

**EBD #12.41
2009-2010**

TO: ALA Executive Board

RE: *Report on Washington Office Activities*

ACTION REQUESTED/INFORMATION/REPORT:

For information purposes. No action requested.

ACTION REQUESTED BY:

No action requested.

CONTACT PERSON:

Emily Sheketoff, 202-628-8410, esheketoff@alawash.org

DRAFT OF MOTION:

None.

DATE: *June 11, 2010*

BACKGROUND:

See Executive Summary.

EXECUTIVE SUMMARY

OFFICE OF GOVERNMENT RELATIONS (OGR)

Federal Research Public Access Act (FRPAA)

On April 15, 2010, Representatives Doyle (D-PA), Waxman (D-CA), Wasserman-Schultz (D-FL), Harper (R-MS), Boucher (D-VA) and Rohrabacher (R-CA) introduced the Federal Research Public Access Act (H.R. 5037), a bill that would ensure free, timely, online access to the published results of research funded by 11 U.S. federal agencies (as the NIH Public Access Policy does now).

Google Book Search settlement update

Washington Office staff continues to monitor the court's activities in response to the proposed Google Book Search (GBS) settlement. On February 18, 2010, U.S. District Court Judge Chin listened to oral arguments in a New York City courtroom from more than two dozen parties as part of the final settlement/fairness hearing on the amended settlement agreement reached by the Authors Guild, the Association of American Publishers and Google in an attempt to resolve the class-action lawsuit brought by the authors and publishers against Google in 2005. Judge Chin has been appointed to the U.S. Court of Appeals and must now dispose of all his cases.

Director of the Sacramento Public Library System testifies in House broadband hearing

Rivkah Sass, Director of the Sacramento Public Library System, testified before the United States House of Representatives Committee on Energy and Commerce's Subcommittee on Communications, Technology and the Internet on May 13.

Obama announces nomination for Public Printer

President Obama announced his intention to nominate William J. Boarman for the position of Public Printer of the United States. Mr. Boarman is currently the President of the Printing, Publishing & Media Workers Sector of the Communications Workers of America (CWA) and the Senior Vice President of CWA and has previously worked for the Government Printing Office.

Renewed effort on the PATRIOT Act

OGR was involved in numerous coalition meetings in May to discuss how we might move forward on PATRIOT and other privacy issues.

Library Advocacy Day preparations still underway

Preparations for Library Advocacy Day continue. Registration for this event, which will be held on June 29, 2010 at Upper Senate Park, continues to grow. As of June 7, 2010, over 1000 participants have registered for the rally.

Messages to Congress

As of June 7, 2010, over 12,900 messages have been sent to Congress. 13,206 messages were sent to Congress in 2009. At this rate, ALA's messages to Congress will be double last year's numbers by the end of the year.

LSTA

In President Obama's budget request to Congress in February the President chose to level fund LSTA at \$213.5 million the same amount as in FY 2010. Senate and House Labor, Health and Human Services, and Education Appropriations Subcommittees are expected to mark-up their FY 2011 appropriations bill in July which will have funding for the Library Services and Technology Act (LSTA). As of May 28, it was not yet public how much the committee plans to appropriate to LSTA, and this information will not be made public until after the mark-up in July.

Improving Literacy Through School Libraries

Improving Literacy Through School Libraries is in a similar situation as LSTA. The President's request consolidated this program with five other literacy programs where Improving Literacy Through School Libraries would be competing with these other programs for one pot of money. This move has been met with resistance from Congress, especially House Appropriations Chairman Dave Obey (D-WI-7), although it has not yet been determined what Congress will do in regards to consolidation until after the July mark-up.

Elementary and Secondary Education Act

Since Congress failed to reauthorize the Elementary and Secondary Education Act (ESEA) in 2009, they have the opportunity for reauthorization in 2010. Both the Senate and House have been holding hearings and meetings on what should be in a reauthorized ESEA bill. During this time, the Washington Office has been meeting with key members and staff on what needs to be in ESEA for libraries.

Jamie Greene, a school librarian at Hugh Cole Elementary School in Warren, RI, and president of the Rhode Island Educational Media Association (RIEMA), testified before the U.S. Senate Committee on Health, Education, Labor and Pensions (HELP) today in a hearing titled, "ESEA Reauthorization: Meeting the Needs of the Whole Student."

OFFICE FOR INFORMATION TECHNOLOGY POLICY (OITP)

ALA files comments on the National Education Technology Plan

On behalf of ALA and in coordination with AASL, OITP filed comments on the draft National Education Technology Plan.

OITP director takes part in outreach activities

Alan Inouye engaged in three outreach activities in April and May. In April, Alan was a guest speaker at the School of Information at the University of California at Berkeley, where he also met with several faculty members and graduate students. As a member of Google's Consumer Advisory Group, Alan participated in a two-day meeting at Google Headquarters, briefed on emerging issues at Google. In the latter part of May, Alan participated in a two-day meeting at the Bill & Melinda Gates Foundation to discuss the Foundation's new direction and strategy for its grant-making in its U.S. Libraries Program. Follow-up discussions include the development of possibilities of how OITP (and ALA generally) may participate in the new direction.

Final E-rate Training held in May

This May marked the final E-rate training for state E-rate coordinators of a three year project funded by the Bill & Melinda Gates Foundation.

ALA Washington Office hosts CopyNight

On May 25, the Washington office hosted CopyNight DC, a monthly gathering for discussing current issues in copyright and technology.

Work continues on Opportunity Online Broadband Grant Program

This spring, OITP continued its work on the Gates Foundation's Opportunity Online Broadband Grant Program. OITP acts as consultants to the seven state libraries to provide expertise and guidance on the development of sustainability plans for improving broadband capacities at public libraries.

New OITP policy brief on mobile technology, libraries, and public policy to be released

OITP will soon be releasing the latest policy brief: "There's an App for That! Libraries and Mobile Technology: An Introduction to Public Policy Considerations." This brief explores how the adoption of mobile technologies and services alters the traditional relationships between libraries and their users, and introduces novel challenges to reader privacy.

OFFICE OF GOVERNMENT RELATIONS (OGR)

Federal Research Public Access Act (FRPAA)

On April 15, 2010, Representatives Doyle (D-PA), Waxman (D-CA), Wasserman-Schultz (D-FL), Harper (R-MS), Boucher (D-VA) and Rohrabacher (R-CA) introduced the Federal Research Public Access Act (H.R. 5037), a bill that would ensure free, timely, online access to the published results of research funded by 11 U.S. federal agencies (as the NIH Public Access Policy does now). This bi-partisan supported bill mirrors the Senate version (S. 1373) introduced in June 2009.

A message was posted to the ALA's Legislative Action Center asking members to write to their representative asking her/him to support and co-sponsor H.R. 5037.

Community college and career training grant program

On March 30, President Obama signed the "fix healthcare bill" into law, which included \$2 billion for the Community College and Career Training Grant Program, a new Trade Adjustment Assistance (TAA) program that was created through the Department of Labor in last year's stimulus bill but was never funded. This money will be spent at \$500 million a year for FY11-14 and will be awarded competitively. While ALA welcomes the provision, the final bill is also a disappointment. Since last summer, community college librarians and ALA have worked on a different proposal that could have included community college libraries.

The original Student Aid and Fiscal Responsibility Act (SAFRA) proposal in H.R. 3221 was made by the White House about one year ago; it focused more on job training programs and related resources needed to support students seeking new job skills. While we are glad to see recognition of the needs of community colleges and the need to promote job skills and employment, we are disappointed that some of the programmatic initiatives that might have helped community college libraries were completely dropped. Behind-the-scenes bartering substituted this "new" Department of Labor proposal for the Department of Education's community college programs initiatives just within the last week.

ALA will continue to work with community college supporters to seek improved recognition and funding for their libraries.

Google Book Search settlement update

Washington Office staff continues to monitor the court's activities in response to the proposed Google Book Search (GBS) settlement. On February 18, 2010, U.S. District Court Judge Chin listened to oral arguments in a New York City courtroom from more than two dozen parties as part of the final settlement/fairness hearing on the amended settlement agreement reached by the Authors Guild, the Association of American Publishers and Google in an attempt to resolve the class-action lawsuit brought by the authors and publishers against Google in 2005.

At the outset of the hearing, Judge Chin indicated that no decision would be reached or announced as part of the hearing and he did not know when a ruling would be issued. In the meantime, the ALA, along with ACRL and ARL, released “GBS March Madness: Paths Forward for the Google Books Settlement.” The diagram, inspired by the National Collegiate Athletic Association (NCAA) March Madness tournament brackets, explores the many possible routes and outcomes of the GBS, including avenues into the litigation and appeals process. It also serves as a response to the question of, “So, what next?” as we await Judge Chin’s ruling on the case. The diagram is available at <http://www.librarycopyrightalliance.org/bm~doc/gbs-march-madness-diagram-final.pdf>.

Judge Chin has been appointed to the U.S. Court of Appeals and must now dispose of all his cases.

Director of the Sacramento Public Library System testifies in House broadband hearing

Rivkah Sass, Director of the Sacramento Public Library System, testified before the United States House of Representatives Committee on Energy and Commerce’s Subcommittee on Communications, Technology and the Internet on May 13.

The hearing, titled “The National Broadband Plan: Promoting Broadband Adoption,” was the fourth in a series of hearings addressing issues raised in the National Broadband Plan. It examined recommendations in the National Broadband Plan for increasing broadband adoption, including ways to ensure that all Americans are able to subscribe to broadband and ways to educate individuals about broadband’s benefits. Ms. Sass’s testimony highlighted the critical role of libraries as anchor institutions in helping drive broadband adoptions in communities.

Obama announces nomination for Public Printer

President Obama announced his intention to nominate William J. Boarman for the position of Public Printer of the United States. Mr. Boarman is currently the President of the Printing, Publishing & Media Workers Sector of the Communications Workers of America (CWA) and the Senior Vice President of CWA and has previously worked for the Government Printing Office. His nomination must be confirmed by the U.S. Senate and the Senate Rules Committee held a hearing on May 25 at which Mr. Boarman was a witness.

Renewed effort on the PATRIOT Act

OGR was involved in numerous coalition meetings in May to discuss how we might move forward on PATRIOT and other privacy issues. In particular the groups are looking at how we might educate the public before the next provisions sunset to increase grassroots support when these issues are again moving in Congress.

ALA announces support for Digital Due Process

In late March, the ALA joined the Digital Due Process Coalition (DDP), a group that seeks to update the Electronic Communications Privacy Act (ECPA). DDP includes a diverse group of

privacy advocates, major companies and think-tanks, proposing principles to guide the updating of ECPA, the key federal law that defines the rules for government access to e-mail and private files stored in the Internet “cloud.”

The DDP principles are fully consistent with ALA’s policies in support of privacy rights, including people’s activities in the new technological environments available to us now. Governmental entities should not be able to access personal electronic records, e-mails and other data without appropriate search warrants, particularized suspicion and probable cause.

ALA has advocated for these principles as part of the library community’s commitment to civil liberties including the “right to read” and the privacy rights of readers and library users. If ECPA is updated following these key principles, law enforcement can have the tools to conduct its work and investigations while the public can trust that basic privacy rights will be protected.

Library Advocacy Day Preparations

Preparations for Library Advocacy Day continue. Registration for this event, which will be held on June 29, 2010 at Upper Senate Park, continues to grow. As of June 7, 2010, over 1000 participants have registered for the rally. On Monday, May 24, the ALA Washington Office sponsored a webinar titled “Library Advocacy Day: What to Know Before You Go.” This online training session had over 200 participants. Throughout conference, there will be many opportunities to learn more about the rally and how to get involved.

On Saturday, participants should attend the training session, “What to Know Before You Go” from 10:30 a.m. to noon in WCC-103B or swing by the Membership Pavilion from noon to 1 p.m., where volunteers will be available to answer questions and register individuals for the event.

Sunday will offer more Q&A time at the Membership Pavilion from noon to 1 p.m. and again from 2:30 to 3:30 p.m. On Monday, volunteers and staff will be available to answer questions at the Membership Pavilion from 11:30 a.m. to 12:30 p.m. and again from 2:30 to 3:30 p.m.

The Advocacy Hour will be held at 1 p.m. on Saturday, Sunday, and Monday at the Membership Pavilion. Please come and learn about all the ways you can get involved in library advocacy, as well as ask questions about Library Advocacy Day.

Messages to Congress

As of June 7, 2010, over 12,900 messages have been sent to Congress. 13,206 messages were sent to Congress in 2009. At this rate, ALA’s messages to Congress will be double last year’s numbers by the end of the year.

LSTA

In President Obama's budget request to Congress in February the President chose to level fund LSTA at \$213.5 million the same amount as in FY 2010. Senate and House Labor, Health and Human Services, and Education Appropriations Subcommittees are expected to mark-up their FY 2011 appropriations bill in July which will have funding for the Library Services and Technology Act (LSTA). As of May 28, it was not yet public how much the committee plans to appropriate to LSTA, and this information will not be made public until after the mark-up in July. In the meantime, the Washington Office is working to get LSTA funded at \$300 million for FY11. A recent letter that was sent to the Senate Appropriations Committee asking for \$300 million for LSTA received 35 senators' signatures. A similar letter in the House was also circulated, and it gathered 22 signatures.

Improving Literacy Through School Libraries

Improving Literacy Through School Libraries is in a similar situation to LSTA. The President's request consolidated this program with five other literacy programs where Improving Literacy Through School Libraries would be competing with these other programs for one pot of money. This move has been met with resistance from Congress, especially House Appropriations Chairman Dave Obey (D-WI-7), although it has not yet been determined what Congress will do in regards to consolidation until after the July mark-up. A letter that was sent to the Senate Appropriations committee asked for \$100 million for Improving Literacy Through School Libraries, and it gained 35 signatures and a similar letter was sent to the House Appropriations Committee and received 22 member signatures.

Elementary and Secondary Education Act

Since Congress failed to reauthorize the Elementary and Secondary Education Act (ESEA) in 2009, they have the opportunity for reauthorization in 2010. Both the Senate and House have been holding hearings and meetings on what should be in a reauthorized ESEA bill. During this time, the Washington Office has been meeting with key members and staff on what needs to be included in ESEA for libraries.

Jamie Greene, a school librarian at Hugh Cole Elementary School in Warren, RI, and president of the Rhode Island Educational Media Association (RIEMA), testified before the U.S. Senate Committee on Health, Education, Labor and Pensions (HELP) today in a hearing titled, "ESEA Reauthorization: Meeting the Needs of the Whole Student."

Greene's testimony highlighted the critical role of school libraries in our nation's educational system and the need for Congress to include them in the reauthorization of the Elementary and Secondary Education Act (ESEA).

ALA is requesting that Congress include school libraries in ESEA by including the following three requests: 1) Having every public school have a school librarian staffed by a state-certified school librarian, 2) allowing for state and local professional development funds to be used for recruiting and training school librarians, 3) and maintain dedicated funding for the Improving

Literacy Through School Libraries. It is unlikely that the Congress will reauthorize ESEA this year. However, HELP Committee Chairman Tom Harkin (D-IA) wanted to mark up a bill in the Senate by early June. No date yet has been set for such a mark-up.

ALA announces winners of 2010 James Madison Award

On March 15, 2010, ALA announced the joint winners of the 2010 James Madison Award. Sharing the honor this year are Meredith Fuchs, General Counsel to the National Security Archive, and the Citizens for Responsibility and Ethics in Washington (CREW).

In December of 2009, the National Security Archive, CREW, the White House and the National Archives and Records Administration (NARA) entered into an agreement setting forth general principles that resolved the missing White House e-mail lawsuit filed first by the Archive in September 2007. This outcome has done much to ensure the transparency of the White House.

The award was presented during the 12th annual National Freedom of Information Day Conference, which was held on March 15 at the Knight Conference Center at the Newseum in Washington, D.C.

OGR Welcomes Four Interns Working on LAD Rally

Interns Gloria Reaves and Jessica Schneider have been helping the Washington Office prepare for a successful rally since early this spring. In May, they were joined Jack Morris and Ted Wegner, who will be interning all summer. The interns are assisting Kristin Murphy with matters such as by promoting the event through calls, coordinating volunteers, researching Congress, and a variety of other tasks.

OFFICE FOR INFORMATION TECHNOLOGY POLICY (OITP)

ALA files comments on the National Education Technology Plan

On behalf of ALA and in coordination with AASL, OITP filed comments on the draft National Education Technology Plan. The comments informed the U.S. Department of Education of the numerous ways school libraries integrate innovative uses of technology into the nation's schools and prepare students to thrive in the 21st century. The development of the comments was aided by expert advice from practicing school librarians, including Joyce Kasman Valenza who also serves on OITP's America's Libraries for the 21st Century Subcommittee, and Chris Harris, who serves on the OITP Advisory Committee.

OITP welcomes Google Policy Fellow

Gwen Glazer, ALA's 2010 Google Policy Fellow, will spend 10 weeks working with OITP this summer on areas of digitization and policy. Gwen has an MLIS from Syracuse University and has served as a staff writer and editor for Cornell University Library and managing editor for NationalJournal.com.

OITP director takes part in outreach activities

Alan Inouye engaged in three outreach activities in April and May. In April, Alan was a guest speaker at the School of Information at the University of California at Berkeley, where he also met with several faculty members and graduate students. His presentation was on national telecommunications policy and the role and interests of the library community, as well as on general information policy and politics in the Obama Administration.

As a member of Google's Consumer Advisory Group, Alan participated in a two-day meeting at Google Headquarters, briefed on emerging issues at Google. A key purpose of this Group is to provide Google with public interest perspectives to help the corporation shape its products and practices. Other members of this Group include the ACLU, ARL, EDUCAUSE, Consumers' Union, Public Knowledge, and Free Press.

In the latter part of May, Alan participated in a two-day meeting at the Bill & Melinda Gates Foundation to discuss the Foundation's new direction and strategy for its grant-making in its U.S. Libraries Program. Follow-up discussions include the development of possibilities of how OITP (and ALA generally) may participate in the new direction.

Final E-rate Training held in May

This May marked the final E-rate training for state E-rate coordinators of a three year project funded by the Bill & Melinda Gates Foundation. The two-day training covered numerous topics that state coordinators need to know in order to help their home libraries participate in the E-rate program. This spring, with the release of the National Broadband Plan by the Federal Communications Commission, part of the training session was devoted to a presentation, and

discussion of the recommendations in the Plan related to the E-rate program. There were coordinators present from 41 states and the territories.

ALA Washington Office hosts CopyNight

On May 25, the Washington office hosted CopyNight DC, a monthly gathering for discussing current issues in copyright and technology. Carl Malamud of PublicResource.Org, an Internet pioneer and information access activist, was this month's guest speaker. He gave a talk on the law.gov project to make primary legal sources more accessible to the public, as well as several volunteer projects to digitize public domain materials only available in person at the National Archives. Special guest Brewster Kahle of the Internet Archive joined Mr. Malamud. Attendees came from a variety of DC-area organizations in policy, technology, academia, and government.

Work continues on Opportunity Online Broadband Grant Program

This spring, OITP continued its work on the Gates Foundation's Opportunity Online Broadband Grant Program. OITP acts as consultants to the seven state libraries to provide expertise and guidance on the development of sustainability plans for improving broadband capacities at public libraries. The focus of OITP work was on New York and Kansas, with New York submitting its final plan to the Foundation. Activities in Kansas will continue through August.

New OITP policy brief on mobile technology, libraries, and public policy to be released

OITP will soon be releasing the latest policy brief: "There's an App for That! Libraries and Mobile Technology: An Introduction to Public Policy Considerations." This brief explores how the adoption of mobile technologies and services alters the traditional relationships between libraries and their users, and introduces novel challenges to reader privacy. The brief will be presented in a panel and distributed in print form at the upcoming Annual Conference.