

**ALA Committee on Legislation
Report to Council
2015 Midwinter Meeting – Chicago, Illinois**

**Vivian Wynn
Chair, ALA Committee on Legislation
February 3, 2015**

Committee on Legislation (COL) highlights:

1. **Federal Legislative Advocacy Group (FLAG):** An important new subcommittee has been added to COL. FLAG is charged with the task of creating a cadre of influential library advocates from every state in the United States. FLAG will be devising and implementing a proactive approach, enhancing our advocacy efforts to Congress. Advocates recruited by FLAG must have connections to one or more Members of Congress and agree to contact those Members of Congress when urgent legislative and policy issues arise. FLAG, with the help of the Office of Government Relations (OGR) staff, will provide talking points and background information to the cadre, which they can use to rally support among their elected officials. In the short three weeks that FLAG has been recruiting cadre members, we have been extremely successful, with a list of over fifty cadre members to date. We are asking councilors to help identify potential cadre members and to pass that information on to the FLAG chairs: Vivian Wynn (vwynn91@bellsouth.net) or Joan Reeves (jrreeves2@gmail.com).
2. **New advocacy tool:** On behalf of COL's Grassroots subcommittee, consultant Stephanie Vance and her team have analyzed the challenges that often keep potential advocates from getting involved in advocacy efforts. Answers to these challenges are provided in this tool: a 40-page comprehensive document which includes a chapter of resources and advice for addressing the challenges mentioned above. The document makes use of webinars, toolkits, checklists, and articles made available from multiple ALA units and offices: including OLA and PLA. The resources available are extensive, and having them accumulated in one, easy to access place for our advocates is invaluable. This product will be included in the ongoing update of OGR's webpages and thus available for use in advocacy efforts. (<http://advocacyassociates.com/ala-midwinter-2015/>)
3. **Rebuilding:** COL was happy to welcome the newest members of the Washington Office! The Office of Government Relations has undergone many changes in the last six months: Adam Eisgrau is now the Managing Director and will be covering copyright and privacy; Jessica McGilvray has been promoted to Deputy Director and continues to cover government information issues and school libraries; Kevin Maher, our newest lobbyist, is covering both telecommunications and

appropriations; and Lisa Lindle is our new Grassroots Communications Specialist. COL also has experienced a rebuilding, as we welcomed many new members.

4. **Potential upcoming legislation:** COL discussed the following federal legislation that is expected to be forthcoming in the 114th Congress: network neutrality; the Library Services and Technology Act (LSTA); reintroduction of the Fair Access to Science and Technology Research Act (FASTR); an update to the Freedom of Information Act; changes to provisions of the USA Patriot, Foreign Intelligence Surveillance Act Amendments and Electronic Communications Privacy Acts; and reauthorization of the Elementary and Secondary Education Act (ESEA). (<http://www.districtdispatch.org/wp-content/uploads/2015/01/Key-Library-Priorities-and-Stats-114th-Cong-REV-012115.pdf>)

Transparency

COL in the last year has made great strides in increasing the level of transparency in our work. As a committee of Council, my bi-annual reports to Council reflect the major work of COL. In addition, notes from COL's monthly phone calls are promptly posted on ALAConnect with a live link to Washington Office's blog, District Dispatch (www.districtdispatch.org) for further information. As press releases and key issues arise, they will be posted to the Council list when possible.

In addition, the ALA Office of Government Relations (OGR) submits regular reports to Council and the Executive Board. OGR also submits an implementation report to the Executive Director just prior to the Midwinter and Annual conferences. That report details what has been done with the resolutions from the previous conference. Information also is shared through the District Dispatch which is easily searchable in many ways, including by subject matter and legislation.

During COL's monthly phone calls, the OGR staff regularly report on their work with relevant coalitions, regarding developing strategies and messaging. Also covered is the extensive work with staff and elected officials on Capitol Hill, and communication with key staff at other organizations.

We would like to urge all Councilors who have not yet done so to sign up to receive District Dispatch blog posts in order to be fully informed on current legislative issues.

As always, COL would like to thank the staff of OGR for all of their hard work! The work of COL cannot happen without their help.

COL brings one action item to Council:

The first resolution is CD#20.1

Resolution on Preserving Public Access to Scientific and Technical Reports Available Through the National Technical Information Service

Resolved, that the American Library Association (ALA):

1. urges the United States Congress to fund the provision of digital reports held by the National Technical Information Service (NTIS) to federal agencies and the public at no charge through NTIS, as well as the preservation of NTIS' print and microform collections so they will remain available for sale to the public on a cost-recovery basis; and
2. urges the United States Congress to ensure that a national repository is selected, statutorily charged, and funded to preserve and provide public access to these important scientific and technical reports if NTIS-enabling legislation is eliminated.

Subcommittee reports:

Copyright

The Copyright subcommittee was briefed on potentially pending legislative and other federal copyright issues with special emphasis on impending proposals to Congress by the Administration regarding ratifying, and potential changes to copyright law implementing, the 2013 Marrakesh Treaty for the Print Disabled. Other matters discussed at some length included: anticipated "orphan works" legislative proposals by the US Copyright Office, which libraries have not sought and do not support; and intellectual property implications, including patent impacts, on 3D printers and their growing use in libraries. The subcommittee's discussion of 3D printing was greatly assisted by guest presenter Charlie Wapner of the Washington Office's Office for Information Technology Policy (OITP) and lead author of OITP's new Report: "[Progress in the Making: 3D Printing Policy Considerations through the Library Lens](#)". (The full report is available online at: ala.org/oitp) Also discussed during the meeting was a possible program at ALA's 2015 annual meeting on 3D printing and its intellectual property implications for libraries.

E-Government Services

The subcommittee on E-Government Services met once during the ALA Midwinter 2015 conference. The members discussed a series of e-government webinars that will be held in the coming months by ALA and iPAC at the University of Maryland. These webinars will begin by focusing on a more in-depth look at the library programs presented during the subcommittee's program at Annual 2014. (Past webinars can be found at: <http://lib2gov.org/taxonomy/term/158/e-government-your-library-webinar-series>). The

members also discussed updates needed for the E-Government Toolkit and future program and pre-conference ideas.

Federal Library Advocacy Group (FLAG)

During FLAG's inaugural subcommittee meeting, each member gave an update on their progress in what has been described as Phase One of assembling the FLAG advocacy cadre. Priority Congressional committees also were discussed, as were additional next steps as personal acquaintances are exhausted. Members also discussed best practices in how to approach potential cadre members, how to maintain the relationship, and the importance of using this list conservatively, for high priority asks only. The remainder of the meeting was spent discussing how the project dovetails with the Legislative Action Network (LAN) advocacy structure and if there are any ways two initiatives could inform each other.

Government Information

The Government Information subcommittee (GIS) had one meeting at ALA Midwinter 2015, which was held jointly with the Government Documents Round Table's (GODORT) Legislation Committee. During this meeting, participants heard first from the Government Publishing Office (GPO) regarding their new Federal Information Preservation Network. At the conclusion of the presentation and subsequent discussion, the subcommittees turned their attention to the resolution on preserving public access to scientific and technical reports available through the National Technical Information Service. GIS voted to endorse the resolution and return it to COL.

GIS continues to pursue the recommendations presented by COL's Federal Depository Library Program Task Force and will consider specifically a town hall meeting to discuss building a coalition of interested partners within and external to ALA. GIS will also examine competencies in working with government information for possible recommendations of changes to the ALA's Core Competencies of Librarianship.

Grassroots

The Grassroots subcommittee met twice during the Midwinter conference. During the first meeting, consultants Stephanie Vance and Kirstin Holland presented the finalized "Speak Out" compendium of advocacy resources for the subcommittee to review. Discussion on how best to utilize the document spanned both meetings, with the consensus being that the important aspect of this process will be finding the best, most user-friendly way to disseminate the resources and address the barriers to advocacy that the document identifies. This will not only involve building an easy to use website but also the use of social media and putting the information in the hands of state librarians and others who can also distribute it.

The meetings also were visited by Kip Kolkmeier, the ILA Legislative Consultant, and Holly Carroll from the Telecommunications subcommittee. Kip discussed Illinois

Legislative Action Network (LAN), which pairs grassroots advocates with legislators for advocacy purposes and shared his tips on facilitating that process. The subcommittee discussed how to replicate LAN nationwide, and how it could dovetail with the work that FLAG is already doing with grassroots advocates. Holly Carroll stopped by to discuss the changes to the E-rate program and request ideas and assistance from the subcommittee in getting the word out about it to librarians so that they can take advantage of E-rate before the deadline at the end of February.

Legislation Assembly

The Legislation Assembly met once during the 2015 ALA Midwinter Conference. At this meeting, the staff provided a legislative update to the assembly and the assembly received an update from the member units with a representative in attendance. Finally, assembly members were encouraged to submit 2015-16 representatives from their units to the Washington Office.

LSTA

The LSTA Subcommittee met and discussed suggestions that were submitted to it by email. Subcommittee members then talked about their suggestions for changes to LSTA. The group agreed on a timeline and process for coming to an agreement within the library community on the desired changes to LSTA.

Telecommunications

The COL Telecommunications subcommittee met to discuss priority issues, including E-rate and network neutrality. The subcommittee is interested in working to promote E-rate within the library community. Co-Chair Holly Clark Carroll was a presenter at a National Internet Standards Organization webinar which might serve as a presentation at the Annual Meeting in San Francisco. The subcommittee reviewed the Resolution praising Tom Wheeler for his work on E-rate; the subcommittee moved to support the resolution with a point to raise that the resolution might be a tribute. The subcommittee also reviewed the COL and Washington Update meetings from the previous two days.

This resolution was adopted by the ALA Council on Tuesday, February 3, 2015

**Resolution on Preserving Public Access to Scientific and Technical Reports
Available Through the National Technical Information Service**

Whereas some three million scientific and technical reports are held by the National Technical Information Service (NTIS), and such reports are instrumental in promoting research, innovation, and business;

Whereas since 1940, NTIS has been cooperating with federal agencies to collect, preserve, catalog, and provide their reports in paper, microform, and digital formats;

Whereas NTIS has the statutory authority to provide information management services to other federal agencies, including such programs as the Social Security Administration Death Master File used by insurance and annuity companies; the Drug Enforcement Agency Controlled Substances Registrants Data Base, which enables members of the medical community to prescribe and handle controlled substances; and the Federal Science Repository Service, which supports the preservation of and long-term access to the content of participating agencies;

Whereas many federal agencies do not have statutory responsibility or the resources to provide permanent access to these reports and depend upon NTIS to provide them to other government agencies and the public;

Whereas the process of federal agencies entrusting their reports to NTIS ensures permanent access to the public, helps to eliminate duplication of effort, and saves tax dollars;

Whereas some federal agencies that previously published historical reports no longer exist and, accordingly, their reports now are available only through NTIS;

Whereas over two million of these reports are held only in paper or microform formats by NTIS and are not available in digital form from any source;

Whereas H.R. 443, to Streamline the Collection and Distribution of Government Information, has been introduced in the House Committee on Science, Space, and Technology and would repeal the law that authorizes NTIS;

Whereas H.R. 443 makes no provision for the preservation of NTIS reports or their cataloging data, nor provides libraries such as the Library of Congress, the national libraries, and libraries in the Federal Depository Library Program with an opportunity to help determine if any functions of NTIS are critical to the economy of the United States; and

Resolution on Preserving Public Access to Scientific and Technical Reports Available Through the National Technical Information Service/2

Whereas the American Library Association has long supported the provision of all federal government reports and publications, at no charge, to the public through libraries and other services and NTIS now provides free access to digital copies of its holdings; now, therefore be it

Resolved, that the American Library Association (ALA):

1. urges the United States Congress to fund the provision of digital reports held by the National Technical Information Service (NTIS) to federal agencies and the public at no charge through NTIS, as well as the preservation of NTIS' print and microform collections so they will remain available for sale to the public on a cost-recovery basis; and
2. urges the United States Congress to ensure that a national repository is selected, statutorily charged, and funded to preserve and provide public access to these important scientific and technical reports if NTIS-enabling legislation is eliminated.

Adopted by the Council of the American Library Association
Tuesday, February 3, 2015, in Chicago, Illinois



Keith Michael Fiels
Executive Director and Secretary of the ALA Council

We refer you to the *ALA Office of Government Relations Six-Month Report* and that gives you additional background information about ALA's federal legislative activities since Annual 2014.

SIX MONTH REPORT TO COUNCIL January 2015

ALA Office of Government Relations Activities

Workforce Bill Finally Passes

In July, President Barack Obama signed the Workforce Innovation and Opportunity Act, a law that will open access to federal funding support to public libraries for effective job training and job search programs. ALA President Courtney Young applauded the presidential signing of the Workforce Innovation and Opportunity Act in a statement. ALA thanks Senator Jack Reed (D-RI) and Representative Rush Holt (D-NJ) for their efforts to include libraries in the legislation.

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.”

ALA Applauds Unanimous Ruling in Two Civil Liberties Cases

In June, the U.S. Supreme Court unanimously upheld the Fourth Amendment when they ruled in *David Leon Riley v. State of California* and *United States v. Brima Wurie* that officers of the law must obtain warrants before they can search the cellphones of arrestees. The two cases began when police officers searched the cell phones of defendants Riley and Wurie without obtaining a warrant. The searches recovered texts, videos, photos, and telephone numbers that were later used as evidence. Earlier in March, the American Library Association and the Internet Archive filed a “friend of the court” brief in *David Leon Riley v. State of California* and *United States v. Brima Wurie*.

ALA Active on Surveillance and Privacy Issues

ALA continues to work closely and aggressively in tandem with partners in several coalitions to reform the multiple statutes that provide the government with various forms

of surveillance and investigatory authority. In June, ALA joined more than 30 other civil liberties and privacy organizations in writing to key Members of the Senate to support the modification of the USA FREEDOM Act so that it truly ends the “bulk collection” of telephone business records, and builds transparency and additional oversight into court-approved surveillance activities.

ALA supports “CORE Act” to expand access to learning resources and school libraries

In June, ALA applauded the leadership of Senators Jack Reed (D-RI) and Sherrod Brown (OH-D) and Representative Marcia Fudge (OH-D) for introducing the “Core Opportunity Resources for Equity and Excellence (CORE) Act” (S. 2557/H.R. 5001). The legislation aims to address existing disparities in public education by establishing accountability requirements for states and school districts. Emily Sheketoff, executive director of the ALA Washington Office, announced support of the CORE Act and called upon library supporters to contact their legislators to cosponsor the bills with Rep. Fudge and Sens. Reed and Brown.

ALA Sends Letter to Data Advisory Council

ALA sent a letter to the director of the Office of Digital Engagement at the Department of Commerce to encourage the agency to appoint a librarian as part of the new Data Advisory Council. The letter stated: “The roll of a librarian is to organize and deliver information in a usable, timely and accessible way; while aiding the public in utilizing that information as needed. Not only have librarians long handled government data, but they are always seeking new and better ways to fulfill the public’s need of that information. The knowledge that librarians have of both accessing and utilizing data, would be of great benefit to the Department of Commerce.”

ALA applauds second circuit affirmation of fair use

In June, the U.S. Second Circuit Court of Appeals upheld the ruling in *Authors Guild v. HathiTrust*, deciding that providing a full text search database and providing access to works for people with print disabilities is fair use. This decision affirms that libraries can engage in mass digitization to improve the discovery of works and provide full access to those works to students with print disabilities enrolled at the respective HathiTrust institutions. The Library Copyright Alliance (LCA), of which ALA is a member, filed an amicus brief in support of the HathiTrust.

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.

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.

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.

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 113th 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 21st 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 113th 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 28th, 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 113th Congress, but we will continue to monitor the issue in the 114th.

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.