

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:
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DRAFT OF MOTION: N/A

DATE: March 25, 2016

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

ALA Washington Office Activities

ALA advises FCC why maintaining strong broadband privacy rules benefits the schools and communities that libraries serve

When the FCC determined just over a year ago that it prospectively treat the providers of broadband services to the public as “common carriers,” like telephone companies, exactly what consumer privacy protection standards the Commission would hold providers to was unclear. Recently, however, FCC Chairman Tom Wheeler [announced](#) the outline of a proposal that likely will be voted on at the end of March. In anticipation of that meeting and likely “Notice of Proposed Rulemaking,” ALA recently joined Common Sense Kids Action and the State Educational Technology Directors Association [urging the Commission](#) to move forward with a broadband privacy rulemaking and explaining why strong broadband privacy rules are necessary for schools and libraries and the communities we serve.

Through the voice of LCA, ALA is advocating for copyright policy reforms

The Library Copyright Alliance (of which ALA and ACRL are members) submitted comments to the Copyright Office on two concerns. The first is regarding the triennial 1201 rulemaking process on anti-circumvention. The LCA argues that the process is time and resource consuming and that previously made exemptions—such as circumvention of DRM on DVDs for classroom use of film clips—should be made permanent if there is no objection from the copyright holder and that if seeking to renew an exemption, the burden of proof should be on the rights holder to show harm. The second concern is the notice and takedown provision of the Digital Millennium Copyright Act. LCA argues that the third party liability provision is necessary for libraries, particularly to protect libraries when library users allegedly infringe copyright using public library computers. Responses from the Copyright Office are expected in late spring. LCA is also urging the Senate Judiciary Committee to act quickly on the ratification of the Marrakesh treaty that would allow for the creation and sharing of accessible content across borders for people with print disabilities.

ALA advocates adding broadband to Lifeline at FCC and on Hill

The FCC continues work on its proposed [modernization](#) of the 1980’s era Lifeline program, which traditionally applied to telephone service and is slated for an FCC vote on March 31. Recognizing that access to broadband is today a “must-have” service” for all Americans, the FCC is expected to rule that the \$9.25 subsidy for lower income individuals can be used to secure access to broadband in efforts to close the “homework gap” and improve job prospects for families. ALA has been actively engaged in supporting this modernization—meeting with FCC Commissioners and staff; filing public [comments](#) with the FCC; and collaborating with a [diverse coalition](#) of public interest groups on joint letters, talking points and Congressional outreach.

ALA former E-Rate Chair Linda Lord assists in tribute to those who forged ’96 Telecom Act

ALA’s Washington Office helped to coordinate logistics for former Maine state librarian Linda Lord, former chair of ALA’s E-Rate task force, to travel to the Nation’s Capital to accept an inaugural *Access to Opportunity* award on behalf of Senator Olympia Snowe (R-ME). The award was presented as part of an historic [20th Anniversary celebration of the landmark 1996 Telecommunications Act](#). The E-Rate Program, in particular, has helped fuel the range of services libraries are able to provide. Before 1996,

only 28 percent of public libraries provided public Internet access, compared with over 99 percent who report this today. ALA invited IMLS Director Dr. Kathryn Matthew, to join Emily Sheketoff and Linda Lord for the event. Among the many luminaries who spoke were former Sen. Trent Lott (who served as emcee), Sen. Ed Markey, and Sen. Angus King, who presented Linda with Sen. Snowe's award.

***Wall Street Journal* editorial board meets with ALA President Sari Feldman**

The Washington Office helped facilitate ALA President Sari Feldman's meeting with four members of the Wall Street Journal's editorial board. At the meeting, Sari was able to brief the group on the ways that libraries and library professionals are transforming communities across the nation. She described how libraries are fostering economic opportunity and entrepreneurship, citing examples of hi-tech companies that have sprung up from library services and the resources made available. She fielded questions and laid the groundwork for future editorial opportunities. She also met the letters editor, an influential member of the *WSJ* newsroom staff.

Continuing Advocacy Efforts Pay Off

Staff from the Washington Office have continued to look for opportunities for libraries (public and community colleges) to engage more in the nation's efforts around workforce investment activities. Emily Sheketoff did three presentations at the National Association of Workforce Boards, in a session they call "Quickshops," where you make the same presentation to a number of small groups. Her presentation was put online, along with [the handout](#), so others who couldn't get to her presentation could read what she had to say.

The senior manager of the Walmart Foundation's Career Opportunity program approached Emily and she was able to interest her in including public libraries in her \$100 million program connecting local organizations doing workforce activities. She will be meeting with the Phoenix Public Librarian April 28; Phoenix is the first pilot city for this project.

Office of Government Relations

ALA Laying Groundwork for Broad Support of Librarian of Congress Nominee

In the wake of Dr. Carla Hayden's nomination to serve as the nation's next Librarian of Congress, OGR has established active communication channels with relevant senior staff in the White House, Library of Congress and the Senate Rules Committee, which is tasked with holding confirmation hearings on her appointment. Once that hearing is held, ALA will launch a multi-front "grasstops" and grassroots campaign in support of her rapid confirmation by the full Senate. The timing of these events remains unclear. ALA, of course, has urged her earliest possible consideration by the Rules Committee.

ALA Again Wages Multi-Front Campaign to Protect FY2017 LSTA, IAL Funding

As [recently reported in District Dispatch](#), continued federal funding for libraries is again a target of proposed budget cuts, including a specific Administration proposal to trim nearly \$1 million from LSTA's popular and successful "Grants to States" program. As in past years, OGR has responded with a multi-faceted campaign to place LSTA and IAL in the best possible position as Congress begins its FY 2017 appropriations cycle. Specifically, in coalition to date ALA has: participated in nearly three dozen meetings with key members of Congress and/or their staffs; co-edited the annual Committee for Education Funding Budget Response (which included two chapters written by ALA) that will be presented to Congress; joined [a letter](#) to Congress urging fair funding for education and domestic programs signed by 660 organizations; and joined with four coalitions to urge Congress to increase education funding (Early Literacy, Non-Defense Discretionary, Committee for Education Funding, and Title IV Funding).

ALA individually has submitted 13 funding requests backing LSTA and IAL to individual Members of Congress and orchestrated a multi-week grassroots effort to secure the maximum number of signatures by Members of Congress on [four annual "Dear Appropriator" letters](#) in support of LSTA and IAL (one letter for each program in each chamber). OGR's two blogs, multiple email alerts and twitter announcements, several grassroots alerts, and targeted state appeals made in conjunction with state chapters produced: more than 14,000 confirmed individual emails by ALA members and other library supporters, at least 725 tweets, and a significant volume of non-logged phone calls. These contacts resulted in: 34 and 31 signatures on the Senate LSTA and IAL letters respectively (+2 and +1 over 2015), and; 88 and 124 signatures on the House LSTA and IAL letters. (Totals are pending as the letters continue to circulate for signature as of this writing). In sum, 529 of a total 535 Members of the Senate and House have been contacted at least once thus far by ALA's grassroots in support of FY2017 LSTA and IAL funding.

ALA Backs Bill to Repeal Cybersecurity/"Information Sharing" Statute Passed as Part of Massive Year-End Funding Package

With [Senate passage of the Cybersecurity Information Sharing Act](#) (S. 754) or "CISA" in late October, OGR last reported in December 2015 that negotiations were then actively underway to include the [privacy-hostile legislation](#) in the massive "omnibus" funding bill that Congress was then pushing hard to pass by year's end. Sadly, over [ALA's individual public objection](#) and [objection in coalition](#) with many other diverse national groups, the renamed Cybersecurity Act of 2015 was included in the omnibus bill approved by Congress and signed by the President just after that report. In late January,

ALA joined 16 other national groups from across the political spectrum in [calling upon all Members of Congress](#) to support H.R. 4350, introduced by Reps. Justin Amash (R-MI) and John Conyers (D-MI) in late January, to repeal the cybersecurity legislation. The bill's prospects of passage are low, however, in the current political environment.

House Judiciary Committee to Finally Vote on Electronic Communications Privacy Act

As [previously reported](#) in District Dispatch many times over the past several years, despite enormous bipartisan support, bills to meaningfully reform the Electronic Communications Privacy Act (ECPA) have been bottled up in the House Judiciary Committee. As last reported, the House Judiciary Committee held a long-sought and contentious hearing on the current bill, the [Email Privacy Act](#) (H.R. 699), in early December of last year at which proponents repeatedly pressed the bill's principal antagonist – Judiciary Committee Chairman Bob Goodlatte (R-VA6) -- to immediately bring it before the Committee for an “up or down” vote. The pressure worked. Initially committing publicly to “marking up” H.R. 699 in the Judiciary Committee “in March,” the Chairman now formally has set April 13, 2016 for markup of H.R. 699. Anticipating efforts by Chairman Goodlatte to weaken the bill, ALA is actively working in coalition with other public and private sector groups to move an unweakened Email Privacy Act out of the House Judiciary Committee and to a vote in both chambers of Congress before year's end. HR. 699 would require law enforcement authorities to obtain a judicial warrant based on probable cause to obtain the content of personal emails, texts, electronic files, photos and virtually any other private and electronically stored data. [Under current law](#), in most cases, only a subpoena is needed to get such material after it's more than six months old.

“Save Crypto” Campaign against Mandated Encryption System “Back Doors” Continues; “Save Security” Campaign Launches on Day of Argument to Support Apple's Case in Court

Last year, ALA joined a large number of other national groups in promoting the [#SaveCrypto](#) campaign. The campaign, launched on September 30, 2015, initially was organized around a drive to encourage 100,000 individuals to sign a petition mounted on the White House's “We the People” website calling on the President to confirm that he opposes efforts to mandate that encryption designers include a “back door” -- ostensibly for the use of law enforcement only when authorized -- in their systems. The 100,000 signature target was reached four months ago in just nine weeks. The White House, however, has yet to substantively respond as it promises on the “We the People” website to do so for all petitions that meet the 100,000 signature threshold. Coalition efforts to secure that detailed reply continue. In addition, in early January ALA and scores of other national organizations and individual technical experts [wrote to the President](#) asking him to affirmatively and publicly reject policies that would weaken encryption, and to urge other world leaders to take a similar stand. ALA and others also [wrote in early March to senior White House staff](#) at the heart of encryption policymaking to respectfully ask that civil society and human rights organizations be included in high-level discussions bearing on mandated encryption to the same extent as technology companies that participated in a recent Administration/Silicon Valley “summit” have been.

Congress Enters Encryption “Back Door” Mandate Debate

Fueled by the controversy and litigation arising from the FBI’s recent demands of Apple ([publicly opposed by ALA](#)) in the wake of the San Bernardino attack, the debate over whether encryption systems can or must be built with “back doors” to permit authorized law enforcement access and/or surveillance has become legislative. As expected at last report, several bills addressing the issue in multiple ways already have been introduced or are anticipated imminently. Specifically: House Homeland Security Committee Chairman Michael McCaul (R-Texas) and Senate Intelligence Committee member Sen. Mark Warner (D-Va.) [introduced a bill on February 29 \(H.R. 4651/S. 2604\)](#) proposing a [commission](#) comprised of technology, law enforcement, intelligence, privacy groups and others to thoroughly discuss how law enforcement can access encrypted communications that involve terrorism and make recommendations; at this writing, Senate Intelligence Committee co-chairs Richard Burr (R-NC) and Dianne Feinstein (D-CA) are [expected within days](#) to formally propose a bill to require that “back doors” be built into all encryption systems; and the ENCRYPT Act ([H.R. 4528](#)), sponsored by Rep. Ted Lieu (D-CA) and Rep. Blake Farenthold (R-TX), would "prevent any state or locality from mandating that a 'manufacturer, developer, seller, or provider' design or alter the security of a product so it can be decrypted or surveilled by authorities." Other legislation is expected, however, no bill is expected to have an easy or rapid path to passage.

ALA Backs Whistleblower Protection Bill, Protests Mischaracterization of Whistleblowers as Threat by Office of the Director of National Intelligence

Together with the ACLU, OpenTheGovernment.Org, PEN American Center, Public Citizen and more than two dozen other national groups, [ALA wrote in December](#) to Senate Judiciary Committee Chairman Charles Grassley (R-IA) and Ranking Member Patrick Leahy (D-VT) in support of their FBI [Whistleblower Protection Enhancement Act](#), S. 2390. As noted in this [Bill of Rights Defense Council blog](#), current law does not adequately shield FBI whistleblowers from professional retaliation. No near-term action on the bill is expected. ALA also joined with a similar group of organizations from across the political spectrum in a [letter to the Inspector General of the Intelligence Community](#), Charles McCullough, seeking public correction of a top national intelligence community official’s public mischaracterization of whistleblowers as an “inside threat” to the government and national security. His response remains pending.

Other Diverse ALA Pro-Privacy Coalition Work Continues Apace

During the current reporting period, ALA has helped craft and lent its name to several additional coalition communications to Congress pertaining to privacy and surveillance. Specifically, ALA has: written to the [Director of National Intelligence](#) seeking information on the number of American citizens whose communications have inadvertently been gathered in pursuit of foreign intelligence under Section 702 of the Foreign Intelligence Surveillance Act (FISA); asked the [House Committee on Oversight and Government Reform](#) to hold hearings regarding the widely reported incidence of communications by Members of Congress having been intercepted by the National Security Agency; and urged the [House Judiciary Committee](#) to redesignate a hearing on Section 702 of FISA as at least partially unclassified to allow for public attendance and participation in building a record.

ALA Succeeds in Push for Legislation to Make CRS Reports Publicly and Freely Available

At last report, support was growing in the [private sector, press](#) and among Members of Congress for a bill that would direct the US Government Publishing Office to presumptively make almost all Congressional Research Service research reports promptly and widely available to the public without charge. Legislation to do just that, the Equal Access to Congressional Research Service Reports Act of 2016, [S. 2639](#) and [H.R. 4702](#), was introduced in early March. As noted then in [District Dispatch](#), ALA worked closely with more than 40 other organizations to reach this milestone, including particularly Demand Progress. The coalition's statement on introduction of the bill, as well as the press statements released by all four of its Senate authors, are available on the [Demand Progress website](#). Currently the public is able to get only piecemeal access to these reports as they are released at the discretion of various Congressional offices. ALA has expressed its appreciation to Senators John McCain (R-AZ) and Patrick Leahy (D-VT) who sponsored the bill in the Senate and Representatives Leonard Lance (R-NJ) and Mike Quigley (D-IL) who introduced it jointly in the House. OGR looks forward to working closely with these offices and others in Congress to bring this long overdue legislation to a vote in both chambers.

Seamus Kraft wins 2016 James Madison Award!

On March 11th, ALA president Sari Feldman [awarded the OpenGov Foundation's Director Seamus Kraft with the James Madison award](#). Kraft has engineered a number of breakthrough initiatives aimed at opening government access and transparency to the public. Those projects include: creating America Decoded, which publishes legal codes, legislative data and existing laws in standardized data for major states and cities; launching MADISON—an open legislative data and engagement platform for writing, publishing and annotating legislation—in federal, state and local governments; being the driving force behind the recent successful bipartisan push that officially opened the House of Representatives to open-source software; and hosting four, nationwide #Hack4Congress events to catalyze progress and strengthen the open government community.

Broad FOIA reform bill passes in the Senate!

[A year after it was introduced](#), the Senate finally voted on [S. 337, the FOIA Improvement Act](#), and the bill passed unanimously. It is now time for the Senate and House negotiators to reconcile S. 337 with the House's own version of FOIA reform, [H.R. 653](#), which passed unanimously in January of this year. With an extra-long summer recess to accommodate the major parties' political conventions looming, and a legislative calendar further truncated by the 2016 elections themselves, time will be tight if Congress and the public are to avoid the sad situation we were left in at the end of the 113th Congress when [time simply ran out to enact FOIA reform in 2014!](#) Thanks to Senator John Cornyn (R-TX), Senate Judiciary Committee Chairman Charles Grassley (R-IA) and Judiciary Ranking Member Patrick Leahy (D-VT) not only for introducing and supporting S. 337 in the current Congress, but for their longstanding commitment to meaningful FOIA reform over many years and multiple Congresses. We now have forward movement!

Office for Information Technology Policy

Information Policy Workshop for ALA Leaders

In collaboration with the ALA Executive Board, OITP organized an all-day information policy [workshop](#) for member and staff leaders from the various divisions and offices of the association just prior to the 2016 Midwinter Meeting. The workshop was part of the implementation plan for ALA's strategic direction on information policy. ALA President Sari Feldman served as general chair of the workshop, and featured speakers included Marjory Blumenthal from the White House Office of Science and Technology Policy, Gwenn Weaver from the U.S. Department of Commerce, IFLA President Donna Scheeder, and Alan Fishel, partner at D.C. law firm Arent Fox.

New Collaboration on Financial Counseling and Veterans

ALA has [joined forces](#) with the National Foundation for Credit Counseling® (NFCC®) and local libraries to deliver financial education and resources to members of the military and their families across the country. Members of the U.S. armed forces, Coast Guard, veterans, and their families face financial challenges often not adequately addressed by resources designed for the general public. ALA and NFCC will leverage local member agencies and libraries to help improve the financial lives of service members, veterans and their families. Participating pilot libraries will be announced in mid-March, with programs to begin this spring.

Libraries celebrate Fair Use Week

ALA staff and members boosted the signal on [Fair Use Week](#) with the Association of Research Libraries from February 22 to 26. Daily blog posts highlighted the important role fair use plays in achieving the Constitutional purpose of intellectual property rights in the US: to promote the progress of science and the useful arts. The flexible nature of the fair use doctrine has permitted copyright to adapt to new technologies and changes. More than 135 organizations participated this year—double that in 2015. Check out the District Dispatch to see [posts](#) from Carrie Russell, Tom Lipinski, Tammy Ravas, Eric Harbeson and more.

ALA Submits Comments to the Department of Health and Human Services (HHS) and the Department of Education

In response to a call for comments on a joint draft policy statement on family engagement and early learning, ALA (with input from AASL, ASLC, YALSA and PLA) submitted [comments](#) to the U.S. Departments of HHS and Education. Their draft policy statement includes specific Principles of Effective Family Engagement Practices and recommendations for state and local action. The draft also reviews relevant research and includes an appendix with resources for planning engagement programs, professional development, and families.

Other select activities

- **South by Southwest:** Charlie Wapner [presented](#) with Benetech at South by Southwest EDU regarding how 3D printers can be leveraged in libraries, museums and schools to create new learning opportunities for students with disabilities. OITP Deputy Director Larra Clark also

participated in South by Southwest Interactive as part of a library outreach contingent and met with Texas State Libraries and Archives and Texas library leaders.

- **E-rate** advocacy and support continues with a PLA webinar on “Making E-rate Make Sense.” OITP Assistant Director Marijke Visser and E-rate Taskforce members presented on recent changes to the program and new resources available to support library applications.