

TO: ALA Executive Board

RE: Washington Office Report

ACTION REQUESTED/INFORMATION/REPORT:

No action requested

CONTACT PERSON:

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DATE: January 17, 2018

BACKGROUND:

Report of activities of ALA's Washington Office

ATTACHMENTS:

- Washington Office Report

ALA WASHINGTON OFFICE REPORT

WASHINGTON OFFICE NEWS

Associate Executive Director introduces three-year strategic plan

Washington Office Associate Executive Director Kathi Kromer presented the Office's new 2018-2020 Strategic Plan to the Executive Board at their Fall meeting. Assembled with input from all major divisions and units, as well as feedback from the current and past ALA presidents, several committee chairs and outside stakeholders the Plan is designed to best position ALA to achieve its strategic direction of advocacy. The Washington Office will report on its progress at the MidWinter meeting.

ALA Committee on Legislation meets in Washington for annual retreat

In November, Members of the ALA [Committee on Legislation](#) (COL) convened in Washington, D.C., for its annual policy retreat and to help develop priorities for the Washington Office heading into the 2018 election year. For many COL Members, this was the first time for extended conversations with Associate Executive Director Kathi Kromer, who presented and led discussion on the Office's strategic plan. Nearly all COL members were in attendance in person or by phone for the day-and-a-half meeting held at the Washington office, where they heard from Washington policy experts, a communications consultant and a former member of Congress (Bob Carr, D-Mich.).

WO, ALA President launch [ALA Policy Corps](#)

The twelve members of the inaugural class of the recently [launched](#) ALA Policy Corps were [announced](#) on January 4. The Corps Working Group received 68 applications during the one-month application window, which ended on November 3. The Selection Subgroup, chaired by Larry Neal, and then the Working Group, chaired by ALA President Jim Neal, evaluated the applications and made the final decisions. Members of the ALA Policy Corps will meet at ALA MidWinter Meeting in Denver, then in Washington, D.C. in early March and again in May in conjunction with [National Library Legislative Day](#).

WO hosts ALA President-elect

On October 12 President-elect Loida Garcia-Febo spent a day at the Washington Office for a briefing on WO's strategic plan and to share her vision for her upcoming presidency. President-elect Garcia-Febo also met with representatives from the National Hispanic Media Coalition to discuss common interests and brainstorm possibilities for collaboration.

Registration opens for National Library Legislative Day 2018

Registration for [National Library Legislative Day 2018](#) opened in December. The annual two-day advocacy training event will be held on May 7-8, 2018 in Washington, D.C. at the Liaison Hotel. Attendees will learn advocacy skills from staff from the Congressional Management Foundation, hear issue briefings from experts and have the opportunity to receive mentoring from the experienced advocates on ALA's Committee of Legislation.

Libraries Ready to Code expands reach

- **Twenty-eight school and public libraries selected to participate in Phase III of the Libraries Ready to Code initiative**

In October, ALA and Ready to Code partner Google [announced](#) the new cohort of libraries that will spend the next year designing and implementing coding programs that promote computational thinking among youth. A [selection committee](#) with representatives from ALA's three youth divisions and OITP reviewed more than 400 applications and selected 28 public and school libraries to receive grants of up to \$25,000. The Ready to Code cohort will work together to create a national CS educational toolkit made up of resources and activities that they find most useful for youth CS programming. It will also include an implementation guide to help libraries learn how to use and customize the resources for their unique library/community. Developed by U.S. libraries, for libraries, the toolkit will be released in conjunction with National Library Week in April 2018. In addition to the grants funds, libraries will receive a travel stipend to attend Midwinter 2018 for a hands-on workshop, where they will share best practices and refine the toolkit.

- **ALA and National Center for Women & Information Technology (NCWIT) announce collaboration on library pilot**

During 2017 CS Education Week (December 4-10) the Washington Office and the National Center for Women & Information Technology's (NCWIT) AspireIT program [joined forces](#) in a pilot project to connect young women program leaders to public libraries to design and implement coding programs for K-12 girls. The AspireIT/ALA pilot will connect a "near-peer" Program Leader (high school and college-aged) from the [Aspirations in Computing](#) community with three to five public libraries serving small rural communities to large urban centers in diverse geographic regions in the states of Alaska, Arkansas, Florida, Georgia and Maine. The pilot programs will occur in March and April 2018. Future library programs will be based on learnings and project outcomes from the pilot.

- **CS Education Week 2017 highlights role of libraries**

The Washington Office participated again this year in the annual CS Education Week, highlighting the newly launched Ready to Code cohort libraries as well as the Arkansas State Library [coding initiative](#), which uses LSTA funding to educate Arkansas public librarians about coding and empower them to facilitate coding programs in their local libraries. To launch the week of activities, CODE.org President Alice Steinglass [blogged](#) for District Dispatch. ALA also joined the [CSforAll Consortium](#), the national hub for educators and other stakeholders to collaborate to help all K-12 students achieve computer science literacy. Originally an initiative under the Obama administration, the Consortium continues through a grant from the National Science Foundation.

WASHINGTON OFFICE ADVOCACY OUTREACH

Associate Executive Director continues national listening tour with major ALA stakeholders

Kathi Kromer's listening tour of ALA continued this fall with travel to meet with major stakeholders in the library community. In October Kromer joined ALA President Jim Neal and ALA Development Office Director Sheila O'Donnell in a meeting with Overdrive CEO and President Steve Potash at the company's headquarters in Cleveland, Ohio. The trip also included a tour of several public libraries in Cuyahoga County led by ALA Past President Sari Feldman and the Cleveland Public Library with PLA Past President Felton Thomas. Kathi provided the Washington Update to COSLA during their fall meeting in Nashville and COL Chair Kent Oliver gave her a tour of the Nashville Public Library while she was in town. During a trip to Chicago, Richard Kong, Director of the Skokie Public Library, gave Kathi and Larra Clark a tour of his library, including a visit to the bookmobile. In early November Kromer attended the AASL Conference in Phoenix, Arizona, and YALSA's Symposium in Louisville, Kentucky, where she led an advocacy focus group. IMLS board member and Coordinator of School and Student Services at the Enoch Pratt Free Library Deborah Taylor gave Kathi and several WO team members a tour of several branches of the Pratt system in January.

ALA President, WO Policy Director keynote for [TechKnowledge](#) virtual conference

ALA President Jim Neal and WO Public Policy Director Dr. Alan S. Inouye served as moderator and panelist respectively on the opening keynote [panel](#) "Building Equity and Access in a Challenged Net Neutrality Landscape." Also on the panel were representatives of the Electronic Frontier Foundation and Free Press. The venue provided a valuable opportunity to reach out to technology policy advocates as well as library advocates. According to the organizers, the session attracted the largest number of participants (more than 400) among the day's sessions.

[Dupont Summit](#) in Washington features ALA panel on equitable access to broadband

Jon Peha, Office for Information Technology Policy (OITP) Senior Fellow and Professor, Carnegie Mellon University; Ellen Satterwhite, OITP Fellow and Vice President, Glen Echo Group; and Dr. Alan S. Inouye presented at the 10th Annual Dupont Summit on Science, Technology, and Environmental Policy. The December 1 panel session, "Opportunity for All: Equitable Access to Broadband," included a range of topics in telecommunications policy, and net neutrality dominated the discussion. Presenting at the Summit provided an opportunity to showcase libraries in front of non-library science and technology policy advocates and researchers.

WO hosts, visits library practitioners from D.C. and beyond

In line with the WO 2018-2020 Strategic Plan, staff have invested time in the field with practitioners in order to build relationships, gain new insights into the library field and learn about the latest activities across a wide variety of libraries. Staff delegations have visited the D.C. Public Library's newly opened West End branch, the Department of the Interior federal library and collections, the George Washington University library and law school library, three Smithsonian libraries and National Public Radio's research and archives department. Individual staff members have visited public libraries in Maine, New York, Virginia, North Carolina and California.

In addition to these outreach efforts, the WO has begun dedicating time during regular staff meetings for guest speakers to offer staff short presentations about their work in the library profession. Guests have included: Dr. Renate Chancellor, associate professor of library and information science at Catholic University; Karen Keninger, Director of the National Library Service for the Blind and Physically Handicapped; Suzanne Isaacs, Community Manager at the National Archives; and Paul Rosenzweig, Privacy and Cybersecurity Professor at the George Washington University School of Law.

WO blog [District Dispatch](#) gets a redesign, features new voices

In early January, WO launched a redesigned version of District Dispatch. The new design enhances accessibility, facilitates search functionality and features a minimalist theme geared toward improving the user experience on mobile devices and tablets as well as laptops and desktop computers. The blog was last redesigned in 2013. District Dispatch, in order to elevate the advocacy work of ALA members and highlight the WO's collaborative work with coalition partners, has also increased the number of guest contributions. The blog features posts from leaders of fellow advocacy organizations, so far including the Consortium for School Networking, Computer & Communications Industry Association, Code.org and Catholic University of America's Library and Information Science Department. ALA member contributors this fall have included Arkansas State Library E-rate Services Coordinator Amber Gregory, McCracken County Public Library (Paducah, KY) Director Susan Baier, Homer (Alaska) Public Library Youth Services Librarian Claudia Haines and Rochester Hills (Mich.) Public Library Director Christine Lind Hage.

WO contributes content for *American Libraries* blog [The Scoop](#)

To heighten visibility of WO programs and ALA advocacy efforts overall, WO communications staff have expanded contributions to American Libraries blog The Scoop, including posts on the Museum and Library Services Act, the Tribal Connect Act, the Federal Communications Commission's net neutrality rollback and the 2018 Consumer Electronics Show. Staff have also facilitated guest blog posts for The Scoop by strong library advocate and Idaho State Librarian Ann Joslin as well as the executive director of the Congressional App Challenge.

FEDERAL LEGISLATION AND POLICY UPDATES

Federal Library Funding and Programs

- **Federal funding for libraries remains encouraging, but unresolved**

By October, both chambers of Congress rejected the administration's proposal to eliminate the Institute for Museum and Library Services and millions of dollars in federal funding dedicated to libraries, including the Library Services and Technology Act and Innovative Approaches to Literacy programs. Under pressure from a massive ALA-led grassroots campaign, House and Senate Appropriations Committees provided level funding for most programs (the Senate provided a [\\$4 million increase](#) for the LSTA Grants to States program). Unable to pass a final FY 2018 budget, Congress enacted a series of continuing resolutions (CR) to keep the government open past the October 1 start of the fiscal year. The current CR expires January 19,

when Congress will need to return to hammer out a final budget agreement or pass another CR to avoid a federal government shutdown. Until then, federal agencies continue to operate under FY 2017 funding levels.

- **Senator Reed leads introduction of Museum and Library Services Act (MLSA)**
Senator Jack Reed (D-RI) led the bipartisan [introduction](#) of the Museum and Library Services Act (MLSA, [S.2271](#)) in late December that would reauthorize the Institute of Museum and Library Services (IMLS) through 2023. Cosponsoring the legislation with Sen. Reed were Senators Susan Collins (R-ME), Kirsten Gillibrand (D-NY), Thad Cochran (R-MS) and Lisa Murkowski (R-AK). ALA President Jim Neal was quoted in the [press release](#) issued by the Senators upon introduction of the bill. The MLSA is similar to the 2010 reauthorization that expired in 2016 but makes needed improvements to provide greater tribal access to grants and allowances for disaster preparation and response. ALA will be active in supporting S. 2271 in 2018.
- **ALA advocates to preserve Public Service Loan Forgiveness (PSLF) program**
In December, the House Education and Workforce Committee [approved](#) its Higher Education Act (HEA) Reauthorization ([H.R.4508](#)) that included a sunset of the popular Public Service Loan Forgiveness (PSLF), which offers loan forgiveness to graduates who work in qualified public service positions, including libraries, and have made timely loan payments for 10 years. The bill, Promoting Real Opportunity, Success, and Prosperity through Education Reform (PROSPER) Act was introduced by Committee Chair Virginia Foxx (R-NC) and passed without Democratic support. ALA continues to work to preserve the PSLF program
- **ALA files comments with Department of Education**
In November ALA filed comments with the Department of Education (ED) in response to its 11 proposed priorities for discretionary grant programs. ALA called on ED to consider the many educational contributions made by libraries in schools and communities. Of particular note, ALA highlighted the role of libraries in supporting STEM education, addressing literacy needs and promoting economic opportunity. ALA [called on](#) its members to also file comments with the ED.

Telecommunications

- **ALA and allies continue to oppose Federal Communications Commission (FCC) net neutrality rollback**
ALA and its allies engaged in numerous [efforts](#) to forestall the rollback in net neutrality leading up to the Commission's December 14 vote. ALA membership [responded](#) robustly through countless comments, phone calls and emails to the FCC and Congress. Libraries' strongest congressional supporter, Sen. Jack Reed (D-RI), orchestrated a Senate [letter](#) to FCC Chairman Ajit Pai that focused on library-specific issues, and with the help of ALA member advocacy, 13 other senators signed on to the letter. Nevertheless, the FCC [voted](#) to roll back net neutrality. ALA will be calling

on our members as we work with our national partners on next steps to appeal the decision in federal court and the Congress.

- **ALA and more than 140 libraries submit comments to the FCC on E-rate**

In September, the FCC released a Public Notice asking for input on the program's category two budget system, which ALA strongly supports. Specifically, the FCC sought input on whether libraries and schools are using their allotted budgets and if it meets their needs. ALA submitted [comments](#) highlighting the fact that libraries are assured access to critical funding for internal connections for the first time in many cases in 15 years. The Washington Office [encouraged](#) libraries to submit their own comments and created a template to assist them in doing so. In response, more than 140 libraries – including state library agencies, state chapters and local libraries – submitted [comments](#). ALA will continue to work with the FCC as they move forward with determining how to address issues raised in comments submitted by ALA and libraries. The WO and the E-rate Task Force will be prepared to respond to any FCC action.

- **Senators introduce bill to close gap in tribal broadband access, quote ALA President**

Senators Martin Heinrich (D-NM) and Dean Heller (R-NV) introduced bipartisan legislation to use the FCC-managed E-rate program to help close the digital divide for tribal communities. ALA President Jim Neal was quoted in the [press release](#) issued by the Senators upon introduction of the bill in December. ALA worked with Senators Heinrich and Heller in drafting the bill, which was highlighted in a [blog post](#) by WO Associate Executive Director Kathi Kromer and Jodi Gray, director of the Office for Diversity, Literacy, and Outreach Services, for American Libraries magazine. The Tribal Connect Act ([S.2205](#)) would increase access to E-rate by opening eligibility to tribal libraries who may not currently qualify, establish an E-rate pilot program for tribal anchor institutions where no library currently exists and direct the FCC to provide additional training and performance goals for tribal broadband access.

Copyright

- **Library of Congress expands and extends Digital Millennium Copyright Act (DMCA) exemptions**

ALA, as a member of the [Library Copyright Alliance](#) (LCA), requested changes to Section 1201 of the Digital Millennium Copyright Act (DMCA), the provision which allows for circumvention of technological protection measures employed to protect access and use of copyrighted works for purposes of fair use. The [decision](#) is made by the Librarian of Congress based on recommendations from the U.S. Copyright Office and *National Telecommunications and Information Administration (NTIA)* following a rulemaking held every three years. For the seventh round of 1201 rulemaking, the LCA asked that the exemption to circumvent technology on motion picture and television programming to extract film clips for teaching, research and

scholarship purposes be expanded to include K-12 students for class assignments. Previously, the exemption only applied to faculty, college students and teachers. The new rule also includes motion pictures in Blu-ray disc format. Similarly, the LCA requested and received an expansion of film clip excerpt rule to also apply to Massive Open Online Courses (MOOCs). These expanded exemptions are renewed for three years. The LCA also received a three-year renewal of the exemptions to circumvent video games for preservation purposes by libraries and archives and to circumvent e-books and e-readers to enable the text to speech function for people with print disabilities. The LCA also submitted requests for three new proposals with the Electronic Frontier Foundation (EFF), the ALA Video Round Table, the Software Preservation Network and others. These are [expansion and simplification](#) of the circumvention rules for audio-visual works, [circumvention for software for preservation purposes](#), and [circumvention for motion pictures](#) to enable closed captioning and audio description for people with disabilities. After a reply and additional comment period in February and March 2018, these new proposals will be discussed at public meetings in April in Washington, D.C. and Los Angeles.

- **ALA opposes the CASE Act**

LCA drafted a [letter](#) to Congressmen Hakeem Jeffries and Tom Marino in opposition to the Copyright Alternative in Small-Claims Enforcement (CASE) Act of 2017 ([H.R.3945](#)), legislation that would create a small claims court in the U.S. Copyright Office to adjudicate low-cost infringement cases. The legislation aims to help individual artists with limited funds bring claims of infringement. Unfortunately, the small claims court, if created, would not be used by litigants who would have to sacrifice traditional benefits and protections of federal court litigation.

- **ALA asks U.S. Trade Representative to include “balanced copyright” language in North American Free Trade Agreement (NAFTA)**

ALA, as a member of the LCA, wrote a [letter](#) to the United States Trade Representative (USTR) requesting that language about balanced copyright, fair use and copyright limitations and exceptions as recognized in the U.S. Copyright Act be included in the intellectual property chapter of North American Free Trade Agreement (NAFTA). This language was included in the draft Trans Pacific Partnership (TPP) trade agreement, which the United States withdrew from in 2017. This request has been strongly opposed by legacy entertainment companies as well as publishers. Without such language and a commitment to user rights, trade agreements could supersede the U.S. copyright law. ALA also endorsed the [statement](#) issued by the Washington Principles on Copyright Balance in Trade Agreements.

- **ALA monitors attempts to make the U.S. Copyright Office an independent agency**

In April, the House passed the Register of Copyrights Selection and Accountability Act of 2017 ([H.R. 1695](#)) to “modernize” the U.S. Copyright Office by making the Office independent of the Library of Congress. The legislation would shift Register

appointment power from the Librarian of Congress to the President. Rights holders have been eager to eliminate such authority from the Librarian because of unfounded fears that the Librarian would appoint someone not sympathetic to rights holder interests. The LCA [opposed](#) the House legislation. The Senate proposed companion legislation stalled due to jurisdictional concerns raised by the Senate Committee on Rules and Administration, which has authority over the Library of Congress. At this time, it is unclear whether Senate legislation will proceed.

- **ALA represents U.S. libraries at World Intellectual Property Organization's (WIPO) copyright meetings**

Jonathan Band, legal counsel for the LCA attended the World Intellectual Property Organization's Standing Committee on Copyright and Related Rights ([SCCR](#)) assembly meetings in November. Discussion continues regarding an international copyright treaty for an exception to copyright for libraries and archives (much like the U.S. copyright exception §108) that the International Federation of Library Associations and Institutions has promoted for several years. The treaty proposal is popular with developing nations but opposed by advanced nations, who are heavily influenced by rights holder groups and who believe a "soft law" such as a resolution would be sufficient. New discussions include treaties for exceptions for museums, educational institutions and people with disabilities.

Government Information

- **ALA advocates for improved public access through Federal Depository Library Program (FDLP)**

The Committee on House Administration has continued its effort to modernize Title 44 of the U.S. Code, which governs the Federal Depository Library Program (FDLP) and the Government Publishing Office (GPO). ALA has consulted with Committee staff throughout the process. On Oct. 11, the Committee held the fourth in a series of hearings to examine the law and discuss future directions. On Oct. 16-18, staff from the Committee attended the Federal Depository Library Conference to discuss their effort with librarians and GPO staff; ALA staff were also in attendance. In December, drafts of the Committee's bill began to circulate. ALA is reviewing the draft bill, in consultation with other library associations and interested stakeholders, and will provide additional feedback to the Committee. In September, ALA had submitted recommendations to the Committee for improving the library program and expanding public access to government information; many of those recommendations appear to be reflected in the draft bill. There may be additional revisions to the draft before it is introduced, which is expected in late January. The Senate has not yet engaged with the issue.

- **House passes OPEN Government Data Act to improve public access to information**

On Nov. 15, the House of Representatives [passed](#) ALA-supported legislation to improve public access to government data. The Open, Public, Electronic, and Necessary (OPEN) Government Data Act was included as part of the Foundations for Evidence-Based Policymaking Act ([H.R. 4174](#)), which the House passed by voice vote. Passage of the bill

represents a victory for ALA, who has supported the legislation since it was first [introduced](#) last year. The Senate passed the OPEN Government Data Act in a different form in September. ALA is continuing to advocate for the chambers to resolve their differences and send a strong bill to the President's desk.

- **Representative quotes ALA President in support of Transparency in Government Act**
On Nov. 30, Rep. Mike Quigley (D-IL) introduced the Transparency in Government Act ([H.R.4504](#)), which contains a wide range of provisions to increase public access to government information. ALA President Jim Neal is quoted in Rep. Quigley's [press release](#) about public access to Congressional Research Service reports. ALA supported a provision on that topic that was included in this year's appropriations bills, but Congress has not yet completed work on those bills as of this writing.

Privacy/Surveillance

- **ALA supports reforms to surveillance authorities**
Since October, ALA has supported reforms to the Foreign Intelligence Surveillance Act (FISA), such as the [USA Rights Act \(S. 1997\)](#), which would close the "[backdoor search loophole](#)" by requiring that surveillance of Americans only be done with a warrant. With FISA set to expire on December 31, Congress approved and the president signed a short-term extension of Section 702 of FISA, keeping the current rules in place until January 19. This extension, however, gives the House and Senate little time to work out their differences regarding government authority to monitor American communications for foreign intelligence purposes. The House, after returning from recess, voted down any modification to the Section 702 and instead reauthorized for an additional six years warrantless surveillance of Americans in the [FISA Amendments Reauthorization Act of 2017](#). If the House legislation makes its way through the Senate unchanged, intelligence agencies can monitor, collect and save communications between Americans and foreigners, even if there is no reason to believe that the American is a security risk. The legislation also expands the pooling of so-called "[upstream collection](#)" to include communications not only "to" and "from" a security target, but also to communications "about" a security target.
- **ALA files comments to Department of Homeland Security (DHS)**
In mid-October 2017, the Washington Office filed comments with the Department of Homeland Security's (DHS) Privacy Office expressing our concerns about the Department's plans to monitor and collect social media information on all immigrants to the United States. DHS published a new rule under the Privacy Act of 1974 in the Federal Register in late September, detailing how it intends to expand the information it collects when determining a person's immigration status to include "social media handles, aliases, associated identifiable information, and search results." The new requirement would impact not only immigrants to the United States, but also anyone who communicates with immigrants via social media, as their conversations could be reviewed by immigration officials. This proposal is in direct opposition to an ALA

resolution passed in 2007 about immigrants' rights and the Library Bill of Rights. As reiterated in our joint comments, existing ALA policies affirm that confidentiality is crucial to freedom of inquiry and that the rights of privacy are necessary for intellectual freedom and fundamental to the ethics and practice of librarianship.