

**TO:** ALA Executive Board

**RE:** *Report on Washington Office Activities*

**ACTION REQUESTED/INFORMATION/REPORT:**

*For information purposes. No actions requested.*

**ACTION REQUESTED BY:**

*No action requested.*

**CONTACT PERSON:**

*Emily Sheketoff, Executive Director, ALA Washington Office  
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**DRAFT OF MOTION:**

*None.*

**DATE:** *January 5, 2015*

**BACKGROUND:**

*The report provides information on recent ALA Washington Office initiatives and projects.*

**Attachments:**

1. Executive Board Report on Washington Office Activities (pages 2-8)
2. Elementary and Secondary Education Act (ESEA) Comments (pages 9-11)

# **ALA Washington Office Activities**

In October, Emily Sheketoff, executive director of the American Library Association (ALA) Washington Office and Carrie Russell, program director of the ALA Program for Public Access to Information, presented at the West Virginia Library Association Conference. Russell led a copyright workshop at the conference. Sheketoff was the keynote speaker discussing activities in Washington and detailing how West Virginians could impact legislative actions. Sheketoff also presented a session on Advocacy.

# Office of Government Relations

## **Webinar winning streak unbroken**

The last few months have been full of webinars! In October, more than one thousand people participated in the webinar “*\$2.2 Billion Reasons to Pay Attention to WIOA*,” an interactive event that focused on ways public libraries can receive funding for employment skills training and job search assistance from the recently-passed Workforce Innovation and Opportunity Act (WIOA). The Office of Government Relations and the University of Maryland’s iPAC continued their joint webinars in October with, “*Fighting Ebola and Infectious Diseases with Information: Resources and Search Skills Can Arm Librarians*” that rapidly reached its registrant limit and got such positive feedback that a follow-up program was offered in December. In November, “*Connecting Patrons with Legal Information @ the Public Library*” also quickly “sold out.”

## **Pro-privacy library letters let loose on Congress**

As the “lame duck” Congress opened in mid-November, Senate Majority Leader Harry Reid surprised his colleagues by immediately maneuvering procedurally to bring the ALA-backed USA FREEDOM Act to the Senate floor for debate and, it was hoped, an “up or down” vote. The Office of Government Relations immediately crafted and emailed an alert to more than 110,000 librarians and library supporters linked to ALA’s Legislative Action Center. From the LAC, pre-drafted letters of support to individual recipients’ Members of Congress in both chambers could quickly and easily be sent. The email alert was “clicked” open by more than 13% of all recipients (an excellent rate), 2000 of whom (also a high 13 percent) generated a total of 7,000 letters to Congress virtually overnight. Sadly, Senator Reid’s attempt to move USA FREEDOM failed to garner the necessary 60 votes.

## **Library Copyright Alliance, other associated IP coalition lobbying ongoing**

OGR has continued to actively meet with and lobby both the US Copyright Office and Patent and Trademark Office at senior levels of both agencies in support of the fastest, and least legislatively complicated, ratification of the Marrakesh Treaty to promote the world-wide flow of copyrighted material to the print disabled. Specifically, ALA and its coalition colleagues continue to urge both agencies, consistent with the position taken by the US delegation in Marrakesh, to recommend “clean” ratification of that agreement without proposing any changes to existing US law, particularly Section 121 of Title 17: the “Chaffee Amendment.” ALA continues to coordinate closely with major national advocacy groups for the blind and print-disabled in these efforts.

As the new Congress is set to convene, OGR also has been strategizing with potential allies in the public and private sectors in anticipation of activity on multiple Congressional fronts, including the potential introduction of “orphan works” legislation. Such proposals may well be outgrowths of the comprehensive “review” of copyright by the House Judiciary Committee, and the anticipated release early in the new year of independent reports and recommendations by both the US Patent & Trademark and Copyright Offices.

## **OGR “test kitchen” whips up holiday “advocake” recipe**

On December 2, in an effort to educate the at least 60 new Members of the House of Representatives and a dozen new Senators, the Office of Government Relations issued a targeted call to action to more than 50,000 advocates residing in all newly elected Congressional Members’ states and districts asking them to request a *local* meeting with their new Members’ staffs *before* the upcoming holidays. Styled as a recipe card (see <http://www.districtdispatch.org/wp-content/uploads/2014/12/advocake.docx>), recipients were given basic instructions in the form of a “key ingredients” list and step-by-step instructions on how to “bake” and deliver a “Holiday Advocake.” Also included were a library “Community and Connection” fact sheet and a beginner’s guide to key library legislative and policy positions for them to print, review themselves and leave behind with Congressional staff in their meeting. Recipients also were encouraged to invite their new Members to visit their local libraries, and to provide a brief report of their meetings to OGR’s new Grassroots Communications Specialist, Lisa Lindle, who designed and produced the “Advocake” recipe cards.

## **Improved access to government information**

H.R.1233, the Presidential and Federal Records Act Amendments of 2013 was signed by the President and became Public Law No: 113-187. ALA supported this bill from its inception, including signing on to a letter that expounded on its importance. “H.R. 1233 imposes a time limit in which a former president must assert any claim of privilege upon a determination of the Archivist to make available to the public a record of that former president. The bill also establishes processes for managing the disclosure of records upon the assertion of privilege by a former president, and grants to the incumbent president the power to decide whether or not to uphold any privilege claim of a former president, absent a court order to the contrary.”

## **Congress wraps up federal funding for library programs**

The lame-duck Congress passed a massive \$1.1 trillion spending package (CROmnibus) before the end of the 113<sup>th</sup> Congress providing funding for a number of programs supported by the ALA and the library community. A last minute agreement in Congress ensured level funding for most programs but also included slight increases for some programs, including Striving Readers, the Institute of Museum and Library Services got \$1 million for their move to L’Enfant Plaza, Library of Congress, and 21<sup>st</sup> Century Community Learning Centers. ALA worked to support continued funding for library programs.

## **IRS provides update to libraries on tax form program**

In November, the Internal Revenue Service (IRS) announced that the agency will continue to deliver 1040 EZ forms to public libraries that are participating in the Tax Forms Outlet Program (TFOP). TFOP offers tax products to the American public primarily through participating libraries and post offices. The IRS will distribute new order forms to participating libraries in the next month. But when the CROmnibus passed, it cut IRS Distribution funds by \$300 million, so the Director of the Distribution Office will be coming to Midwinter to listen to public librarians about their ideas of what should continue to be distributed in libraries and how.

## **FOIA improvement act fails to make it out of the house**

S.2520, the FOIA Improvement Act, passed the Senate on December 8, 2014, and was then sent to the House of Representatives where it died at the end of the 113<sup>th</sup> Congress. ALA remained active on this bill up until its last breath, including regular contact with Congress and an alert to members in West Virginia asking that they tell Sen. John Rockefeller to remove his hold on S.2520 (which he later did). Although this bill did not become law, we will continue to fight the good fight next congress.

## **Government agency becomes more transparent**

ALA has been closely monitoring the issue of a possible closure of NTIS and the progress of S.2206, the Let Me Google That For You bill in congress. On October 28<sup>th</sup>, in response to some of the concerns raised by the bill, NTIS announced that “the full text for 800,000 of [their] documents can be downloaded immediately in electronic PDF format without charge.” S.2206 died at the end of the 113<sup>th</sup> Congress, but we will continue to monitor the issue in the 114<sup>th</sup>.

## **Advocacy and social media update**

We are happy to report that the ALA Washington Office Tumblr page has gained 200+ followers in the past month alone, bringing us to 11,635 followers total. We are also seeing an increase in response to our legislative alert emails. In November, our first alert regarding the USA Freedom Act, had an 18% click-through rate. Another legislative alert, which asked advocates to reach out to the new Members of Congress, was sent out in early December and had a 27% click through rate.

# Office for Information Technology Policy

## **E-rate order approved: Program funding increases \$1.5 billion per year**

In December, the Federal Communications Commission (FCC) approved a landmark E-rate modernization order that addresses the broadband capacity gap facing many public libraries and schools (and therefore school libraries). In response, ALA President Courtney Young released a statement, saying that “We are very pleased that the Commission, as ALA recommended, has removed restrictions that have prevented many libraries from getting the broadband they so desperately need. In addition, we applaud the Commission for recognizing our concerns regarding the funding shortage...The FCC confirmed that it will add an additional \$1.5 billion to the yearly program for libraries and schools.” FCC Chairman Tom Wheeler called Keith Michael Fiels to thank ALA for our efforts and for Marijke Visser’s contributions (as the lead library advocate) on behalf of libraries during the past 18 months.

To assist libraries in understanding the changes and encourage more libraries to apply for this funding, PLA and OITP are sponsoring a webinar January 8. OITP will also convene a planning session in Washington with experts on the program and follow this up with a briefing for librarians at Midwinter.

## **Net neutrality activities**

In mid-September, ALA and the Center for Democracy & Technology urged the FCC in a letter to adopt strong, enforceable net neutrality rules essential to preserving freedom of speech, educational achievement and economic growth online. In October, John Windhausen, telecommunications counsel to ALA, represented libraries and higher education institutions as a panelist for an Open Internet roundtable discussion hosted by the Federal Communications Commission (FCC).

## **ALA leadership visits New York City**

In December, an ALA leadership delegation met with executives from Penguin Random House, Macmillan Publishers, and Hachette Book Group to discuss library ebook issues. Additionally, the delegation met with leaders of the New York Public Library and Metropolitan New York Library Council (METRO) about digital content and other issues. The delegation was led by Courtney Young and the co-chairs of the Digital Content Working Group, Carolyn Anthony and Erika Linke. Also participating in the delegation were Sari Feldman, Barbara Stripling, Keith Michael Fiels, and Alan S. Inouye.

## **Adobe responds to ALA on Egregious Data Breach**

ALA decried the confirmed reader data breaches by Adobe and called for immediate corrective action to encrypt and protect reader information. The plain text transmission of reader data over the internet that was first reported October 7, 2014, presumably stretches back as far as the release of Adobe Digital Editions (ADE) 4.0 in early September. The ADE e-book reader application is used by thousands of libraries and many tens of thousands of e-book readers around the globe.

### **Held policy workshop in conjunction with COSLA annual meeting**

To advance the work of the Policy Revolution! initiative, OITP held a workshop in October that was co-located with the COSLA Annual Meeting in Wyoming. This broad-ranging discussion provided valuable input into the policy agenda development process. Workshop participants featured leadership of COSLA, IMLS, and library leaders from the mountain states.

### **ALA urges Department of Education to consider libraries as early learning partners**

The American Library Association urged the Department of Education in a letter to include public libraries as early learning partners in the Proposed Requirements for School Improvement Grants in October. The Association specifically asks that the Department of Education include public libraries as eligible entities and allowable partners under the new intervention model that focuses on improving early learning educational outcomes.

### **ALA encouraged by "fair use" decision in Georgia State case**

In October, the U.S. Court of Appeals for the 11th Circuit handed down an important decision in *Cambridge University Press et al. v. Carl V. Patton et al.* concerning the permissible "fair use" of copyrighted works in electronic reserves for academic courses. Although publishers sought to bar the uncompensated excerpting of copyrighted material for "e-reserves," the court rejected all such arguments and provided new guidance in the Eleventh Circuit for how "fair use" determinations by educators and librarians should best be made. Remanding to the lower court for further proceedings, the court ruled that fair use decisions should be based on a flexible, case-by-case analysis of the four factors of fair use rather than rigid "checklists" or "percentage-based" formulae.

### **ALA opposes e-book accessibility waiver petition**

In October, ALA and the Association of Research Libraries (ARL) renewed their opposition to a petition filed by the Coalition of E-book Manufacturers seeking a waiver from complying with disability legislation and regulation, specifically Sections 716 and 717 of the Communications Act as Enacted by the Twenty-First Century Communications and Video Accessibility Act of 2010. Amazon, Kobo, and Sony are the members of the coalition, and they argue that they do not have to make their e-readers' Advanced Communications Services (ACS) accessible to people with print disabilities.

### **ALA welcomes President Obama's strong affirmation of net neutrality**

In November, President Barack Obama re-affirmed his commitment to network neutrality principles and to the strongest rules to protect the open internet. The American Library Association welcomed his statement and outline of principles that echo those of public comments filed by the ALA and a coalition of library and higher education organizations this year.

### **ALA welcomes Simon & Schuster change to Buy It Now program**

In November, the American Library Association (ALA) and its Digital Content Working Group (DCWG) welcomed Simon & Schuster's announcement that it will allow libraries to opt into the "Buy It Now" program. The publisher began offering all of its ebook titles for library lending nationwide in June 2014, with required participation in the "Buy It Now" merchandising program, which enables library users to directly purchase a title rather than check it out from the library. Simon & Schuster ebooks are available for lending for one year from the date of purchase.

### **ALA Washington Office copyright event “too good to be true”**

On November 18th, the American Library Association (ALA) held a panel discussion focused on the recent judicial interpretations of the doctrine of fair use. The discussion, entitled "Too Good to be True: Are the Courts Revolutionizing Fair Use for Education, Research and Libraries?" is the first in a series of information policy discussions to help us chart the way forward as the ongoing digital revolution fundamentally changes the way we access, process and disseminate information. This event, held under the rubric of the Policy Revolution! initiative, took place at Arent Fox, a major Washington, D.C. law firm that generously provided the facility for our use.

### ***Publishers Weekly* honors ALA leadership for library ebook advocacy**

In December, [\*Publishers Weekly\*](#) lauded ALA DCWG former co-chairs Sari Feldman and Bob Wolven in the publication's annual "Publishing People of 2014" recognition for their role in advocating for fair library ebook lending practices. From 2011–2014, Feldman, who is the incoming ALA president and the executive director of the Cuyahoga County Public Library in Ohio, and Wolven, who is an associate university librarian at Columbia University, led meetings with some of the world's largest book publishers and coordinated successful advocacy and education activities with libraries leaders across ALA divisions and offices.

# ALA American Library Association

January 27, 2015

The Honorable Lamar Alexander  
Chairman, Committee on Health, Education, Labor  
and Pensions  
428 Dirksen Senate Office Building  
Washington, DC 20510

The Honorable Patty Murray  
Ranking Member, Committee on Health, Education,  
Labor and Pensions  
154 Russell Senate Office Building  
Washington, DC 20510

Dear Chairman Alexander and Ranking Member Murray:

On behalf of the American Library Association (ALA), I am writing to thank you for the opportunity to provide comments on the discussion draft to reauthorize the Elementary and Secondary Education Act (ESEA). We are pleased that the Committee is working to update this critical legislation and are optimistic that improvements to ESEA will help ensure that all students graduating from America's schools will be adequately prepared for college and/or success in the workforce.

As poverty rates across America remain high, our schools must serve as an "equalizer" that provides all students with access to the resources and instruction they need to succeed academically and become productive and engaged citizens. Effective school library programs are a wise investment, but in too many schools across the nation, school library budgets and school librarian positions are being cut. This puts our children's education and workforce readiness at peril.

P.L. 89-10, the Elementary and Secondary Education Act of 1965 (original legislation) recognized the correlation between effective school library programs and student success by authorizing \$100 million for the "School Library Resources, Textbooks, and Other Instructional Materials" program under Title II, but as time passed, federal funding was eliminated, state and local support has diminished, and too many students across the nation are finding themselves in schools without the books, technology, and instruction that can only be obtained through effective school library programs.

Recent data<sup>1</sup> available from the Department of Education's National Center for Education Statistics (NCES) highlights the lack of support for too many of our students in thousands of schools across the country. NCES data reveals that approximately 8,830 public schools across the nation do not have a school library and for those schools that do have a library, nearly 17,000 schools do not have a full or part-time state-certified school librarian on staff.

ALA is disheartened by this lack of support for effective school library programs and comprehensive literacy instruction at the federal, state, and local levels because **schools with an effective school library program – which includes a state certified school librarian – ensure their students have the best chance to succeed.**

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<sup>1</sup> For additional information on NCES 2011-2012 data, see [http://nces.ed.gov/surveys/sass/tables\\_list.asp#2012](http://nces.ed.gov/surveys/sass/tables_list.asp#2012).

State-certified school librarians make the whole school more effective. They work with every student in the school, teaching them to think critically, providing the resources and support they need in school and beyond, and nurturing their creativity. They are an essential partner for all classroom teachers, providing print and digital materials that meet diverse needs and collaborating to deepen student learning and drive success. State-certified librarians are leaders in the school, helping to develop curriculum and connecting other educators to current trends and resources for teaching and learning.

Multiple studies<sup>2</sup> over the years clearly demonstrate that effective school library programs help all students do better academically, even when other school variables are considered. Effective school library programs also foster critical thinking, providing students with the skills they need to analyze and create new ideas in compelling ways.

School libraries are places of opportunity. They foster a safe and nurturing climate during the day and before and after school and serve as critical learning hubs where students use technology and the latest information resources, preparing them to succeed in school and our ever-evolving workforce.

Therefore, ALA asks that you include the following recommendations – that were included as part of S. 1094, the Strengthening America's Schools Act and S. 1127, the Strengthening Kids' Interest in Learning and Libraries Act last Congress – to support effective school library programs as part of the Every Child Ready for College or Career Act of 2015 (new language in **bold**):

SEC. 1111. STATE PLANS – Add the following to section 1111:

**An assurance that the State educational agency will assist local educational agencies in developing effective school library programs to provide students an opportunity to develop digital literacy skills and the knowledge and skills described in the challenging academic content standards adopted by the State.**

SEC. 1112. LOCAL EDUCATIONAL AGENCY PLANS – Add the following to section 1112:

**Assist each school served by the agency and assisted under this part in developing effective school library programs consistent with section 1111 [State Plans].**

TITLE II, PART A – FUND FOR THE IMPROVEMENT OF TEACHING AND LEARNING – Amend section 2103(b)(3)(G) [Local Uses of Funds] to read as follows:

(G)(i) providing students with increased access to up-to-date school library materials, **through a well-equipped, technologically advanced effective school library media-center program, and well-trained, professionally-certified school library media-specialists;**

**(ii) Developing and implementing strategies to assist in recruiting and retaining state-certified school librarians; and**

**(iii) Providing appropriate professional development for school librarians, particularly related to skills necessary to assist students to improve the students' academic achievement, including digital literacy skills and preparation for higher education and careers.**

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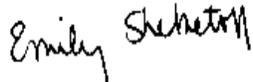
<sup>2</sup> For additional information on school library impact studies see: <http://keithcurrylance.com/school-library-impact-studies>.

IMPROVING LITERACY AND COLLEGE AND CAREER READINESS THROUGH EFFECTIVE SCHOOL LIBRARY PROGRAMS – Include a stand alone authorization to support effective school library programs consistent with S. 1094, the Strengthening America’s Schools Act and S. 1127, the Strengthening Kids’ Interest in Learning and Libraries Act that would provide dedicated funding to support effective school library programs that:

- **Are staffed by a state-certified or licensed school librarian;**
- **Have up-to-date books, materials, equipment and technology (including broadband);**
- **Include regular collaboration between classroom teachers and school librarians to assist with development and implementation of the curriculum and other school reform efforts; and**
- **Support the development of digital literacy skills.**

Thank you again for the opportunity to comment on the discussion draft of the Every Child Ready for College or Career Act of 2015. We appreciate your consideration of our recommendations and look forward to working with you and other Committee Members as you continue your efforts to reauthorize ESEA.

Sincerely,



Emily Sheketoff, Executive Director  
Washington Office, American Library Association