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National Library Legislative Day Priority

Provide Dedicated Funding for Effective School Library Programs in the Elementary and Secondary Education Act (ESEA)

ALA Position: The American Library Association urges Congress to maximize K-12 students' academic achievement by providing dedicated funding in ESEA for "effective school library programs."

Why should effective school library programs be explicitly included in ESEA?

- Research shows that effective school library programs foster higher student achievement.
- Effective school library programs create sophisticated 21st century learning environments that equip students with the skills they need to succeed in college and at work.
- School librarians are experts in their schools' curricula, interdisciplinary education methods, and digital literacy instruction.
- Without direct funding, school libraries and librarians will continue to be counterproductively eliminated from school budgets by financially stressed school systems.

What action is needed to make effective school library programs part of ESEA?

- When the *Every Child Achieves Act of 2015*, reaches the Senate floor (having been approved 22-0 by the Committee on Health, Education, Labor and Pensions (HELP)):
 - Adopt the "dedicated library funding" amendment to be offered by Sen. Jack Reed to incorporate key parts of his SKILLS Act into Title II of ESEA; and
 - Retain the HELP Committee's Title V "Literacy and Arts Education" program to underwrite the purchase of books and other educational materials, and further librarians' professional development, in low-income schools.
- Bring H.R. 5, the *Student Success Act of 2015*, to the House floor immediately and incorporate the substance of Sen. Reed's SKILLS Act amendment in the Senate.

National Library Legislative Day

Supplemental Background: School Libraries

ALA Position: The American Library Association urges Congress to maximize K-12 students' academic achievement by providing dedicated funding in, the *Every Child Achieves Act of 2015*, for "effective school library programs."

An effective school library program:

- Is staffed by a state-certified school librarian;
- Has up-to-date books, materials, equipment and technology;
- Includes regular collaboration between classroom teachers and school librarians to assist with the development and implementation of the curriculum; and
- Supports the development of digital literacy skills.

Why should effective school library programs be explicitly included in the *Every Child Achieves Act*?

- An effective 21st century school library program provides students with books selected to hone readers' developing skills and to instill a love of reading. While reading and books are a mainstay of an effective school library program, today's effective school library programs are also sophisticated learning environments that provide the broader education and skills necessary to succeed in college and at work.
- School librarians are expert in their schools' curricula, interdisciplinary education methods, and in teaching information and digital literacy. State-certified school librarians coordinate closely with teachers in all academic departments and school administrators to help integrate and enhance student lessons, evaluate their effectiveness and improve school-wide data-based assessment systems.
- Not surprisingly, research repeatedly shows that an effective school library program is an integral component of a student's successful education. Across the United States, studies have demonstrated that students in schools with effective library programs learn more, get better grades, and score higher on assessments than their peers in schools without such resources.
- Because "No Child Left Behind" failed to highlight the direct correlation between an effective school library program and increased student academic achievement, library resource budgets now are being eliminated or slashed to mitigate the effects of budgetary shortfalls. In fact, school libraries are some of the most underfunded classrooms in America and fully *40 percent* of school libraries, serving hundreds of thousands of children, do not have full-time, state-certified school librarians on staff.

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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 \$25 million in FY2016 for the proven and effective Innovative Approaches to Literacy program.

What does this bill mean for libraries and the public?

- Innovative Approaches to Literacy (IAL) grants fund literacy programs in schools nationwide. Fully half of the funding is targeted to libraries in underserved schools via the Improving Literacy through School Libraries program.
- Exposure to books is an essential part of early childhood literacy and greatly increases a child’s likelihood of success in high school, college and in 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.
- IAL is the only source of federal funding for school library materials targeting literacy.

Level FY2016 funding for IAL in the Labor, Health and Human Services Appropriations bill will permit libraries to continue serving 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.
- Successful IAL programs across the country have provided books for children to take home—often the only books a child may have in their home. Other successful programs have helped purchase e-readers, expand school library access, and replace outdated library material.
- 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 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 FY2016. Including \$186.6 million in LSTA funding in the FY2016 “Labor, HHS” Appropriations bill will 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 develop services for community engagement.
- 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 FY2016 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

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

ALA Position: The American Library Association encourages all Members of Congress to demonstrate their support for Freedom of Information Act (FOIA) reform by cosponsoring and passing H.R. 653 and S. 337.

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 an accessible format.

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

- Codify the presumption of openness, requiring that records be released unless there is a foreseeable harm or legal requirement to withhold them;
- Improve public access to released records;
- Clarify and reform 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*, was introduced by Rep. Darrell Issa (R-CA) and cosponsored by Reps. Elijah Cummings (D-MD) and Mike Quigley (D-IL);
- S. 337, the *FOIA Improvement Act of 2015*, was introduced by Sen. John Cornyn (R-TX) and was cosponsored by Sens. Charles Grassley (R-IA) and Patrick Leahy (D-VT), the Chair and Ranking Member, respectively, of the Senate Judiciary Committee to which the bill was referred.

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National Library Legislative Day Priority

Support Public Access to Taxpayer-Funded Research Cosponsor and Pass S. 779 and H.R. 1477: The Fair Access to Science and Technology Research Act of 2015 (FASTR)

ALA Position: The American Library Association encourages Members of Congress to demonstrate their support of open access to taxpayer funded research by cosponsoring and pushing for passage of the Fair Access to Science and Technology Research Act of 2015 (FASTR).

What does this bill mean for libraries and the public?

- Each year, U.S. taxpayers invest hundreds of millions of dollars in publicly-funded research and have a right to expect access to the resulting published data, analyses and articles;
- FASTR will assure that the tax-paying public—including students, teachers, journalists, scientists, entrepreneurs and established businesses alike—will have prompt access to this critical information *without paying for it twice*.

If passed, the *Fair Access to Science and Technology Research Act* would:

- Extend the National Institutes of Health Public Access policy to 11 additional federal agencies and departments, thus requiring those with an annual extramural research budget of \$100 million or more ultimately to mandate that all funded researchers provide the agency with an electronic copy of the final manuscript of any paper accepted for publication in a peer-reviewed journal;
- Ensure that all submitted manuscripts are preserved in a stable digital repository maintained by the funding agency or in another suitable repository that permits free public access, interoperability, and long-term preservation;
- Require that each taxpayer-funded manuscript be made available to the public, online and without cost, no later than six months after the article has been published in a peer-reviewed journal.

Background: S. 779, the *Fair Access to Science and Technology Research Act* of 2015, was introduced in the U.S. Senate by Sens. John Cornyn (R-TX) and Ron Wyden (D-OR). Reps. Mike Doyle (D-PA), Kevin Yoder (R-KS) and Zoe Lofgren (D-CA) introduced H.R. 1477 (the identical House version of the bill).

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National Library Legislative Day Priority

Support Strong “Net Neutrality” Protection

ALA Position: The American Library Association is fundamentally committed to the equitable free flow of information on the internet. ALA supports laws and regulations, like the Federal Communications Commission’s (FCC) 2015 Open Internet Order, that preclude internet service providers from manipulating, blocking, or charging additional fees for online information. ALA urges all Members of Congress to oppose any resolution or bill that would undermine full “network neutrality” or weaken the ability of the FCC to foster, protect and preserve a truly open internet.

What does the FCC’s new Open Internet Order mean for libraries and the public?

- Preserving an open internet is essential to our nation's freedom of speech, educational achievement, and economic growth. The FCC’s recent vote in favor of strong, enforceable net neutrality rules is a win for libraries and their millions of patrons.
- Libraries are at the forefront of providing a wide variety of digital information to patrons. Many millions of Americans lack adequate internet connectivity and, for the vast majority of these individuals, the local library’s network is the *only* internet connection available through which they may apply for jobs, file government forms, attain a GED or other certification, or build digital literacy skills.
- The FCC’s Open Internet Order ensures that internet service providers (ISPs) cannot restrict, slow or otherwise manipulate internet access for their own purposes, or discriminate in favor of or against any type of online application, service or provider.
- The network neutrality assured by the FCC’s Order is critical to libraries’ success in meeting our mission to provide equal and unfettered access to online information and services for all patrons in every one of America’s communities.

If the FCC’s Open Internet Order is repealed or weakened, access to online information for millions of Americans would be seriously threatened:

- ISPs could speed up, slow down or block internet-based content based on their own financial interest and benefit.
- The FCC would have limited authority to develop clear guidelines to preserve an open internet, and the Commission’s ability to promote broadband competition and internet choice could be curtailed.
- The library community opposes any legislation that would allow ISPs to engage in paid prioritization or limit the FCC’s ability to enforce its open internet principles.

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) Pass without weakening the *USA FREEDOM Act of 2015*, and any amendments to it that will strengthen personal privacy, government transparency, and judicial authorization and oversight of government surveillance activities;
- 2) Cosponsor and press for a vote on bipartisan bills pending in both chambers to update the *Electronic Communications Privacy Act (ECPA)* to mandate that authorities obtain a probable cause-based, judicially-issued search warrant to access the content of all forms of personal electronic communications -- no matter when, how or where they are created or stored; and
- 3) Oppose any “cybersecurity/information sharing” legislation that: effectively creates new, or expands existing, government surveillance authority; allows the overbroad use of anti-hacker “countermeasures” capable of interfering with or damaging library, government and other public non-commercial digital networks; or makes any non-civilian agency a clearinghouse for initial threat-related information.

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

Section 215 of the USA PATRIOT Act became, and remains, known as the “library provision” of that law because of intense and ongoing librarian opposition to the sweeping power it grants the government to compel libraries, without a probable cause-based search warrant, to divulge personal patron reading and internet usage records, and because the “gag orders” associated with Section 215 and “National Security Letters” (NSLs) impede judicial and public oversight of such activity. Libraries and librarians also have long defended privacy as a human right and a foundation of the freedoms of inquiry, thought, speech and dissent at the core of our democracy. We will continue to work for changes to other privacy-eroding parts of the USA PATRIOT Act, and many other relevant statutes and Executive Orders, after the important but modest reforms made by the USA FREEDOM Act of 2015 become law.

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

- The *USA FREEDOM Act of 2015*: bans the “bulk collection” of Americans’ personal communications records, under PEN register statutes and pursuant to NSLs; brings “gag order” provisions of the USA PATRIOT Act into compliance with the First Amendment; and makes important “first step” reforms to privacy-hostile provisions, including Section 702, of the FISA Amendments Act.
- The *ECPA Amendments Act (S. 356)* and *Email Privacy Act (H.R. 699)* would effect real ECPA reform by imposing a “warrant for content” requirement in order for authorities to compel access to the emails, documents, photos, texts, and other files that comprise Americans’ “digital lives” from the moment that all such records are created, and indefinitely thereafter. Recently introduced in the Senate, H.R. 699 already has been cosponsored by a bipartisan super-majority of all Members of the House (as it was in the 113th Congress).

National Library Legislative Day Priority

Support Copyright “Recalibration” to Assure Maximum Non-Infringing Information Access

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

- 1) Support immediate Senate ratification of the US-backed “Marrakesh Treaty;” and
- 2) Cosponsor and pass pending and future 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.

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. Signed by the U.S. only after assuring that it would require no changes in U.S. copyright law, the Marrakesh Treaty *requires* no implementing legislation and should not be delayed by proposals for potentially desirable but unnecessary changes in the law.

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.
- 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 last year by allowing consumers to permanently unlock all their mobile devices and media in ways that do not infringe current copyrights.