOLVED, that the American Library Association (ALA):

1. Work to ensure that the government fulfills its obligations to create, authenticate, collect, disseminate, and preserve government information.
2. Thank GPO for the work that has been done in FDSys development and urges that GPO demonstrate its capacity to ingest both access and preservation copies of digitally born and digitized historic collections into FDSys.
3. Urges GPO to establish partnerships to conduct demonstration projects for systematic gathering and accessing digitally born content.
4. Urges GPO to establish partnerships to conduct demonstration projects for creating and accessing digitized historic collections.
5. Urges Congress to reaffirm no-fee public access to, dissemination of, and preservation of authentic government information by providing sufficient and sustained funding to the GPO to support Cataloging and Indexing, and the Federal Depository Library Program for systematic gathering of digitally born and digitized historic collections.
6. Urges Congress to provide sufficient and sustained funding to the GPO to support FDSys.

The third resolution for your consideration is Council Documentation # 20.3:

RESOLUTION TO ENDORSE THE STATEMENT “LIBRARIANSHIP AND TRADITIONAL CULTURAL EXPRESSIONS: NURTURING UNDERSTANDING AND RESPECT”

RESOLVED, that the American Library Association (ALA):

1. Endorses the statement “Librarianship and Traditional Cultural Expressions: Nurturing Understanding and Respect.”
2. Pledges to advance the role of librarians as stewards of knowledge and cultural heritage.
3. Advocates for reason and respect in national and international discussions concerning protection of and access to unique creative works of traditional cultural expressions.

Endorsed by the Intellectual Freedom Committee, the Committee on Diversity, the ALA Public and Cultural Programs Advisory Committee, OLOS Subcommittee on Services to Native Americans, Rural, Native, and Tribal Libraries of All Kinds, the OITP Advisory Committee, and the American Indian Library Association.

The final resolution for your consideration is Council Document # 20.4:

RESOLUTION ON UNIVERSAL ACCESS TO BROADBAND

RESOLVED, that the American Library Association (ALA):

1. urges federal, state and local governments to recognize that universal access to broadband is essential to support the basic right of unfettered access to information in order for the public to participate in the digital world and the global information economy; and be it further
2. asks that federal, state and local governments, as well as the public, supports libraries as essential providers of broadband access for communities across America.

Endorsed by Intellectual Freedom Committee and the Office for Information Technology Advisory Committee

Additionally, COL brings to you the following information items:

**Library Advocacy Day (LAD) - June 29, 2010, at ALA 2010 Annual Conference:**

For one year only, LAD will replace National Library Legislative Day (NLLD) which is usually held in May. On Tuesday, June 29, 2010, library advocates from all 50 states and Washington, D.C., will meet at Upper Senate Park on the U.S. Capitol grounds. The event, which is scheduled from 11 a.m. to 12:30 p.m., will feature guest speakers, photo ops, and a chance to stand up for our libraries. After the rally, participants will meet with their members of Congress and their staffs in their Hill offices. For more information or for volunteer opportunities, please contact Kristin Murphy at [kmurphy@alawash.org](mailto:kmurphy@alawash.org).

**Grassroots**

The Grassroots Subcommittee met to plan for Library Advocacy Day and to discuss a variety of topics related to advocacy. New advocacy tools such as CAPWIZ and webinars, messages to Congress have increased by more than 5000 from 2008, a 40% increase.

**Broadband and Telecommunications**

Late on Friday two additional “Notices of Funds Available” (NOFA) were published by the U.S. Departments of Agriculture and Commerce regarding the Broadband Infrastructure Program (BIP) and the Broadband Telecommunications

Opportunity Program (BTOP). Further information is available through the ALA Washington Office, which will again be providing information on how libraries may apply and benefit from this second round of stimulus funds. The Washington Office will be starting this Friday, January 22, with a webinar providing an overview of the NOFA process and requirements for library applications. See also the OITP report attached to the end of this report.

### **Library Services and Technology Act (LSTA)**

The LSTA Subcommittee met and reaffirmed its support of the resolution passed in Midwinter 2009.

### **Status of Federal Appropriations**

Staff reported to COL that ALA will be asking for \$450 million for the Library Services and Technology Act (LSTA) in the FY2010 Appropriations bill. President Obama has not yet submitted his budget to congress, which will kick off the appropriations calendar. This proposed budget should come out within a week of the President's State of the Union Address. In the FY2010 spending bill that congress passed in December 2009 and the President signed shortly thereafter, LSTA received \$213,523,000 which is a 0.63 percent increase over the FY2009 bill. Of that \$213.5 million, the Institute of Museum and Library Services (IMLS) distributed to the state librarians in each state a \$172,561,000 a 0.62 percent increase over the previous fiscal year.

### **Copyright**

The COL Copyright Subcommittee continued discussion on its work to develop messaging and advocacy training to assist ALA members to effectively communicate ALA's positions on copyright legislation and policies. Additional discussion included reviewing current and possible future copyright-related legislation and regulation, as well as a brief discussion of the possible next steps in the proposed Google Book Search (GBS) settlement. In addition, the subcommittee will continue to monitor the GBS settlement, as subcommittee members are interesting in sponsoring or co-sponsoring programming (ALA Task Force on Google, if possible) at the ALA Annual 2010 Conference in Washington, DC.

### **Government Information**

The Government Information Subcommittee (GIS) hosted two meetings at ALA Midwinter 2010. The first meeting was held jointly with the GODORT Legislation Committee where the focus was editing resolutions brought forth from GIS and GODORT. At the subcommittee's second meeting resolutions were finalized and brought to COL for consideration and a discussion was held on the current activities in Washington, D.C. regarding transparency in the Executive Branch.

### **E-Government Services**

The Subcommittee on E-Government Services focused on the e-government services toolkit that the group has developed for the past two years. The subcommittee discussed how the completed toolkit should be disseminated to the library community and how it could best be marketed when the subcommittee introduces the toolkit at ALA Annual 2010 in Washington, DC.

Plans for a break out session during the Washington Office Update at Annual 2010 highlighting the e-government work.

### **USA PATRIOT Act and Surveillance**

COL discussed staff reports on the status of reauthorization of Section 215, the business records section of the PATRIOT Act. Section 215, along with the two other PATRIOT Act sections on lone-wolf surveillance and roving wiretaps, were scheduled to "sunset" on December 31, 2009. An extension until February 28, 2010, was made by Congress. COL will continue to monitor the status of both the House bill, H.R. 3845, and the Senate bill, S. 1692. It is not known at this time the precise timing or process of the next step in this legislative process.

## **JOBS BILL**

In December, the U.S. House of Representatives passed H.R. 2847, also known as the “Jobs Bill” or the “Jobs for Main Street Act.” This legislation is intended to be in addition to the American Recovery and Reinvestment Act (ARRA) and create more shovel-ready projects. While no funds were in the House bill, ALA is asking for \$650 million in the Senate bill which has yet to be introduced. With this \$650 million ALA wants Congress to use this money to help libraries become centers that can help people search job listings, create résumés and apply for jobs.

## **LEARN Act**

The LEARN ACT has been introduced in the U.S. Senate by Senator Patty Murray (D-WA) and in the House by Congressman John Yarmouth (KY-3-D). It authorizes \$2.35 billion for comprehensive literacy programs, providing funds for both existing and new high-quality state and local school-based literacy programs that span birth to grade twelve. ALA is working to ensure that school and public libraries receive some of this money.

**REPORT FROM THE OFFICE FOR INFORMATION TECHNOLOGY POLICY**  
**January 18, 2010**

One major issue for OITP at this conference has been the late Friday afternoon release of the Notice of Funds Availability from the 2009 American Recovery and Reinvestment Act by both the Rural Utilities Service (Department of Agriculture) and the National Telecommunications and Information Administration (Department of Commerce). This is the second and last round of funding that will be made available under the current program, and it includes significant new opportunities for libraries to improve their broadband access.

OITP quickly mobilized to analyze the documents and create a plan for member education and support. In the two months between the conference and the March 15 application deadline, ALA will offer summary documents, webinars on key topics like achieving match and program mechanics, and opportunities to query program experts. All library stimulus resources and opportunities will be posted on [ala.org/knowyourstimulus](http://ala.org/knowyourstimulus). OITP discussed the broadband programs and the plan to educate and inform library applicants at the Saturday morning Washington Office update.

OITP recently released *Making Connections: Lessons From Five Shared Library Networks* (available at [ala.org/casestudies](http://ala.org/casestudies)). This publication is funded by the Bill & Melinda Gates Foundation as part of the Opportunity Online Broadband Grant Program. This freely-available publication profiles five successful library networks, and also includes a glossary of library technology terms and a primer on library networking.

The Subcommittee on America's Libraries for the 21st Century worked on several policy briefs on the future of libraries. Two policy briefs are expected to be published before the 2010 Annual Conference.

**RESOLUTION ON TRANSPARENCY AND OPENNESS  
IN THE FEDERAL GOVERNMENT**

- WHEREAS,** Equal, ready and equitable access to government information is a primary tenet of a free society; and
- WHEREAS,** The American Library Association has long supported transparency and openness within the federal government; and
- WHEREAS,** President Barack Obama, on his first day in office, issued the Memorandum on Transparency and Open Government to disclose information in forms that the public can find and use; and
- WHEREAS,** The Director of the Office of Management and Budget, issued an Open Government Directive (M-10-06) on December 8, 2009, directing executive departments and agencies to take specific actions to implement the principles of transparency, public participation, access, and collaboration set forth in the President's Memorandum; and
- WHEREAS,** President Obama issued a new executive order (E.O. 13526) on December 29, 2009, "Classified National Security Information," that will alter the way the executive branch classifies documents, reducing over-classification and the length of time the public must wait to view documents; and
- WHEREAS,** Executive agencies have made available raw data as well as statistical reports that can be analyzed by researchers, policy makers and the public in order to participate in government initiatives; and
- WHEREAS,** The National Archives and Record Administration has created the Office of Government and Information Services to function as an ombudsman in matters involving the Freedom of Information Act (FOIA), with responsibility for reviewing FOIA activities government-wide to assist in the resolution of disputes between requesters and agencies; and
- WHEREAS,** America's libraries remain willing to help the U.S. government ensure equal, ready, and equitable access to the broadest array of historic and current information and other resources by and about the U.S. government; now, therefore, be it

**RESOLVED,** That the American Library Association (ALA):

1. Commends the President of the United States and the Office of Management and Budget for improving the federal government's policies and capabilities for making government information available to the American public in an open, timely, participatory and transparent manner.
2. Calls upon the Obama Administration to support federal agencies providing services already in place that assist the public in their access and use of government information, including federal agency libraries, the Government Printing Office, the National Technical Information Service, and the General Services Administration's Office of Citizen Services.

**RESOLUTION ON TRANSPARENCY AND OPENNESS IN THE FEDERAL GOVERNMENT/2**

3. Sends copies of this resolution to President Barack Obama, Peter Orszag, the Director of the Office of Management and Budget, and other interested parties.

Adopted by the Council of the American Library Association  
Wednesday, January 19, 2010  
In Boston, Massachusetts



Keith Michael Fiels  
ALA Executive Director and  
Secretary of the ALA Council



**RESOLUTION TO SUPPORT DIGITAL INFORMATION INITIATIVES  
AT THE U.S. GOVERNMENT PRINTING OFFICE**

- WHEREAS,** The Federal Depository Library Program (FDLP) was designed to provide no-fee permanent public access to government information through a cooperative network of depository libraries; and
- WHEREAS,** The U.S. Government Printing Office (GPO) recently launched the Federal Digital System (FDSys), a centralized location for no-fee public access to federal government information; and
- WHEREAS,** FDSys must systematically ingest both digitally born and digitized historic collections; and
- WHEREAS,** FDSys should allow for the systematic gathering of in-scope documents that may not have otherwise been included in the FDLP; and
- WHEREAS,** Ingesting both born-digital and digitized historic collections into FDSys will result in an increased need for cataloging to improve access to government information; and
- WHEREAS,** The GPO requires additional funding for its Cataloging and Indexing and the Federal Depository Library Programs in order to meet this expanded responsibility; and
- WHEREAS,** Further developments and enhancements of FDSys are vital to the FDLP's ability to provide no-fee public access to government information; and
- WHEREAS,** The full implementation of FDSys is vital to the public's right to access information from the legislative, executive, and judicial branches of government; now, therefore, be it


**RESOLVED,** That the American Library Association (ALA):

1. Works to ensure that the government fulfills its obligations to create, authenticate, collect, disseminate, and preserve government information.
2. Thanks GPO for the work that has been done in FDSys development and urges that GPO demonstrate its capacity to ingest both access and preservation copies of digitally born and digitized historic collections into FDSys.
3. Urges GPO to establish partnerships to conduct demonstration projects for systematic gathering and accessing digitally born content.
4. Urges GPO to establish partnerships to conduct demonstration projects for creating and accessing digitized historic collections.
5. Urges Congress to reaffirm no-fee public access to, dissemination of, and preservation of authentic government information by providing sufficient and sustained funding to the GPO to support Cataloging and Indexing, and the Federal Depository Library Program for systematic gathering of digitally born and digitized historic collections.

**RESOLUTION TO SUPPORT DIGITAL INFORMATION INITIATIVES AT THE U.S. GOVERNMENT  
PRINTING OFFICE/2**

6. Urges Congress to provide sufficient and sustained funding to the GPO to support FDSys

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Wednesday, January 19, 2010  
In Boston, Massachusetts



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ALA Executive Director and  
Secretary of the ALA Council

**THIS RESOLUTION WAS WITHDRAWN**

2009-2010 ALA CD 20.3  
2010 ALA Midwinter Meeting

**RESOLUTION TO ENDORSE THE STATEMENT  
"LIBRARIANSHIP AND TRADITIONAL CULTURAL EXPRESSIONS: NURTURING  
UNDERSTANDING AND RESPECT"**

- WHEREAS,** Librarianship is founded on core values of access, diversity, intellectual freedom, preservation, and social responsibility; and
- WHEREAS,** Libraries hold in their collections resources that constitute or reflect a vast array of traditional cultural expressions (TCEs); and
- WHEREAS,** Traditional cultural expressions are the creative manifestations of cultural identity and hold unique value and meaning for indigenous people and traditional communities; and
- WHEREAS,** Libraries collect, display, preserve, or digitize traditional works but may be unaware of the concerns of indigenous people and traditional communities regarding respectful treatment and protection of TCEs; and
- WHEREAS,** Western notions of property and copyright law are sometimes contrary to the way indigenous people and traditional communities practice their culture; and
- WHEREAS,** Indigenous people and traditional communities of the United States want to play a more active role in preserving their own culture and work with librarians who can provide expertise to assist them; and
- WHEREAS,** A collaborative stewardship between librarians and indigenous people and traditional communities will better ensure preservation of all cultures; and
- WHEREAS,** ALA can support local library decision-making about TCE policies and guidelines by providing a statement of principles that promulgates understanding and respect and acknowledges the balance needed between the sometimes conflicting values of libraries and indigenous and traditional communities; now, therefore, be it
- RESOLVED,** That the American Library Association (ALA):
1. Endorses the statement "Librarianship and Traditional Cultural Expressions: Nurturing Understanding and Respect."
  2. Pledges to advance the role of librarians as stewards of knowledge and cultural heritage.
  3. Advocates for reason and respect in national and international discussions concerning protection of and access to unique creative works of traditional cultural expressions.

*Endorsed by the Intellectual Freedom Committee, Committee on Diversity, OLOS Subcommittee on Rural, Native, and Tribal Libraries of All Kinds and Subcommittee on Services to Native Americans, the OITP Advisory Committee and the American Indian Library Association.*

*Prior policies:*

*Goals for Inclusive and Culturally Competent Library and Information Services - 60.4*

*Core Values of Librarianship - 40.1*

*Diversity – 60*

*Principles for the Networked World - 50.15.1*

*Principles for Digitized Content - 50.15.2*

**RESOLUTION ON UNIVERSAL ACCESS TO BROADBAND**

- WHEREAS,** The freedom of speech is a right in the United States; and
- WHEREAS,** Access to unfettered information is a corollary right; and
- WHEREAS,** The American Recovery and Reinvestment Act of 2009 authorizes the Federal Communications Commission (FCC) to create a National Broadband Plan that "shall seek to ensure that all people of the United States have access to broadband capability and shall establish benchmarks for meeting that goal."; and
- WHEREAS,** The American Library Association (ALA) states in "Access to Electronic Information, Services, and Networks" (53.1.19) that "all individuals have a right to information"; and
- WHEREAS,** Universal broadband access is now and will remain essential for all to realize the benefits of our national right to information, the right to read, the right to freedom of speech; and
- WHEREAS,** The public needs access to information in order to live, learn, work and govern, and this information is increasingly only available online; and
- WHEREAS,** Students and lifelong learners require universal access to broadband to develop information and digital literacy skills necessary to compete in the 21st century workforce; and
- WHEREAS,** The information and resources critical to participate in a democratic society and the global information economy are increasingly available only online; and
- WHEREAS,** America's libraries provide no-fee broadband access in communities and are essential to providing access to information and interactive communications; and
- WHEREAS,** Universal broadband access bridges the digital divide; and
- WHEREAS,** The right to access information transcends technological change; now, therefore, be it
- RESOLVED,** That the American Library Association:
1. Urges federal, state and local governments to recognize that universal access to broadband is essential to support the basic right of unfettered access to information in order for the public to participate in the digital world and the global information economy; and be it further
  2. That federal, state and local governments, as well as the public, support libraries as essential providers of broadband access for communities across America.

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