

EBD #12.38

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: *June 8, 2011*

BACKGROUND:

See Executive Summary.

EXECUTIVE SUMMARY

OFFICE OF GOVERNMENT RELATIONS

Appropriations FY2010

On April 14, 2011, after vigorous partisan debate, behind-the-scenes haggling and a nation wondering if the federal government would shut down, Congress finally approved the FY2011 budget for its final five months, ending September 30. Congress made a 2 percent across-the-board cut to all federal programs and made \$38.5 billion in cuts to both mandatory and discretionary spending compared to FY2010.

See the full Office of Government Relations section of this report for details on FY2010 funds for the Institute of Museum and Library Services (IMLS) and Improving Literacy Through School Libraries (ILSL) along with a chart of program allocations.

Workforce Investment through Local Libraries (WILL) Act (H.R. 1616)

On April 15, 2011, U.S. Rep. Rush Holt (D-NJ-12) introduced the Workforce Investment through Local Libraries (WILL) Act (H.R. 1616). This legislation proposes including libraries in the Workforce Investment Act (WIA). Ironically, in the House of Representatives, the WIA reauthorization proposal has not yet been introduced, and it is unclear at this time when that may occur.

Elementary and Secondary Education Act (ESEA)

Though scheduled to be reauthorized in 2009, the No Child Left Behind (NCLB) Act remains the standing law covering national K-12 education policy. Proposals to reauthorize NCLB would return this law to its original title, the Elementary and Secondary Education (ESEA) Act and address numerous changes to NCLB. Though there is no new legislation at this time in this Congress, both the House and Senate have held meetings and hearings to begin the reauthorization process.

The House expressed an interest in reauthorizing ESEA at the beginning of the year, they will only do so in a series of smaller bills and not one big comprehensive piece of legislation as is the Senate's plan.

ALA, ARL send letter to House and Senate Appropriations Committees urging support for Statistical Compendia Branch

On May 2, the American Library Association (ALA) and the Association of Research Libraries (ARL) sent a joint letter to the Appropriations committees of the House and Senate urging them to support funding for the Statistical Compendia Branch.

Faster FOIA Act of 2011 (S. 627) passes the Senate

The Faster FOIA Act of 2011 sponsored by Senators Leahy (D-VT), Cornyn (R-TX), Tester (D-MT), and Whitehouse (D-RI) by passed the Senate by unanimous consent. This bill will establish a bipartisan commission to discover what causes delays in processing FOIA requests and will then make recommendations to improve the procedure and reduce backlog.

The ALA Washington Office has lobbied in support of this legislation and will continue to push for House passage.

Library Copyright Alliance releases statement on copyright reform

The ALA, as part of the Library Copyright Alliance (LCA) along with ACRL and ARL, released a statement in May describing the key features copyright reform proposals should include in order to constitute significant improvement over current law for librarians and their users.

U.S.A. PATRIOT Act Reauthorization

The most notable development during this recent period is the reauthorization of the three expiring sections of the U.S.A. PATRIOT Act for four more years without any reforms. Congress reauthorized Section 215 on business records (often referred to as the “library provision”), lone wolf and roving wiretap sections that would have expired at 12:01 a.m. May 27 without reauthorization.

National Library Legislative Day

On May 9 and 10, 2011, ALA hosted National Library Legislative Day (NLLD). This event, which was held at the Liaison Hotel in Washington, D.C., consisted of briefings on Monday followed by a reception with members of Congress and their staffs. Additionally, 101 congressional staffers from a variety of House and Senate offices attended the reception. Representative Raul Grijalva (D-AZ) and Senator John Boozman (R-AR) also attended.

On Tuesday, participants met with their federally elected officials. 361 people from 47 states participated. Over 5,000 individuals participated in Virtual Library Legislative Day.

OFFICE FOR INFORMATION TECHNOLOGY POLICY

Benchmarks Initiative Formally Launched

An unprecedented national coalition has formed to design and pilot a series of public access technology benchmarks for public libraries with \$2.8 million in funding from the Bill & Melinda Gates Foundation.

ALA Submitted Comments on USF Reform to the FCC

ALA submitted comments to the Federal Communications Commission in response to the Notice of Proposed Rulemaking regarding reform of the high-cost program within the Universal Service Fund and creation of the Connect America Fund (CAF). We support the transition of the high-cost program to support broadband and highlighted the need for affordable, high-capacity broadband for libraries – particularly those serving rural communities.

ALA announces 2011 winner of L. Ray Patterson Copyright Award

OITP named Peter Suber, J.D., Ph.D., this year's winner of the L. Ray Patterson Copyright Award.

University of Michigan student to serve as Google Policy Fellow

Jessie Mannisto, a graduate student at the University of Michigan pursuing her master's degree in Information, will serve as the 2011 Google Policy Fellow, working out of OITP in Washington, D.C.

Other Notable OITP News

- OITP co-sponsored a conference investigating the intersection of journalism and librarianship organized by Journalism That Matters and held at the MIT Center for Future Civic Media.
- ALA submitted comments on the Lifeline and Link Up programs to the FCC. Our comments encouraged the inclusion and participation of libraries and library researchers as partners in any pilot program developed to evaluate whether and how Lifeline/Link Up can effectively support broadband adoption by low-income households.
- ALA participated and supported a national summit on BTOP hosted by the Schools, Health & Libraries Broadband (SHLB) Coalition. More than 100 representatives of community anchor institutions, telecom policymakers, and broadband providers convened in Washington, D.C. The ALA is a founding member of the coalition.

New Publication Series – OITP Perspectives – Introduced

OITP launched a new publication series – OITP Perspectives – that complements OITP Policy Briefs. The new series provides an outlet for topics that are more specialized than those covered by policy briefs.

Article on E-rate

OITP's Marijke Visser published an article on the E-rate program in the current issue of American Libraries.

Developments on Digital Literacy

During the past months, OITP has been collaborating with the U.S. National Telecommunications and Information Administration on the DigitalLiteracy.gov portal (www.digitalliteracy.gov) , which was launched in May at a Maryland College.

OFFICE OF GOVERNMENT RELATIONS

Appropriations FY2010

On April 14, 2011, after vigorous partisan debate, behind-the-scenes haggling and a nation wondering if the federal government would shut down, Congress finally approved the FY2011 budget for its final five months, ending September 30. Congress made a .2 percent across-the-board cut to all federal programs and made \$38.5 billion in cuts to both mandatory and discretionary spending compared to FY2010.

The Institute of Museum and Library Services (IMLS)

IMLS received a 10.7 percent cut from FY2010 levels. Its FY2011 funding is \$237,393,262, down \$28 million from the FY2010 total of \$265.8 million, which does not include the \$16 million IMLS lost with the elimination of all federal earmarks from the FY2011 budget. The cut to the Library Services and Technology Act (LSTA) is \$24,487,678 for a total of \$189,035,322 in FY2011. This is an 11.47 percent cut from the previous fiscal year. The LSTA Grants to States was appropriated at \$160,032,000, a \$12.5 million or 7.26 percent cut from FY2010. The Laura Bush 21st Century Library Professionals program that was just authorized last December was cut by 47.7 percent from \$24.5 million in FY2010 to \$12,817,822 in FY2011.

These FY2011 cuts to IMLS and LSTA were based on the cuts recommended by President Obama in his FY2012 budget request, which was released on February 14, 2011.

Improving Literacy Through School Libraries (ILSL)

When Congress passed the FY2011 spending bill in April it did not address the Improving Literacy Through School Libraries (ILSL) program. However, the bill gave the authority to the U.S. Department of Education to determine within 30 days how to appropriate funding for this, and other programs. On May 15, 2011 the Department of Education announced that it would zero fund ILSL in FY2011. ILSL was funded at \$19.1 million in FY 2010.

(See program chart on next page.)

LIBRARY APPROPRIATIONS, FY 2011 (Amount in Thousands)

(Last update May 17, 2011)

Funding for Selected Programs	FY 2010 Final	FY 2011 President's Request	FY 2011 HR 1 (Defeated in Senate March 9, 2011)	FY 2011 Final	FY 2012 President's Request
Library Services and Technology Act	213,523	213,323	213,523	189,035	193,223
Grants to State Library Agencies	172,561	172,561	172,561	160,032	161,345
Native American Library Services	4,000	4,000	4,000	3,960	4,000
National Leadership	12,437	12,437	12,437	12,225	12,250
21st Century Library Professionals	24,525	24,525	24,525	12,817	15,628
National Commission on Libraries and Information Science (NCLIS)	---	---	---	---	---
National Archive and Records Administration	339,770	460,287	336,372	434,000	422,501
GPO Total	147,461	166,560	147,461	135,300	148,474
GPO Superintendent of Documents	40,911	44,208	39,911	39,911	42,173
Library of Congress	643,337	674,785	602,500	629,000	707,798
Talking Book Program	13,990	0	0	0	0
Title I, Grants to Local Education Agencies (ESEA I-A)	14,492,401	15,846,770	13,798,875	14,492,401	10,841,000
Even Start (ESEA I-B-3)	66,454	***0	0	0	***0
Reading First State Grants (ESEA I-B-1)	---	---	---	---	---
Early Reading First (ESEA I-B-2)	0	0	0	0	0
Striving Readers Initiative	250,000	***0	0	0	***0
Improving Literacy Through School Libraries (ESEA I-B-4)	19,145	***0	0	0	***0
Education Technology (ESEA II-D-1 &2)	100,000	0	0	0	***0
21st Century Community Learning Centers (ESEA IV-B)	1,166,166	1,166,166	1,066,000	1,153,854	1,266,000
Innovative Ed. Prog. Strategies (ESEA V-Part A)	---	---	---	---	---
Inexpensive Book Distribution (RIF) (ESEA V-D, 5)	24,800	***0	0	0	***0
Carl D. Perkins State Grants	1,160,911	1,264,000	1,160,900	1,123,659	1,000,000
Adult Education & Literacy State Grants	628,221	612,320	628,221	596,120	635,000
Adult Education National Leadership	11,346	41,350	11,346	11,323	23,300
National Institute for Literacy	---	---	---	---	---
Educational Research	200,196	260,700	200,196	199,796	260,400
Educational Statistics	108,521	117,000	108,521	108,304	117,000
Educational Assessment	138,844	143,800	138,844	138,566	143,800
Head Start (HHS)	7,234,783	8,224,000	6,151,783	7,575,000	8,100,000
National Endowment for the Arts	167,500	161,316	124,000	155,000	146,255
National Endowment for the Humanities	167,500	161,315	145,000	155,000	146,255

***Programs proposed for consolidation or elimination in the President's FY2011 and FY2012 budgets.

--- Programs eliminated.

Workforce Investment through Local Libraries (WILL) Act (H.R. 1616)

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H.R. 1616 will amend WIA to include library representation on state and local workforce investment boards and assure coordination of employment, training, and literacy services carried out by public libraries. Further, H.R. 1616 also recognizes public libraries as an allowable “One-Stop” partner and authorizes new demonstration and pilot projects to establish employment resources in public libraries. This will allow library users access to workforce activities and information related to training services and employment opportunities including (but not limited to) resume development, job bank Web searches, literacy services, and workshops on career information. The goal of the WILL Act is to allow libraries the access to WIA funds to continue to provide job search support in communities all across America.

The Washington Office is also working with Senator Jack Reed (D-RI) to introduce comparable legislation in the Senate.

Elementary and Secondary Education Act (ESEA)

Though scheduled to be reauthorized in 2009, the No Child Left Behind (NCLB) Act remains the standing law covering national K-12 education policy. Proposals to reauthorize NCLB would return this law to its original title, the Elementary and Secondary Education (ESEA) Act and address numerous changes to NCLB. Though there is no new legislation at this time in this Congress, both the House and Senate have held meetings and hearings to begin the reauthorization process.

Because NCLB did not include school library programs when it was passed in 2002, school libraries have suffered over the past decade. School libraries have missed out on grant money, stimulus money, Race to the Top money, etc. Overall, the Department of Education has failed to acknowledge *the direct correlation between school librarians and increased student academic achievement*. Add to this dynamic, the problems caused when local school library budgets are increasingly used to mitigate the effects of budgetary constraints. This is further demonstrated by the fact that 25 percent of America’s schools are operating without a state-certified school librarian to instruct both students and staff.

Inside sources on Capitol Hill keep saying that they hope to introduce ESEA legislation sometime by the August recess. However, no action has taken place to make that a reality. Thus far, activity on ESEA in the 112th Congress has been mostly behind-the-scenes action, especially in the Senate.

In the Senate, Senator Patty Murray (D-WA) introduced the Literacy Education for All, Results for the Nation (LEARN) Act (S. 929) on May 10, 2011. This legislation is expected to be the

literacy section of ESEA. The LEARN Act authorizes the Secretary of Education to award grants to states for comprehensive planning to improve the literacy of children from birth through grade 12. While both public libraries and school libraries will have the ability to apply for these grants, this legislation does not specifically set aside or carve out money for school libraries.

The Washington Office is currently working with Senator Jack Reed's (D-RI) office on further legislation that would be more inclusive of school libraries.

The House expressed an interest in reauthorizing ESEA at the beginning of the year, they will only do so in a series of smaller bills and not one big comprehensive piece of legislation as is the Senate's plan.

U.S. Rep. Duncan Hunter (R-CA-52) introduced H.R. 1891 on May 13, 2011. This bill would repeal the authorization of 43 Department of Education programs, including Improving Literacy Through School Libraries. Rep. Hunter is the chairman of the Subcommittee on Early Childhood, Elementary, and Secondary Education, and on May 25 the House Education and Workforce Committee reported this bill from committee. No date has been set for the full House to take up this bill on the floor.

ALA, ARL send letter to House and Senate Appropriations Committees urging support for Statistical Compendia Branch

On May 2, the American Library Association (ALA) and the Association of Research Libraries (ARL) sent a joint letter to the Appropriations committees of the House and Senate urging them to support funding for the Statistical Compendia Branch. As the letter states, "The Statistical Compendia Branch compiles and releases reports such as the 'Statistical Abstract' and the 'County and City Data Book' that include important and usable data routinely used by the American public. Closing this Branch would mean the end of these reports and access to this valuable data."

Accompanying the letter was a letter of support from the Reference and User Services Association (RUSA), a division of ALA. The letter is available at:
http://www.districtdispatch.org/wp-content/uploads/2011/05/RUSA-Statistical-Abstract-letter_5-2-11-2_.pdf

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The ALA Washington Office has lobbied in support of this legislation and will continue to push for House passage.

Library Copyright Alliance releases statement on copyright reform

The ALA, as part of the Library Copyright Alliance (LCA) along with ACRL and ARL, released a statement in May describing the key features copyright reform proposals should include in order to constitute significant improvement over current law for librarians and their users. Interested parties have been discussing with renewed vigor the issues of orphan works, mass digitization, and even modernization of Section 108 of the U.S. Copyright Act in the wake of the Google Books settlement rejection by Judge Denny Chin of the Southern District of New York. The LCA statement (available at http://www.librarycopyrightalliance.org/bm~doc/lca_copyrightreformstatement_16may11.pdf), which represents the needs of library stakeholders in these debates, provides helpful guideposts for discussion.

U.S.A. PATRIOT Act Reauthorization

The most notable development during this recent period is the reauthorization of the three expiring sections of the U.S.A. PATRIOT Act for four more years without any reforms. Congress reauthorized Section 215 on business records (often referred to as the “library provision”), lone wolf and roving wiretap sections that would have expired at 12:01 a.m. May 27 without reauthorization. By establishing the next sunset deadline of June 1, 2015, Congress has kicked the ball out-of-bounds rather than effectively addressing the troubling issues in the USA PATRIOT Act.

ALA actively worked for USA PATRIOT Act reform during the last two years as Congress kept extending the sunset deadline. Most recently ALA has worked with the American Civil Liberties Union, the Association of Research Libraries and the Coalition for Reader Privacy pushing for reforms, especially to Section 215. The final vote was frustrating and encouraging at the same time.

During the week leading up to the vote, ALA supported Senators Patrick Leahy and Rand Paul who continued to seek the opportunity to submit amendments, including ones targeting improved reader privacy protections. In the end, the Senate was allowed some opportunity for amendments – but all failed. Three other Republicans voted with Paul, and the 19 Democrats against the extension. Those voting “aye” on the extension included 31 Democrats and 41 Republicans. The final Senate vote, late in the day, was 72 to 23.

On the House side 54 Democrats joined 196 Republicans to vote “aye.” But 31 Republicans voted with the 122 Democrats against the extension. Meanwhile 29 members did not vote.

President Obama “signed” the bill from France by authorizing his electronic signature. The three provisions are now extended for four years.

New Reforms Already Proposed

Immediately after the PATRIOT vote, Senators Leahy, Akaka, Bingaman, Boxer, Cardin, Coons, Durbin, Franken, Gillibrand, Harkin and Wyden introduced the USA PATRIOT ACT Improvements Act of 2011 (S. 1125). ALA is reviewing this new bill and working with supporters and allies. Further analysis will be conducted in the coming weeks.

National Library Legislative Day

On May 9 and 10, 2011, ALA hosted National Library Legislative Day (NLLD). This event, which was held at the Liaison Hotel in Washington, D.C., consisted of briefings on Monday followed by a reception with members of Congress and their staffs. Additionally, 101 congressional staffers from a variety of House and Senate offices attended the reception. Representative Raul Grijalva (D-AZ) and Senator John Boozman (R-AR) also attended.

On Tuesday, participants met with their federally elected officials. 361 people from 47 states participated. Over 5,000 individuals participated in Virtual Library Legislative Day. OGR staff and advocates also met with a variety of congressional committees and outside groups, including the Senate Health, Education, Labor, & Pensions (HELP) Committee, National Telecommunications and Information Administration (NTIA), House Education and Workforce Committee, the Institute of Museum and Library Services (IMLS), American Federation of Teachers (AFT) and the National Education Association (NEA).

Each year, participants are asked to fill out an evaluation form, which includes space for feedback on individual sessions as well as overall planning. As an incentive to fill out the form, the forms are used in a drawing for an American flag flown over the Capitol. 64 people, or 18 percent of participants, filled out the form this year. Participants are asked to rank the overall event and each session on a scale of 1-5. 1 is “very poor,” and 5 is “excellent.” The following table reflects the average rank from this year’s participants:

Session	Average Rank
General (Overall Session)	4.39
Divided Congress: Surveying the Landscape in the 112 th Congress	4.33
Appropriations – Plenary Session	4.10
Telecom and Copyright: Overview and How to Deliver the Message	4.25
Privacy and Surveillance	4.36
Access Issues	3.88
School Libraries	4.38
Follow Up: Now What?	4.03

OFFICE FOR INFORMATION TECHNOLOGY POLICY

Benchmarks Initiative Formally Launched

An unprecedented national coalition has formed to design and pilot a series of public access technology benchmarks for public libraries with \$2.8 million in funding from the Bill & Melinda Gates Foundation. OITP, with other library and local government leaders (which includes PLA), will provide leadership in developing guidelines that support continuous improvement of and local re-investment in public technology access at libraries. OITP will be most actively engaged in the early stages of the effort, co-leading benchmark development with the Urban Libraries Council and creating a foundational literature review of benchmarking efforts within and beyond the library community. Read more on the ALA Washington Office blog, the District Dispatch, at: <http://www.wo.ala.org/districtdispatch/?p=5847>

ALA Submitted Comments on USF Reform to the FCC

ALA submitted comments to the Federal Communications Commission in response to the Notice of Proposed Rulemaking regarding reform of the high-cost program within the Universal Service Fund and creation of the Connect America Fund (CAF). We support the transition of the high-cost program to support broadband and highlighted the need for affordable, high-capacity broadband for libraries – particularly those serving rural communities.

The ALA urges that funding to serve rural areas, whether from the CAF or another funding mechanism, should carry with it the obligation to ensure that public libraries receive adequate broadband connectivity. The comments also note that the proposed CAF and current E-rate program would complement each other to help ensure the promise of the 1996 Telecommunications Act.

Read more on the ALA Washington Office blog, the District Dispatch, at: <http://www.wo.ala.org/districtdispatch/?p=6005>

ALA announces 2011 winner of L. Ray Patterson Copyright Award

OITP named Peter Suber, J.D., Ph.D., this year's winner of the L. Ray Patterson Copyright Award. The annual award recognizes contributions of an individual or group that pursues and supports the Constitutional purpose of the U.S. Copyright Law, fair use and the public domain. Professor Suber is being recognized for his work in the open access movement that began in academia in response to increasing costs of scholarly journals.

Suber is a professor of philosophy at Earlham College, a senior researcher at Scholarly Publishing and Academic Resources Coalition (SPARC), and a Fellow at Harvard University Library's Office for Scholarly Communication. He also is member of the Board of Enabling Open Scholarship and serves as Open Access Project Director at Public Knowledge.

Read more on the ALA Washington Office blog, the District Dispatch, at: <http://www.wo.ala.org/districtdispatch/?p=5872>

University of Michigan student to serve as Google Policy Fellow

Jessie Mannisto, a graduate student at the University of Michigan pursuing her master's degree in Information, will serve as the 2011 Google Policy Fellow, working out of OITP in Washington, D.C.

The 2011 Fellows will spend 10 weeks this summer at Google's host organizations in Washington, D.C., San Francisco, Toronto, and Ottawa working on Internet and technology policy issues including free expression, privacy, security, and intellectual property.

Mannisto began her fellowship on June 6, 2011, and will focus broadly on public policy and electronic access to content, including e-books and how the ever-increasing velocity of communication affects how people interact with information.

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New Publication Series – OITP Perspectives – Introduced

OITP launched a new publication series – OITP Perspectives – that complements OITP Policy Briefs. The new series provides an outlet for topics that are more specialized than those covered by policy briefs. Publications in the OITP Perspectives series enable OITP to make a more rapid response to current issues. Additional publications for the OITP Perspectives series are already in the works in the areas of cutting-edge technology services, copyright, and e-books. The focus of OITP Perspectives No. 1 is on the digitization challenges facing small and medium-sized libraries. It presents options for large-scale digitization projects, and suggests ways to share newly created digital collections.

Article on E-rate

OITP's Marijke Visser published an article on the E-rate program in the current issue of American Libraries. Visser consulted with the E-rate Task Force during the writing process. The E-rate program provides public libraries with the opportunity for financial support for their telecommunications services. Recent changes to the program have made it more attractive to applicants.

Developments on Digital Literacy

During the past months, OITP has been collaborating with the U.S. National Telecommunications and Information Administration on the DigitalLiteracy.gov portal (www.digitalliteracy.gov), which was launched in May at a Maryland College. A special launch for ALA members and library bloggers will take place at the Annual Conference on June 25 at 12:15 p.m. In addition, OITP has appointed its new task force on digital literacy, chaired by Michael Borges, executive director of the New York Library Association. This new task force includes representatives from ACRL, LITA, OIF, AASL, OLOS, PLA and Chapters.

Alan Inouye Speaks to the National Academy of Sciences' Board

On Tuesday, June 14, Alan Inouye spoke during a meeting of the National Academy of Sciences' Board on Research Data and Information. Inouye took part in a discussion focusing on outreach and coordination with other non-governmental organizations. The discussion with representatives of external groups focused on the following issues for the Board on Research Data and Information:

- Areas in which we have common organizational objectives
- What the Board should focus on in the near term, and
- Identification of any issues or activities in which we might usefully coordinate or collaborate.