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Office of Government
Relations

ALA American Library Association

LIBRARY SERVICES AND TECHNOLOGY ACT (LSTA)

SUMMARY

The LSTA consolidates federal library programs, while expanding services for learning and access to information resources in all types of libraries (public, school, academic, research, etc.) for individuals of all ages. It is administered by the Institute of Museum and Library Services (IMLS) and is distributed through state library agencies to individual libraries via formula grants. There is a requirement for a state match, which helps stimulate approximately \$3 to \$4 for every federal dollar invested.

Funding is also provided for library services for Native Americans, national leadership projects, and for the education and recruitment of librarians.

LSTA links libraries electronically and helps provide users access to information through state, regional, national, and international networks. Federal resources help target library services to people of diverse geographic, cultural, and socioeconomic backgrounds, to individuals with disabilities, and to people with limited literacy or skills.

Around the country, knowledgeable librarians use LSTA funding, the only federal program solely devoted to aiding libraries, to help patrons access essential information on a wide range of topics. They offer training on résumé development; help on web searches of job banks; workshops on career information; links to essential educational and community services; assistive devices for people with disabilities; family literacy classes; homework help and mentoring programs; books and resources to support adults and children dealing with loss; information on religions and other cultures; access to government information; a forum for enhanced civic engagement, and so much more. As a result, total visits to the library have increased by more than 17 percent between 1996 and 2001.

FUNDING HISTORY

LSTA was reauthorized as part of the Museum and Library Services Act of 2003 (H.R.13) and signed by the President on September 25, 2003 (P.L. 108-81). Every fiscal year, Congress provides funding for LSTA in the Labor, Health and Human Services, Education, and Related Agencies Appropriations bill.

<u>FY 2004</u>	<u>FY 2005</u>	<u>FY 2006 Adm. Request</u>	<u>FY 2006 House</u>
\$198,242,000	\$205,951,000	\$221,325,000	\$212,650,000

Supporting President Bush's request of \$221,325,000 would allow libraries nationwide to build additional capacity and further expand core services. It will enable libraries to undertake exciting projects that can help all library users expand their skill and knowledge base to master challenges and encourage lifelong learning.

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PRIVACY/USA PATRIOT ACT

CONGRESS

109th Congress

First, the good news. On June 15th, in a stunning 238-187 vote, the House approved Rep. Bernie Sanders (I-VT) amendment to the House Science-State-Justice Subcommittee (SSJC) appropriations bill, barring the Department of Justice from using any appropriated funds to search library and bookstore records under Section 215 of the USA PATRIOT Act.

The SAFE Act has been reintroduced in both the Senate (S. 737) and the House (H.R. 1526), and the Freedom to Read Protection Act (H.R. 1157) was reintroduced the first week in March in the House.

Section 215 of the USA PATRIOT Act is scheduled to sunset on December 31, 2005 unless Congress acts to rescind the sunset provision (Sec 224) of the act.

Congress passed an expansion of driver's license/personal ID provision, which would prohibit states from issuing driver's licenses or IDs to illegal aliens, potentially excluding them from using publicly-supported libraries. The law also requires the creation of a national database of information from these IDs.

A PATRIOT expansion bill was marked-up in secret on June 7th by the Senate Select Intelligence Committee and is, as of June 16th, unavailable to the public. The draft of the bill that was made public would allow an FBI agent to write an administrative subpoena (with no judicial oversight) that would permit them to compel the production of any kind of records from any entity in an intelligence investigation (which itself has few, if any, limitations on scope) – with a gag order attached. These subpoenas would essentially make Section 215 moot, as the FBI would use them rather than going to the FISA Court.

EXECUTIVE BRANCH

Attorney General Gonzales has confirmed his support for reauthorization of all the provisions of the USA PATRIOT Act that are scheduled to sunset in December. He has indicated his willingness to discuss concerns with these provisions with those who seek to end or amend them. At the same time, the Department is supporting legislation to expand authorities under the PATRIOT Act. Some of the proposed expansions would vitiate any positive changes in Section 215 (such as codifying that a recipient can, in order to comply with a Section 215 order, tell her/his legal counsel about the receipt).

THE COURTS

On September 28th, in the US District Court, Southern District of New York, Judge Victor Marrero ruled that a key component of the USA PATRIOT Act is unconstitutional. <http://practice.findlaw.com/cyberlaw-1104.html> The ruling is the first to strike down any of the new surveillance powers authorized by the Act, even though it would only apply in the District of the Court's jurisdiction. The government has appealed the decision.

New Report: Public Libraries Connect People to Technology but Face Challenges in Sustaining Service

Public Libraries and the Internet 2004: Survey Results and Finding

REPORT PREPARED BY: INFORMATION USE MANAGEMENT AND POLICY INSTITUTE, COLLEGE OF INFORMATION, FLORIDA STATE UNIVERSITY, JUNE 2005

Nearly Every U.S. Public Library Now Offers Free Internet Access

Today, if you can get to the public library, you can get to the Internet. Millions of people use computers in public libraries to access e-government services, seek more meaningful employment, further their education and research vital health information.

- ⊗ 98.9 percent of public libraries offer free access to computers and the Internet—a growth of about 400 percent since 1996, when just one in four libraries did.
- ⊗ Public libraries often provide the only Internet access for the nation's poorest areas. Due to investments targeted at poorer areas, patrons in high-poverty urban, suburban, and rural areas now benefit from the greatest library connectivity (100 percent).

Demand for Public Library Computers Often Exceeds Supply

Most public libraries say they need more computer terminals to meet patrons' needs, yet libraries have reached a plateau in the number of terminals they can make available. This may be influenced by funding or the physical limitations of some buildings. Many public libraries created waiting lists and reservation systems to ensure that patrons have a chance to use the computers.

- ⊗ Public library buildings have, on average, 10.4 computer terminals for public use.

- ⊗ Nine out of 10 public libraries say they do not have enough terminals to meet demand at certain times of the day.
- ⊗ Only 1 in 10 public libraries say they always have enough terminals to meet patron needs.

Quality of Internet Connections Varies Among Rural and Urban Communities

Public libraries can offer community members distance-learning opportunities and richer online content, but only when they have high-speed Internet connections.

- ⊗ 48 percent of public libraries have high-speed connections of 769 kbps or greater.
- ⊗ 72 percent of urban libraries have high-speed connections of 769 kbps.
- ⊗ Only 34 percent of rural libraries have high-speed connections of 769 kbps.
- ⊗ Nearly 18 percent of public libraries offer wireless Internet access, and 21 percent plan to offer wireless within the next year.
- ⊗ Libraries serving urban areas are more likely to offer wireless access than those serving rural areas (20.3 percent compared to 17.2 percent).

Technology Training in Libraries Targets Those Who Don't Have Access Elsewhere

Libraries are responding to patron demands for training by offering various forms of guidance from informal consultations with a librarian to formal classes on a specific skill, such as writing a resume.

- ⊗ The three largest audiences receiving training in libraries are seniors (57.3 percent), people without Internet access at home (52.6 percent), and adults seeking continuing education (51.2 percent).
- ⊗ Of libraries that offer training, only 28 percent do so on a scheduled basis.
- ⊗ Of libraries that offer scheduled training, 64 percent are urban libraries compared to 16 percent of rural communities.

Libraries are Challenged to Maintain Quality Technology Services

To provide quality technology services for their communities, public libraries need stable and predictable sources of revenue to pay for ongoing connectivity; hardware, software, and Internet connectivity upgrades; technical support; and training.

Public libraries currently rely on several major funding sources for technology, including federal grants; federal E-rate discounts for telecommunications infrastructure and connectivity; state and local funding; and private support.

- ⊗ Technology budgets for most public library systems have stayed level with no increase for inflation or expansion of service.
- ⊗ 13 percent of libraries reported a decrease in their budgets in the previous year.

- ⊗ Nearly eight percent of libraries reported that the total hours the library computers were available has decreased in the past year.
- ⊗ One in four public libraries (26.4 percent) receives federal E-rate discounts to pay for Internet connectivity, a program that is currently being reassessed by Congress.
- ⊗ 69.9 percent of public library systems do not have a formal plan to upgrade their hardware; 77.4 percent don't have a software upgrade schedule; and 96.4 percent don't have a connection speed upgrade schedule.
- ⊗ Libraries serving urban areas are open longer hours than their rural counterparts (50 hours per week compared to 39 hours).
- ⊗ Urban libraries were more likely to have a decrease in hours than rural libraries in the past year.

Methodology

The study surveyed 6,865 public library facilities. Responses came from 5,023 facilities for an overall response rate of 73.2 percent. The study also included 4,537 public library systems. Responses came from 3,084 systems for a response rate of 68 percent.

REPORT SPONSORS:

American Library Association
Office for Information Technology Policy
www.ala.org/oltp

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ISSUE BRIEF

Telecommunications and E-rate

Status of the E-rate

To prevent another freeze in the distribution of E-rate discounts to public libraries and K-12 schools, the Senate and the House now both have "Section 254 amendment" bills under consideration: S. 241 and H.R. 2533.

These bills would amend Section 254 of the Communications Act of 1934 (known more recently as the Telecommunications Act of 1996) to exempt the E-rate program from having to comply with the Anti Deficiency Act (ADA), a set of government accounting rules. S. 241 and H.R. 2253 were introduced in response to the complete halt in the E-rate program in the final months of 2004 when administrative decisions were made to newly apply the ADA rules to the E-rate program. Funding was curtailed from August through December of 2004 until the 108th Congress passed a one-year exemption running thru December 2005. These new bills in the 109th Congress would extend or make the exemption permanent to assure certainty and stability to the program and keep the needed funds flowing.

Although the new chairman of the Federal Communications Commission (FCC) has indicated that the FCC may itself be able to resolve this problem, library supporters must continue to lobby their Senators and Representatives to pass S. 241 and H.R. 2533. There has been a hearing in the Senate on S. 241. H.R. 2253 has had no further action since being introduced but library supporters must ask Congress to move forward with these bills. More information is available on the ALA web site at the "Take Action" site (<http://www.ala.org/ala/issues/takeaction/takeaction.htm>) where advocates may use ALA's online action center to send messages to Congress about these and other bills.

The E-rate program provides \$2.25 billion annually in discounts on telecommunications services, inside wiring and certain related services to public libraries and K-12 schools, both public and private. As part of universal service in the Telecommunications Act of 1996, these discounts range from 20 to 90% and are based upon poverty rates using local school district eligibility for the federal free and reduced price lunch program. The discounts are extremely important in providing affordable telecommunications to libraries. As part of universal service, the E-rate will be on the agenda as Congress moves forward with telecommunications reform legislation.

Telecommunications Reform

Universal service and the E-rate are only part of the ALA agenda related to telecommunications legislation. Earlier this year there were reports that Congress expected to move forward rapidly on various aspects of updating the Telecommunications Act of 1996, including the E-rate. Expectations have been rolled back; most observers anticipate that there will be a piecemeal approach rather than an omnibus telecommunications reform bill.

Municipal Ownership: ALA has been working with a loose coalition, including the National League of Cities (NLC) and the National Association of Counties (NACCO), to assure that localities can maintain the option to develop and own municipal or community broadband networks. In some states, as well as at the national level, there are proposals to prohibit municipal networks. The NLC/NACCO coalition, with which ALA works, argues that the options should remain open for public and/or private build out and deployment in any particular community. Options should remain open for municipalities and other public entities to advance broadband access. This debate addresses municipal franchising authority as part of local governments' right to control their rights-of-way.

Other Key Issues: Spectrum reform, the transition to digital television, and the threat of broadcast standards being applied to cable and satellite programming are also part of the telecommunications "hot topics." We are likely to see many proposals and proposed bills as various ideas and options are floated for public scrutiny as this "reform" process moves forward. ALA continues to monitor these issues closely. Critical grassroots support will be needed as the telecommunications debates move forward.

Other information about the FCC's proceedings, including a recent Notice of Proposed Rulemaking related to the E-rate, as well as the activities of the ALA E-rate Taskforce is available through ALA's Office of Information Technology Policy (OITP.)