

EBD #12.11
2010-2011

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 10, 2010*

BACKGROUND:

See Executive Summary.

EXECUTIVE SUMMARY

WASHINGTON OFFICE – JOINT OGR AND OITP ACTIVITIES

Network neutrality activities

The ALA has continued to press for Internet (net) network neutrality policies at the Federal Communications Commission (FCC) and Congress.

In addition to meetings at the FCC and with members of Congress, OITP held an information policy briefing on December 6 on “the Radical Experiment of Eliminating Common Carriage for Broadband.” Specifically, OITP hosted Professor Barbara Cherry, J.D., Ph.D., from the Department of Telecommunications at Indiana University, to share historical lessons learned from common carriage law and principles to current debates around network neutrality.

As of December 10, the FCC Chairman has scheduled a December 21 meeting during which the FCC Commissioners will vote on a net neutrality rule and order

OFFICE OF GOVERNMENT RELATIONS (OGR)

Much still undone in the final days of 111th Congress

Over the last three months, Congress has been in recess for many weeks as members went home to campaign for the November elections.

With the huge change in the House pending in the upcoming 112th Congress, ALA has focused on “What will happen in the lame duck session?” While many interest groups hoped that certain bills might be addressed and finalized during this 111th Congress, little has been done. Tax issues, appropriations, and other issues have absorbed their time.

Surveillance and the USA PATRIOT Act

ALA had hoped that this Congress would reauthorize Section 215 of the USA PATRIOT Act that is now set to sunset on February 28, 2011. The bills in this 111th Congress include some improvements to 215, or the “library provision,” more formally called the section on “business records.”

OGR’s Committee on Legislation, IFC review WikiLeaks issues

The Committee on Legislation (COL) and the Intellectual Freedom Committee (IFC) are reviewing the issues associated with WikiLeaks’ ongoing disclosure of large numbers of classified United States government documents, including the decision by the Library of Congress and other government agencies to block online access to the WikiLeaks website.

E-gov webinar draws nearly 1,000 participants

On December 9, the ALA Washington Office co-sponsored a webinar titled “E-Gov: Make It Work @ Your Library” with American Libraries Magazine and the ALA Office for Research & Statistics. There was a positive response to this webinar with over 1,600 people registering and 966 participating.

Reauthorization of LSTA still pending

On Tuesday, December 7, the U.S. Senate passed MLSA Reauthorization under unanimous consent, bringing the bill one step closer to reauthorization before the end of the 111th Congress.

MLSA has moved to the U.S. House of Representatives where it must receive a vote before the end of the calendar year. The Washington Office has been working with members of the House and grassroots network to get the House leadership to bring the Senate-passed version of MLSA to a vote on the floor. As of December 10, there is not a scheduled vote in the House.

Senate vote needed for confirmation of Susan Hildreth as Director of the Institute of Museum and Library Services (IMLS)

Susan Hildreth’s confirmation as the director of the Institute of Museum and Library Services was reported from the Senate HELP Committee and is awaiting a confirmation vote from the full Senate. As of December 10, a vote has not yet been scheduled.

Senate working to pass omnibus, continuing resolution for appropriations more likely

On December 3 Congress extended a continuing resolution (CR) for FY2011 funding until December 18. On December 8, the House has passed by a vote of 212-206 for a yearlong CR that would fund all of FY2011 at FY2010 levels. The Senate is still working to pass an omnibus bill by December 18 but it is not clear if they will stick with that or scrap it and pass a yearlong CR just like the House did.

It is also possible that the CR may include a one year Anti-Deficiency Act (ADA) requirement on E-rate, in order to keep the FCC universal service program functioning.

OGR hosts advocacy webinar

The Office of Government Relations hosted two webinars in the last quarter. The two webinars, titled “How One Advocacy Action Per Month Can Change the World” and “Libraries and Elections: How You Can Be Involved and Make a Difference” had a combined number of 250 attendees and countless more watched the webinars online.

OFFICE FOR INFORMATION TECHNOLOGY POLICY (OITP)

E-rate advocacy and education

E-rate advocacy and education remain a high priority item with significant revisions to the E-rate program in 2010 and more expected in 2011. OITP assistant director Marijke Visser and OITP's outside E-rate advisor Linda Schatz met multiple times with Federal Communications Commission (FCC) staff to discuss issues related to the proposed changes. On September, the FCC Commissioners voted to adopt major changes to the E-rate program.

Access for print disabled, library exceptions named top WIPO priorities

The World Intellectual Property Organization (WIPO) closed its latest copyright meeting with a two-year work plan to improve access to the print disabled and to identify potential library exceptions in international treaty agreements.

Office for Information Technology Policy names new directors

In October, Larra Clark was appointed as the new director of the Program on Networks and Associate Director of the Program on America's Libraries for the 21st Century, and Marijke Visser will become the new assistant director of OITP.

Outreach by OITP director

On September 15-16, 2010, Alan Inouye served on a panel at a workshop organized by the National Science Foundation and the National Endowment for the Arts.

On October 29, OITP Director Alan Inouye visited the School of Information at the University of Michigan.

Cutting-edge technologies

On October 6, the Office for Information Technology Policy (OITP) issued a call for nominations for best library practices using cutting-edge technology.

Google Policy Fellowship

Once again, OITP has been invited to participate in the Google Policy Fellowship program for the summer of 2011. Fellows are in residence at host organizations (such as ALA) for ten weeks, focusing on a specific information policy project and learning about the Washington policy environment. Applications from students are now being solicited and are due in mid-January.

ALA president and OITP assistant director take part in roundtable on digital literacy

ALA President Roberta Stevens and Marijke Visser, Assistant Director for the Office for Information Technology Policy (OITP), participated in the Aspen Institute Communications and Society Roundtable on Digital and Media Literacy on November 11.

WASHINGTON OFFICE – JOINT OGR AND OITP ACTIVITIES

Network neutrality activities

The ALA has continued to press for Internet (net) network neutrality policies at the Federal Communications Commission (FCC) and Congress. Working with the Association of Research Libraries (ARL) and EDUCAUSE, the ALA has expended considerable lobbying effort to respond to the FCC Chairman's recently announced planned legal strategy to attempt to codify net neutrality principles. The ALA along with ARL and EDUCAUSE has held numerous meetings at the Commission and with key members of Congress expressing the importance of net neutrality for libraries and education and those we serve to protect freedom of speech and equity of access to information.

In addition, on December 6 OITP held an information policy briefing on "the Radical Experiment of Eliminating Common Carriage for Broadband." Specifically, OITP hosted Professor Barbara Cherry, J.D., Ph.D., from the Department of Telecommunications at Indiana University, to share historical lessons learned from common carriage law and principles to current debates around network neutrality. In conjunction with her talk, OGR arranged for Dr. Cherry to meet with the U.S. House of Representatives Commerce Committee staff to share her research findings.

As of December 10, the FCC Chairman has scheduled a December 21 meeting during which the FCC Commissioners will vote on a net neutrality rule and order. Leading up to the vote, the ALA is engaging in significant policy and political analysis of the Chairman's strategy, including the likelihood the strategy would stand up in court if passed by the Commissioners. Also, independent of the outcome of the vote (whether the rule is passed or is defeated), the ALA is preparing for intense Congressional activity on net neutrality. Like so many issues, network neutrality will be a long-term effort for ALA.

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Much still undone in the final days of 111th Congress

Over the last three months, Congress has been in recess for many weeks as members went home to campaign for the November elections.

With the huge change in the House pending in the upcoming 112th Congress, ALA has focused on “What will happen in the lame duck session?” While many interest groups hoped that certain bills might be addressed and finalized during this 111th Congress, little has been done. Tax issues, appropriations, and other issues have absorbed their time. At this writing there are still a handful of outstanding issues for ALA that could possibly be completed by the end of the year. Pending issues include:

- Reauthorization of LSTA
- Senate approval of Susan Hildreth as Director of the Institute of Museum and Library Services (IMLS)
- A continuing resolution on FY2011 appropriations

(Details on these matters are included in the subsequent sections of this report.)

Surveillance and the USA PATRIOT Act

ALA had hoped that this Congress would reauthorize Section 215 of the USA PATRIOT Act that is now set to sunset on February 28, 2011. The bills in this 111th Congress include some improvements to 215, or the “library provision,” more formally called the section on “business records.” Latest reports indicate that the Republicans, who will take over the majority in the House of Representatives in January, refuse to let the bills move forward because they want to control that debate in the new Congress.

OGR’s Committee on Legislation, IFC review WikiLeaks issues

The Committee on Legislation (COL) and the Intellectual Freedom Committee (IFC) are reviewing the issues associated with WikiLeaks’ ongoing disclosure of large numbers of classified United States government documents, including the decision by the Library of Congress and other government agencies to block online access to the WikiLeaks website.

IFC and COL are working on a jointly sponsored program at Midwinter on Saturday, January 8, from 10:30 am to noon. The program will include an update on the WikiLeaks situation and an opportunity for member comment on these issues. Details will be available when we have more specifics and there will be new material posted on ALA Connect and on web pages work continues.

E-gov webinar draws nearly 1,000 participants

On December 9, the ALA Washington Office co-sponsored a webinar titled “E-Gov: Make It Work @ Your Library” with American Libraries Magazine and the ALA Office for Research & Statistics.

The webinar had three presenters: Nancy Fredericks, E-Government Services Manager at Pasco County Public Library Cooperative; John Bertot, Director Center for Library & Information Innovation, University of Maryland; and Bill Sudduth, Head Government Information and Microforms, Newspapers and Maps, University of South Carolina.

There was a positive response to this webinar with over 1,600 people registering and 966 participating.

Reauthorization of LSTA still pending

On December 1, the Senate Health, Education, Labor, and Pensions (HELP) Committee reported the Museum and Library Services Act (MLSA) Reauthorization from committee unanimously. The legislation contains the Library Services and Technology Act (LSTA). On Tuesday, December 7, the U.S. Senate passed MLSA Reauthorization under unanimous consent, bringing the bill one step closer to reauthorization before the end of the 111th Congress.

MLSA has moved to the U.S. House of Representatives where it must receive a vote before the end of the calendar year. The Washington Office has been working with members of the House and grassroots network to get the House leadership to bring the Senate-passed version of MLSA to a vote on the floor. As of December 10, there is not a scheduled vote in the House. OGR has implemented a major grassroots effort, which will continue until a vote is scheduled – or until time runs out.

MLSA will ensure that LSTA funds are secured and the Institute of Museum and Library Services (IMLS) is equipped to lead America’s libraries. This bill received bipartisan support from both Senate Republicans and Democrats, especially Senator Jack Reed (D-RI), who is a longtime supporter of libraries in this country. Other Senate sponsors of this bill include Sens. Richard Burr (R-NC), Thad Cochran (R-MS), Susan Collins (R-ME), Michael Enzi (R-WY), and Tom Harkin (D-IA) and Jon Tester (D-MT).

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It is also possible that the CR may include a one year Anti-Deficiency Act (ADA) requirement on E-rate, in order to keep the FCC universal service program functioning.

Elementary and Secondary Education Act

Both the Senate and House have held hearings and meetings throughout this year on what should be included in the reauthorization of the Elementary and Secondary Education Act (ESEA). During this time, the Washington Office has been meeting with key members and staff on what needs to be in ESEA for libraries. As time is running out on this Congress, it is unlikely that ESEA will be finished before the end of the year. It is speculated that Congress will deal with this legislation in 2011; however, it is not known at this time when this will happen.

When an ESEA bill is introduced next year, the Washington Office will continue working to ensure that school libraries are included in the legislation. The Washington Office has been pushing Congress to define in an ESEA bill an “effective school library program” as a school library that is staffed by a state certified school librarian, has up-to-date materials and equipment that can allow for regular collaboration among school librarians and classroom teachers. If a school does not meet his definition of an “effective school library program,” then they would have to use a portion of their money authorized in the Literacy Education for All, Results for the Nation (LEARN) Act to meet this definition. If a school does meet this definition, then they are allowed to use this money in other areas.

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E-rate advocacy and education remain a high priority item with significant revisions to the E-rate program in 2010 and more expected in 2011. OITP assistant director Marijke Visser and OITP's outside E-rate advisor Linda Schatz met multiple times with Federal Communications Commission (FCC) staff to discuss issues related to the proposed changes. On September, the FCC Commissioners voted to adopt major changes to the E-rate program.

OITP received funding from the Bill & Melinda Gates Foundation to conduct a series of online workshops for the state E-rate coordinators. The workshops review the changes recently made to the E-rate program by the FCC. Individual workshop sessions will discuss guidance issued by the Universal Service Administrative Company (which administers the E-rate program), interpret clarifications made by the FCC, and generally assist the state coordinators in understanding the impact of the changes so that they are equipped to support library applicants in their respective states. The first workshop was held on November 16. Additionally, OITP will hold an update session at the 2011 Midwinter Conference.

Access for print disabled, library exceptions named top WIPO priorities

The World Intellectual Property Organization (WIPO) closed its latest copyright meeting with a two-year work plan to improve access to the print disabled and to identify potential library exceptions in international treaty agreements. The Standing Committee on Copyright and Related Rights (SCCR) will devote several days of discussion at meetings in June and November 2011. This development suggests that WIPO is committed to address the rights of users of information in addition to its long-established emphasis on strengthening copyright and enforcement measures. A commitment to a legal instrument to improve access for the print disabled could come as soon as September 2011 at the WIPO General Assembly.

In its final conclusion, the SCCR “will undertake text-based work with the objective of reaching agreement on appropriate exceptions and limitations for persons with print disabilities and other reading disabilities.”

The U.S. library community was well represented by the Library Copyright Alliance (LCA) – of which ALA is a member – and internationally by the International Federation of Library Associations (IFLA) and the Electronic Information for Libraries (eIFL). The LCA statement to the SCCR urged “the Member States to focus on the twin issues of a national exception for countries that currently lack an exception (for persons with disabilities), and the cross-border distribution of works” as well as “the development of a core set of library limitations and exceptions necessary to sustain a global information society.”

Office for Information Technology Policy names new directors

In October, Larra Clark was appointed as the new director of the Program on Networks and Associate Director of the Program on America's Libraries for the 21st Century, and Marijke

Visser will become the new assistant director of OITP. In the fall, Larra worked part-time (and will continue to do so until the 2011 Midwinter Conference) in the Office of Research & Statistics (ORS) to facilitate the transition of the Public Library Funding and Technology Access Study to other ORS staff. These appointments fill the positions formerly held by Carrie McGuire and Kathy Mitchell.

Outreach by OITP director

On September 15-16, 2010, Alan Inouye served on a panel at a workshop organized by the National Science Foundation and the National Endowment for the Arts. This workshop focused on how information technology fosters creativity in science, the arts, and other domains.

On October 29, OITP Director Alan Inouye visited the School of Information at the University of Michigan. He made a presentation on information policy, met with School officials, and met with students. OITP will continue its participation in the Alternative Spring Break program and, as a result of the visit, is exploring other avenues for collaboration and cooperation. On this same trip, Alan also visited the Rochester Hills Public Library and its director Christine Lind Hage, who is also the chair of OITP's Subcommittee on America's Libraries for the 21st Century.

Cutting-edge technologies

On October 6, the Office for Information Technology Policy (OITP) issued a call for nominations for best library practices using cutting-edge technology. Last year, OITP's America's Libraries for the 21st Century Subcommittee launched the "cutting-edge" contest to showcase libraries that serve their communities with novel and innovative methods and to provide the library community with some successful models for delivering quality library services in new ways. The subcommittee has reviewed all nominations and will announce the selected libraries and library services before the ALA Midwinter Meeting. Libraries or library service areas selected will be publicized via the OITP website, highlighted through ALA publications, and featured in a program at the ALA Annual Conference in 2011.

Google Policy Fellowship

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ALA president and OITP assistant director take part in roundtable on digital literacy

ALA President Roberta Stevens and Marijke Visser, Assistant Director for the Office for Information Technology Policy (OITP), participated in the Aspen Institute Communications and Society Roundtable on Digital and Media Literacy on November 11. The roundtable was part of the launch of a white paper titled Digital and Media Literacy: A Plan of Action by Dr. Renee Hobbs, Professor and Founder of Temple University's Media Education Lab.

During the discussion, Stevens and Visser had the opportunity to highlight the role of school libraries in teaching digital literacy. Stevens also emphasized the importance of classroom teachers and school librarians collaborating in any digital literacy initiatives schools undertake. Visser mentioned OITP' interest in collecting examples of digital literacy programs that are already in place in public libraries. School, public, and academic libraries teach digital literacy skills as a regular part of their programs.