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National Library Legislative Day Priority

Rapidly Vote to Confirm Dr. Carla Hayden as Librarian of Congress

ALA Position: The American Library Association is pleased and proud to urge every Senator to quickly approve Dr. Hayden as the 14th Librarian of Congress . . .

What makes Dr. Hayden qualified to lead the Library of Congress?

- She transformed Baltimore's Enoch Pratt Free Library into a national model of what a 21st century library is and can be: a community hub, business incubator, job center, literacy educator, trusted source of access to the internet and information of all kinds, and more;
- She has specific and long expertise in modernizing library facilities, services, collections and distribution models as evidenced by her present leadership of a \$114 million overhaul of Baltimore's central library and \$40 million investment in modernizing its branch libraries;
- Her skills, particularly in managing technological change, have been recognized and endorsed by many, including: *Fortune* magazine, which just named her one of the "World's 50 Greatest Leaders;" and the President and CEO of the Internet Association (an alliance of many of the nation's most well-known technology companies), who said that "*her past work updating library systems for the digital age are exactly the skills needed to modernize the digital infrastructure at the Library of Congress;*" and, by no means incidentally. . .
- She is a librarian: an expert, by rigorous training and long experience, in making information available to all people in the most timely, useful and creative ways possible.

Haven't all past Librarians of Congress been scholars?

- No. Upon Dr. Hayden's confirmation, ***fully half*** of the Librarians of Congress since 1954 (two of four) will have been credentialed, practicing professional librarians. Also, the nation's longest-serving Librarian of Congress was eminent library administrator Herbert Putnam. Major revision of the Copyright Act was achieved during his 40-year tenure.
- More specifically, while the immediate past Librarian (Billington) was an academic before assuming the post in 1987, he took over from a professor who also had practiced law before becoming Librarian in 1975, even attaining a British barrister's credentials (Boorstin). He was preceded in 1954 by a fully credentialed professional librarian (Mumford).
- Prior to 1954, the previous ten Librarians of Congress have been: a Clerk of the House of Representatives, Congressman, lawyer/novelist, printer, physician, newspaper editor, journalist, library administrator, poet/postmaster/lawyer/journalist, and college professor.

A perfect nominee for Library of Congress

President Barack Obama could not have chosen more wisely when he nominated longtime Enoch Pratt Free Public Library CEO Carla Hayden to head the Library of Congress this week. Ms. Hayden, who has directed Baltimore's sprawling public library system since 1993, is **ideally suited by experience, vision and temperament** to lead the venerable 214-year-old institution in Washington that has been called America's library. She is an innovator who can be counted on to bring the Library of Congress' vast collection of 162 million books, manuscripts, maps and documents into the digital age for the benefit of people across the country and around the world, and we urge the Senate to confirm her nomination without delay.

In announcing his decision, Mr. Obama noted that "Dr. Hayden has **devoted her career to modernizing libraries** so that everyone can participate in today's digital culture. She has the proven experience, dedication, and deep knowledge of our nation's libraries to serve our country well."

Ms. Hayden graduated from Roosevelt University and earned master's and doctoral degrees in library science from the University of Chicago. For a time she **taught library science at the University of Pittsburgh** before beginning her professional career as a **children's librarian at the Chicago Public Library**, where she became deputy director in 1991. After coming to Baltimore to lead the Pratt, she was **named National Librarian of the Year by Library Journal in 1995** and was **twice honored for her outreach efforts** to disadvantaged and minority communities.

Though Ms. Hayden is often described as a model of calm composure, she's not afraid to get feisty in defense of her beliefs. She was **president of the American Library Association in 2003** when she feuded with then-U.S. Attorney General John Ashcroft over a section of the Patriot Act that allowed the FBI to spy on library users' records. When Ms. Hayden criticized the law as an invasion of readers' privacy, Mr. Ashcroft ridiculed her complaint, claiming the ALA had been "misled." Ms. Hayden promptly shot back that the FBI's snooping was comparable to the government surveillance of librarians during the McCarthy era.

If confirmed by the Senate, Ms. Hayden would take on the formidable task of modernizing a Library of Congress that remains sadly behind the times in terms of technology and to extend the reach of its services to new readers. Its collections have not been digitized for the most part, and critics say it hasn't kept pace with basic improvements such as high-speed Internet service and Wi-Fi connections. In Baltimore, Ms. Hayden **increased patrons' access to computers and e-readers and expanded the library's electronic collection**. She's also **leading a \$114 million renovation of the central library** that began last year and another \$40 million in renovations to neighborhood branches.

Perhaps most importantly, Ms. Hayden throughout her career has **recognized the vital role that libraries play in maintaining and strengthening the communities they serve**. That **commitment to community service was vividly on display last year** when she kept the library's doors open during the unrest following the death of Freddie Gray while in police custody as a haven where residents could gather. "It was very evident that people needed, not only information, but a safe place and a trusted place to go," she recalled. "We became a site for people to actually get food, to get supplies. We opened up our meeting room. It became that community meeting place. People were so relieved to have a safe place to be."

Ms. Hayden would become the first woman and the first African-American to lead the Library of Congress, and we have no doubt that she's up to the job. She's **a builder as well as a scholar and superb administrator**.

We can think of no one better qualified to lead America's national library into the 21st century.

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National Library Legislative Day Priority

Support the Library Services and Technology Act (LSTA)

in the Labor, Health and Human Services, Education and Related Agencies Appropriations Bill

ALA Position: The American Library Association asks all Members of Congress to support funding the Library Services and Technology Act at \$186.6 million for FY 2017 to keep libraries contributing at the core of tens of thousands of communities in every state in the nation.

What does this bill mean for libraries and the public?

- The Library Services and Technology (LSTA) Act is the *only* federal funding program for libraries. The majority of this funding goes to each state through the Institute of Museum and Library Services in the form of a population-based matching grant.
- Each state determines how best to use its own LSTA funding. States previously have issued grants to libraries, for example, to: update technology resources and services, create summer reading programs, assist job seekers to build resumes and apply for jobs, and assist veterans and many others to obtain public services.
- Unfortunately, because federal LSTA funding is matched with state funds, if LSTA funding were reduced or eliminated, libraries would lose both sources of revenue.
- Funding LSTA at \$186.6 million for FY 2017 would continue critical existing programs and launch a new national digital platform that will connect patrons to services and online collections enabling new forms of inquiry and exploration at any time of the day.
- With LSTA's help, libraries and highly-skilled librarians will continue to serve a vital role in communities by providing free access to all types of information, job skills training, and computing services. The demand for such services has grown in concert with the need to apply online for many jobs and government services, especially for Americans who don't have adequate or affordable broadband in their homes. Even as the economy shows signs of improvement, millions of patrons continue to turn to their local library for assistance and access to essential information of every kind.
- LSTA also supports: improved access to library services for Native Americans, Alaska Native Villages, and Native Hawaiians; National Leadership Grants to support activities of national significance that enhance the quality of library services nationwide and fund pilot programs for coordination between libraries; and the Laura Bush 21st Century Librarians program, which develops and promotes the next generation of America's indispensable librarians.

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National Library Legislative Day Priority

Maintain “Innovative Approaches to Literacy” Funding for School Libraries

in the Labor, Health and Human Services, Education and Related Agencies Appropriations Bill

ALA Position: The American Library Association asks all Members of Congress to support level funding of \$27 million in FY 2017 for the proven and effective Innovative Approaches to Literacy (IAL) program.

What does this bill mean for libraries and the public?

- Innovative Approaches to Literacy (IAL) provides competitive grant awards to school libraries and national not-for-profit organizations used for providing books and childhood literacy programs to children and families in high-need communities. The program also supports parental engagement in their children’s reading and promotes student literacy from birth through high school.
- IAL was authorized in the Every Student Succeeds Act of 2015 and is the only source of federal funding for school library materials targeting literacy.
- Exposure to books is an essential part of early childhood literacy and greatly increases a child’s odds of success in high school, college and 21st century jobs.
- Research has proven that access to quality literacy resources has a direct and positive relationship to lifelong reading behavior and motivation, and encourages families to read together.

Level funding of \$27 million for IAL in the FY 2017 will permit libraries to continue to serve millions of school children in every state in the country.

- Libraries will continue to be the leading federal vehicle for encouraging young children to read and to provide them with access to critical literacy materials.
- IAL programs across the country provide books for children to take home that often are the only books that child may have in their home. Other successful IAL-funded programs have helped purchase e-readers, expand school library access, and replace outdated library materials.
- The most recent available survey of teachers documented that 82% of elementary school students, 87% of middle school students, and 80% of high school students most often find their independent reading books in school libraries.

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National Library Legislative Day Priority **Support Real Privacy and Surveillance Law Reform Now!**

ALA Position: The American Library Association urges all Members of Congress to:

- 1) Immediately pass in the Senate, *without weakening*, the *Email Privacy Act* (H.R.699) as overwhelmingly approved in the House to finally afford full Fourth Amendment protection to emails, texts, tweets, cloud-stored files and all other modern electronic communications immediately upon their creation;
- 2) Repeal the *Cybersecurity Act of 2015*, the dangerously overbroad “information sharing” legislation appended without public debate to the FY2016 omnibus spending measure, by passing *H.R.4350*;
- 3) Reject any legislation that would compel the designer of any encryption system or technology to engineer a “backdoor” vulnerability into that product for the purpose of facilitating its circumvention or defeat, or to breach its own system or technology; and
- 4) Reform Section 702 of the *Foreign Intelligence Surveillance Act* to preclude the warrantless search of citizens’ phone and internet communications facilitated by the targeting of non-US citizens domestically or abroad, and to regularly disclose the true scope of its use.

Why are libraries on the front lines of the fight for privacy/surveillance law reform?

Librarians have long defended the public’s Fourth Amendment privacy rights against government attempts to obtain patrons’ borrowing (and later internet surfing) records without a warrant. Today, libraries and librarians remain fundamentally committed to restoring the Constitutional privacy rights of library users and the civil liberties of all Americans lost to multiple over-broad and inadequately “checked and balanced” statutes, including the: USA PATRIOT Act, Foreign Intelligence Surveillance Act, and Electronic Communications Privacy Act. ALA is dedicated, in particular, to ending ongoing mass surveillance, which continues despite important reforms made by the USA FREEDOM Act of 2015.

What current privacy- and surveillance-related bills do libraries back and why?

- The *Email Privacy Act* (H.R.699) as amended and overwhelmingly approved in the House would affect real ECPA reform by requiring that authorities first secure a judicially-authorized search warrant to acquire their content, just as the law has long required for personal papers and similar tangible records.
- *H.R.4350* would repeal the Cybersecurity Act of 2015, thus restoring provisions of statutes that it detrimentally amended as if it had not been enacted.

National Library Legislative Day Priority

Support the Marrakesh Treaty, Copyright “Recalibration” for Maximum Information Access, and Copyright Office Modernization within the Library of Congress

ALA Position: The American Library Association urges Members of Congress to . . .

- 1) Support immediate Senate Committee on Foreign Relations approval, and rapid Senate ratification, of the US-backed “Marrakesh Treaty” for the print disabled;
- 2) Cosponsor and pass legislation to limit the potential for copyright to be misused to restrict learning, scholarship, research, journalism and other established non-infringing uses of copyrighted material, or consumers’ use of their own cell phones and other electronic devices, that do not now require (or should not require) prior permission of the copyright owner; and
- 3) Prioritize efforts to modernize the Copyright Office and provide the funds needed to accomplish such long overdue reform, but *OPPOSE* any proposal either to relocate the Copyright Office within the federal government or to redesignate it as an independent agency, including the *Copyright Office for the Digital Economy Act of 2015, H.R. 4241*.

What is the “Marrakesh Treaty” and why is its rapid ratification important?

This 2013 accord will make available to 4 million U.S. blind and other people with print disabilities access to critical educational and other print materials in accessible digitized formats. ALA and many others do not believe that legislation to implement the Treaty is necessary. However, to avoid further delay in adoption of this critical Treaty (which has been more than a decade in the making) we support adoption of the language put forward by the Administration, and related proposed congressional report language, as *written* only. We strongly oppose any changes to the proposed implementing legislation or report language as unneeded and counterproductive.

What current copyright-related bills do libraries back and why?

- *H.R.862*, the bipartisan *You Own Devices Act*, by Reps. Blake Farenthold and Jared Polis, would remove the threat of consumer or business liability for reselling, donating or giving away any legally acquired physical item (everything from toasters to cell phones to tractors) that contain embedded software integral to those items’ use and function.
- *H.R.1883*, the *Breaking Down Barriers to Innovation Act*, by Sen. Ron Wyden and Rep. Jared Polis would rectify serious problems with the rulemaking process administered by the U.S. Copyright Office under the Digital Millennium Copyright Act (DMCA) and correct deficiencies in existing exceptions to that law.
- *H.R.1587*, the *Unlocking Technology Act*, introduced by Reps. Zoe Lofgren, Thomas Massie, Anna Eshoo and Jared Polis, expands and improves on cell phone unlocking legislation signed into law in 2014 by allowing consumers to permanently unlock all their mobile devices and media in ways that do not infringe current copyrights.

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POTENTIAL DIRECT AMERICAN MARRAKESH TREATY BENEFICIARIES*

STATE	POPULATION	STATE	POPULATION
Alabama	143,900	Montana	23,800
Alaska	13,600	Nebraska	33,600
Arizona	157,100	Nevada	81,100
Arkansas	98,100	New Hampshire	22,000
California	790,700	New Jersey	179,100
Colorado	106,600	New Mexico	71,300
Connecticut	65,300	New York	402,800
Delaware	20,800	North Carolina	252,800
District of Columbia	12,600	North Dakota	11,500
Florida	494,900	Ohio	270,900
Georgia	262,400	Oklahoma	124,400
Hawaii	25,600	Oregon	107,300
Idaho	42,700	Pennsylvania	285,300
Illinois	266,500	Rhode Island	23,700
Indiana	165,400	South Carolina	127,600
Iowa	53,100	South Dakota	18,700
Kansas	54,200	Tennessee	203,900
Kentucky	138,700	Texas	634,600
Louisiana	147,800	Utah	45,600
Maine	27,200	Vermont	13,800
Maryland	111,900	Virginia	155,100
Massachusetts	136,500	Washington	147,500
Michigan	229,400	West Virginia	72,200
Minnesota	83,500	Wisconsin	106,600
Mississippi	107,700	Wyoming	12,600
Missouri	143,900	Puerto Rico	206,400

*/ The number of non-institutionalized, male or female, all ages, all races, regardless of ethnicity, with all education levels in the United States reported to have a visual disability in 2013 according to the National Federation of the Blind: Blindness Statistics (<https://nfb.org/blindness-statistics>).

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National Library Legislative Day Priority

Support Freedom of Information Act Reform Conference H.R.653 and S.337

ALA Position: The American Library Association congratulates all Members of Congress for overwhelmingly passing bills in each chamber (*H.R.653/S.337*) to accomplish meaningful Freedom of Information Act (FOIA) reform. ALA now calls on the leadership of the House and Senate to promptly negotiate, bring before the House and Senate, and send to the President this year a “Conference Report” merging the best of both bills that affords the public the soonest, broadest and most easily obtained access to government information of all kinds.

What do these bills mean for libraries and the public?

- Public access to information by and about the government is a basic tenet of democratic society and has long been a core principle of librarianship;
- These bills move us one step closer to ensuring that all non-classified government information is available to members of the public in accessible formats.

As passed, H.R.653 and S.337 would:

- Codify a “presumption of openness,” requiring that records be released unless there is a foreseeable harm from release or legal requirement to withhold them;
- Improve public access to released records;
- Better define and guide the use of agency-assessed fees for documents; and
- Strengthen the Office of Government Information Services (OGIS).

Background:

- *H.R.653, the FOIA Oversight and Implementation Act of 2015*, passed the House on 01/11/2016.
- *S.337, the FOIA Improvement Act of 2015*, passed the Senate on 03/15/2016.

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National Library Legislative Day Priority **Support Public Access to Taxpayer-Funded Research**

ALA Position: The American Library Association encourages Members of Congress to demonstrate their support of broad public access to taxpayer funded research by:

- 1) Passing the Fair Access to Science and Technology Research Act of 2015 (FASTR); and
- 2) Passing the Equal Access to Congressional Research Service Reports Act of 2016

What do these bills mean for libraries and the public?

- FASTR will assure that the tax-paying public—including students, teachers, journalists, scientists, entrepreneurs and established businesses alike—will have prompt access to publicly funded research *without paying for it twice*.
- CRS reports play a vital role in informing Congressional debate and lawmaking. This legislation will provide the public with both a window into the legislative process and substantive information critical to its involvement in that process.

If passed, FASTR (S.779 / H.R.1477) would:

- Require federal departments and agencies with an annual extramural research budget of \$100 million or more to develop a policy requiring researchers to submit an electronic copy of the final manuscript of any article of theirs accepted for publication in a peer-reviewed journal. The bill would also require that each such taxpayer-funded manuscript be made available to the public, online and without cost, no later than twelve months after the article has been published in a peer-reviewed journal.

If passed, the Equal Access to CRS Reports Act of 2016 (S.2639 / H.R.4702) would:

- Direct the U.S. Government Publishing Office (GPO) to establish and maintain a public website that provides access to Congressional Research Service (CRS) reports that are searchable, sortable, and downloadable without charge. It would *not* compel the release of any private Congressional correspondence or confidential Member inquiry.

Background:

- *S.779*, the *Fair Access to Science and Technology Research Act of 2015*, was reported out of Committee on Homeland Security and Governmental Affairs on 03/08/2016. *H.R. 1477* is the identical House version of the bill.
- *S.2639* and *H.R.4702*, the *Equal Access to CRS Reports Act of 2016*, are identical Senate and House bills that were introduced on 03/03/2016.

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National Library Legislative Day Priority

Support *Lifeline*, Affordable Broadband and Strong “Net Neutrality” Protection

ALA Position: The American Library Association is dedicated to maximizing freedom of speech, educational achievement, and our nation's economic growth. We thus are committed to: preserving an open internet and the FCC's “net neutrality” rules, modernizing the Lifeline program, and ensuring that all libraries have access to affordable high-capacity broadband communications services.

ALA urges Members of the 114th Congress to:

- Support modernization of the FCC's 1980s-era *Lifeline* program to fund broadband adoption critical to closing the “homework gap” for children in an estimated 5 million US households that lack the home broadband needed to meet their 21st century learning needs, including 24/7 access to library digital services ranging from specialized research resources to interactive online tutoring;
- Endorse efforts in Congress and at the FCC to increase the amount of unlicensed spectrum available to support public WiFi access and critical modern library technology services in every library in America;
- Reduce barriers to broadband infrastructure investment, deployment, competition and innovation, and foster more competition in the provision of high-capacity broadband internet services; and
- Assure that any “network neutrality” legislation: prohibits internet service providers from blocking, degrading or requiring payment for the “prioritization” of any content delivered through their facilities; applies the same rules to fixed and mobile broadband providers; and requires public disclosure of network management practices and performance.

ALA supports legislation that creates new opportunities for underserved and rural communities to access the internet, as well as efforts to ensure that sufficient and appropriate spectrum continues to be available for public use:

- *S.424, the Wi-Fi Innovation Act* requires the FCC to provide additional unlicensed spectrum under technical rules suitable for the widespread commercial development of unlicensed operations; and
- *S.240, the Community Broadband Act of 2015*, bars states or local governments from prohibiting or inhibiting states, local government agencies, entities affiliated with state or local agencies, or Indian tribes from providing telecommunications services or advanced telecommunications capabilities to any person or any public or private entity.