

**EBD #12.15**  
**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:** *December 23, 2009*

**BACKGROUND:**  
*See Executive Summary.*

## **EXECUTIVE SUMMARY**

### **OFFICE OF GOVERNMENT RELATIONS (OGR)**

#### **Federal Advocacy**

- OGR has engaged in several campaigns related to targeted advocacy strategies to influence federal legislation. Examples of such successful advocacy and education outreach in the last three months include, but are not limited to:
  - On October 28, 2009, more than 250 people participated in a webinar devoted to social networking and advocacy.
  - On November 18, 2009, more than 100 ALA members participated in a webinar highlighting the tools and strategies necessary to meet with members of Congress when at home during district work periods.
  - On Wednesday, December 16, 2009, OGR issued an action alert asking ALA members to call their members of Congress to request the inclusion of library language in the *Jobs for Main Street Act of 2010* (H.R. 2847).

As a result of a comprehensive approach to advocacy – webinars, action alerts, social media such as Twitter and Facebook – the number of messages sent to Congress spiked to over 13,000 messages in 2009 from just over 8,000 in 2008.

#### **Open Government**

With regard to open government-related activities, OGR has been closely monitoring the Obama administration's Open Government Directive ([http://www.whitehouse.gov/omb/assets/memoranda\\_2010/m10-06.pdf](http://www.whitehouse.gov/omb/assets/memoranda_2010/m10-06.pdf)) that was announced on December 8, 2009. In short, the Directive "is intended to direct executive departments and agencies to take specific actions to implement the principles of transparency, participation, and collaboration set forth in the President's Memorandum."

#### **Google Book Search Settlement**

Washington Office staff continue to closely monitor developments and inform ALA activities in response to the proposed Google Book Search settlement. On November 13, 2009, Google, the Authors Guild and the Association of American Publishers submitted an amended settlement agreement (ASA) to the Court. This is the latest activity by the parties in an attempt to resolve the class-action lawsuit brought by book authors and publishers in response to Google's Book Search digitization project.

In response, the ALA, along with ACRL and ARL, released "A Guide for the Perplexed Part III: The Amended Settlement Agreement," which highlights those changes relevant to libraries.

## **USA PATRIOT ACT**

OIG has been closely monitoring the *USA PATRIOT Amendments Act of 2009* (H.R. 3845), that was passed by the House of Representatives Judiciary Committee on November 5, 2009. The passage of this bill could put Congress back on track to achieve comprehensive reform of our nation's surveillance laws.

It is unclear at this time when the House will vote on this bill. On December 16, Congress extended the sunset deadline for Section 215 and the other two expiring provisions, the roving wiretaps and lone wolf sections from December 31, 2009 to February 28, 2010. ALA is monitoring the House activities and has meetings scheduled to follow up with key Senate staff.

## **OFFICE OF INFORMATION TECHNOLOGY POLICY (OITP)**

### **Librarianship and Traditional Cultural Expression**

Over the last ten months, an OITP-lead workgroup has been collaborating with librarians, archivists and members of various indigenous communities within the United States in order to draft a statement of guiding principles concerning the management and protection of traditional cultural expressions (TCEs). TCEs are defined as, but not limited to, narratives, poetry, music, art, designs, names, signs, symbols, performances, architectural forms, and handicrafts created by indigenous and/or traditional communities.

### **New OITP Policy Brief Series**

OITP has established a new series of policy briefs, which will comprise substantive works on the order of 10-30 pages each when published. The first brief "Fiber to the Library" was issued as a print version in November. Several other policy briefs are in-process and are expected to be published in the first half of 2010.

### **Improving Access for the Visually Impaired**

The Library Copyright Alliance filed comments with the Library of Congress' U.S. Copyright Office regarding facilitating access to copyrighted works for the blind or other persons with disabilities. The comments, which were filed jointly by the Library Copyright Alliance, the Electronic Frontier Foundation, the Internet Archive, and the Chief Officers of State Library Agencies, called for a multilateral treaty to resolve issues of accessibility for the blind and visually impaired.

### **Fall E-rate Training Held**

As a part of its grant from the Bill & Melinda Gates Foundation, OITP held its fall training for state E-rate coordinators in the Washington, D.C. area. As at past sessions, this training is conducted by consultant Linda Schatz and coordinated by OITP staffers Carrie McGuire and Marijke Visser.

### **OITP's Participation in the Opportunity Online Broadband Grant Program**

The final two states—Texas and California—have held their state summits as a part of the Gates Foundation's Opportunity Online Broadband Grant Program. OITP will continue to provide consulting services to Texas and California as well as the five states that held their summits in the spring of 2009 through summer 2010.

### **Comments and Other Inputs Provided to the Federal Communications Commission and Department of Commerce**

OITP developed responses to four requests for input from the Federal Communications Commission (FCC) and the Department of Commerce. The responses for the FCC covered possible changes to the E-rate program, broadband adoption, and the economic impacts of broadband deployment. Comments on the first round of applications for the Broadband Technology Opportunities Program (BTOP) were submitted to the Department of Commerce. Additionally, OITP representatives participated in an FCC effort to solicit perspectives via site visits to libraries and other institutions in several cities around the country.

### **ALA Washington Office participating in Google Policy Fellowship Program**

The ALA Washington Office will be participating in the Google Policy Fellowship program for the summer of 2010.

### **Libraries Highlighted in Recent Broadband Discussions, Activity**

As one of the founding members of the Schools, Health and Libraries Broadband (SHLB) Coalition, the American Library Association's (ALA) Washington Office has actively participated in communicating the role of anchor institutions in national broadband build-out to members of Congress, the National Telecommunications and Information Administration (NTIA) and the Federal Communications Commission (FCC).

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  - On October 28, 2009, more than 250 people participated in a webinar devoted to social networking and advocacy. This program, titled “Libraries, Advocacy and Social Media,” focused on the benefits of incorporating Twitter, Facebook and other social media programs into a grassroots strategy.
  - On November 18, 2009, more than 100 ALA members participated in a webinar highlighting the tools and strategies necessary to meet with members of Congress when they are at home during district work periods. The webinar provided tips from how to schedule a meeting and what to cover to how to utilize OGR resources and staff in preparation.
  - On Wednesday, December 16, 2009, OGR issued an action alert asking ALA members to call their members of Congress to request the inclusion of library language in the *Jobs for Main Street Act of 2010* (H.R. 2847). More than 2,500 e-mails were sent to Congress and even more phone calls were placed. Additionally, this news item ranked as one of the most re-tweeted District Dispatch posts for the month.

As a result of a comprehensive approach to advocacy – webinars, action alerts, social media such as Twitter and Facebook – the number of messages sent to Congress spiked to over 13,000 messages in 2009 from just over 8,000 in 2008.

### **Open Government**

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The memorandum can be viewed at [http://www.whitehouse.gov/the\\_press\\_office/TransparencyandOpenGovernment](http://www.whitehouse.gov/the_press_office/TransparencyandOpenGovernment).

The Directive requires executive departments and agencies to:

1. Publish government information online,
2. Improve the quality of government information,
3. Create and institutionalize a culture of open government, and

4. Create an enabling framework for open government.

### **Google Book Search Settlement**

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In response, the ALA, along with ACRL and ARL, released "A Guide for the Perplexed Part III: The Amended Settlement Agreement," which highlights those changes relevant to libraries. While many of the amendments will have little direct impact on libraries, the ASA significantly reduces the scope of the settlement because it excludes most books published outside of the United States, among other things. In addition, on December 14, 2009, the library associations sent a letter to the U.S. Department of Justice (DOJ) asking for ongoing judicial oversight of the Google Book Search settlement, if approved.

Looking ahead, the Court has accepted the parties' recommended schedule and set January 28, 2010, as the deadline for class members to opt out of the ASA or to file objections, and February 4, 2010, as the deadline for the Department of Justice to file its comments. The Court will hold a fairness hearing on February 18, 2010.

Also, during the 2009 ALA Annual Conference in Chicago, the ALA Council approved a resolution that requested the ALA President, "...convene an ALA-wide representative group: to continue to assess the proposed Google Book Search Settlement and its ongoing impact on ALA members and members institutions..." ALA President Camila Alire invited a representative group of ALA members to be on a task force to study the agreement and the impact it will have on library services. The Task Force has had an initial conference call and will hold a meeting at the 2010 ALA Midwinter Conference in Boston.

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H.R. 3845 would restore reader privacy by curbing the use of secret court orders and National Security Letters to obtain library and bookstore records about innocent people. Other key protections in the bill include improved judicial review of investigations, new protections for librarians and others who receive gag orders from the government, and more oversight of how PATRIOT Act powers are being used.

The committee also approved an amendment from Rep. Tammy Baldwin (D-WI) expressing the sense of Congress that the president should periodically review secret surveillance programs to determine whether they should remain classified. The committee rejected several amendments that would have watered down or eliminated the bill's civil liberties protections. H.R. 3845 goes much further toward restoring our civil liberties than S. 1692 that passed the Senate Judiciary Committee in October.

It is unclear at this time when the House will vote on this bill. On December 16, Congress extended the sunset deadline for Section 215 and the other two expiring provisions, the roving wiretaps and lone wolf sections from December 31, 2009 to February 28, 2010. ALA is monitoring the House activities and has meetings scheduled to follow up with key Senate staff.

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The purpose of this document is to help librarians appreciate the unique nature of indigenous culture and to highlight ways that librarians can better manage traditional cultural expressions in their collections and share expertise with cultures that choose to self manage their own cultural heritage. The workgroup will continue to share the document with ALA divisions, roundtables, offices, executive board, Council, and other interested units and organizations. The group aims for the principles to be considered for adoption as ALA policy at the 2010 Midwinter Conference in Boston. See the TCE website (<http://wo.ala.org/tce/>) for further information.

### **Staffing Changes**

We're happy to report that Carrie Lowe, Director, Program on Networks, was married in November and is now Carrie McGuire. We're sad to report that Timothy Vollmer, Assistant Director, Program on Public Access to Information, is leaving OITP at the end of December. Timothy will be moving to San Francisco to work for Creative Commons.

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Improving access for the visually impaired was the featured session at OITP's annual planning retreat. Jessica Brodey, a well-known expert on this topic, participated in a session to review the major technical, access, and policy issues.



### **Fall E-rate Training Held**

As a part of its grant from the Bill & Melinda Gates Foundation, OITP held its fall training for state E-rate coordinators in the Washington, D.C. area. As at past sessions, this training is conducted by consultant Linda Schatz and coordinated by OITP staffers Carrie McGuire and Marijke Visser. OITP staff is now in the process of assessing its activities in promoting library participation in the E-rate program to develop a plan for 2010 and thereafter.

Delaware State Library Agency reported that due to ALA's E-rate training, "Delaware's participation rate has increased, in one year, from 11% to 60% - a 49% increase! Due to the E-rate discount that we received (69%)...obligation \$131,000 vs. \$423,000 if we had not received the discount."

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