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TO: Board of Directors

FROM: Ann Shea, Chair, Public Policy Advisory Council

DATE: 26 May 2009

RE: Public Policy Activities Update

Public Policy has been busier than ever the first half of 2009, and there is no sign of activity lightening up. Key activities have included submitting a public access statement to the Obama Transition Team, providing analysis of the White House Agenda released by the Obama Administration, and sending letters expressing strong concern over state library budget cuts and collaborating with like-minded organizations on Public Access, Intellectual Property, the Freedom of Information Act and Copyright issues. Staff continues to move forward in representing SLA's members and their concerns. The SLA Public Policy Advisory Council and SLA staff continue to engage in monitoring and shaping legislation and regulatory proposals that affect the profession through direct communication with government officials and participation in coalitions with like-minded organizations.

The following items are an overview of some of SLA's key public policy activities in since 2009.

January

-- Submitted a statement to the Obama Transition Team on public access stating that peer-reviewed articles that report the results of scientific research funded by U.S. tax dollars should be made publicly available online no later than six months after publication.

--Communicated verbally and in writing to the Obama-Biden Presidential Transition team regarding Institute of Museum and Library Services (IMLS) agency's future, reinforcing SLA's belief that it is critical to provide IMLS with an institutionalized role in intellectual property and copyright policy development, both within the Executive Branch and internationally. Specifically, the IMLS should have an official and formal policy-making role within the Obama Administration and become part of the Office of Management and Budget's formal policy, legislative, and regulatory vetting role. Additionally, IMLS must have a voice in negotiations and deliberations within organizations such as WIPO, OECD, OAS, ITU, IGF, and UNESCO.

--Met with Maria Pallente, Deputy General Counsel at the U.S. Copyright Office, to discuss Orphan Works

February

--Provided comments to the U.S. Copyright Office regarding exemptions in the prohibition and circumvention of copyright protection systems stressing that exemptions should 1). apply to audiovisual works included in any college or university library, not just the library of the media studies department, and 2). the exemption should apply to classroom uses by instructors in all subjects, not just media studies or film professors.

--Reported out on and issued an action alert in SLA's Legislative Action Center on the re-introduction of H.R.801—a bill that would reverse the National Institutes of Health's (NIH) Public Access Policy and make it impossible for other federal agencies to put similar policies into place. SLA urged all supporters of tax payer funded research to contact their Representatives in the U.S. House to express support for public access to taxpayer-funded research and oppose H.R.801.

March

-- Issued a summary and analysis of the most relevant sections of the Obama Administration's agenda. Though information professionals are involved at all levels of the 23+ basic areas of The Agenda, the area of Technology (just one of the 23+ areas) and its connection to copyright and the Internet will most directly and immediately affect SLA's members.

--Co-sponsored the 4th Annual Sunshine Week National Dialogue. The event was available via webcast and presented an opportunity for the public to be involved in the crafting of the new Administration's open government directive.

-- Sent a letter to Pennsylvania Governor Rendell expressing strong concern over the proposed 50% budget cut for the State Library of Pennsylvania. The letter acknowledged the recession and the need for tough decisions, but opposed the downsizing or diminution of library services at the State Library of Pennsylvania until a detailed plan is produced and vetted by qualified information and policy experts who understand the critical nature of maintaining valuable services and access to information for current and future users.

April

--Sent a letter to President Obama asking that his future appointments to intellectual property (IP) policy positions reflect the diversity of stakeholders affected by IP policy, and that his administration create offices devoted to promoting innovation and free expression within the relevant agencies.

--Sent a letter to North Carolina Governor Perdue expressing strong concern over the proposed budget elimination of the North Carolina Office of Environmental Education (OEE), stressing the fact that the citizenry of North Carolina and beyond rely on the services and information provided by the OEE to effectively conduct their work.

--Sent a letter to the Acting Archivist of the United States National Archives and Records Administration (NARA), in response to NARA's deadline request for input into the development of alternative models for Presidential Libraries. The letter requested an extension of the comment period beyond the 21 days allotted for public comments.

May

--In collaboration with AALL and MLA, appeared before the Legislative Branch Subcommittee at the Public Witness Hearing on the FY 2010 budget requests for the Legislative Branch to ask for support for the full FY 2010 budget request for the U.S. Government Printing Office (GPO).

-- In collaboration with AALL and MLA comments were made on the issue of exemption to prohibition circumvention of copyright protection systems before the U.S. Copyright Office. The request for an exemption is specifically aimed at literary and audiovisual works, usually commercially-produced, lawfully-acquired DVDs, when circumvention is used to make compilations of brief portions of the works for educational use by faculty members in a classroom setting.

--Monitoring and attending meetings on The Internet Corporation for Assigned Names and Numbers (ICANN) on the possibility the group being fully "privatized," which raises significant questions about ICANN's structure, mission, and performance.

--Co-sponsored National Library Legislative Day, which was held in Washington, DC. The event brought librarians from all over the U.S. to Capitol Hill to advocate on behalf of libraries and library programs.

--Signed onto a letter asking the Senate Rules Committee to hold public hearings on open government issues and to mark-up and pass Senate Resolution 118 (S.R. 118), a resolution by Senator Lieberman (D, Connecticut) to provide Internet access to certain Congressional Research Service (CRS) publications. S.R. 118 would improve public access to reports by the CRS.

-Sent a letter to the Obama administration requesting them to act promptly to restore treatment of the White House's Office of Administration (OA) as an agency subject to the Freedom of Information Act (FOIA). Disappointingly, a week later, the U.S. Court of Appeals for the D.C. Circuit issued an opinion upholding the district court's conclusion that the OA is not an agency and therefore is not subject to FOIA.

-- Public Policy and PR staff met with Google representative to discuss Authors Guild et al v. Google Settlement. This settlement could provide individuals and groups to access to information in all forms—electronic and print, but could also result in a De facto monopoly with severe anti-trust issues, and is finalizing having a representative from Google speak at the Public Policy Update at SLA 2009.

Respectfully submitted,
Ann Shea, Chair
Public Policy Advisory Council

Committee Members:

Ann Shea, Chair (2006-2009)
Neil Infield (2006-2009)
Richard Huffine (2008-2010)
Barbara Folensbee-Moore (2008-2010)
Anne Barker (2009-2011)
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