**2016-2017 ALA CD#20.1\_62717\_INF**

**2017 ALA Annual Meeting**

**ALA Committee on Legislation**

**Report to Council**

**2017 Annual Meeting – Chicago, IL**

**Ann Ewbank**

**Chair, ALA Committee on Legislation**

**June 26, 2017**

**Committee on Legislation highlights:**

1. **Library Funding Campaign**. The Office of Government Relations, in coordination with COL, has led an all-encompassing campaign to defend Federal library funding in the face of a proposal by the President to eliminate the Institute of Museum and Library Services and essentially all library funding. OGR organized ALA Divisions, Chapters and members in a massive grassroots, and grasstops campaign which succeeded in securing substantial increases this year in the number of Representatives and Senators signing “Dear Appropriator” letters supporting LSTA and IAL. To that end, and to further fight the President’s proposed cuts, the Washington office also created the *Fight for Libraries!* Campaign and built its online portal.
2. **Corporate Campaign for Funding**. OGR also was instrumental in organizing the Corporate Committee for Library Investment (www.fundlibraries.com), which launched on May 17 with the release of a letter to all Senators from 25 founding corporate members and has now grown to more than 100. “CCLI” was co-conceived by OGR and Gale/Cengage.
3. **Other Issues.** Although efforts to preserve IMLS and federal funding for libraries have been at the forefront of OGR’s and COL’s efforts in recent months, other ALA priority issues in many other spheres of interest to the library community also have been extremely active and are being addressed by OGR in collaboration with their Washington Office colleagues in the Office for Information Technology Policy (OITP). These issues and efforts include:

* 1. Work to protect net neutrality at the FCC and to prepare for possible Congressional action to reverse the FCC 2015 Open Internet Order;
  2. Privacy and surveillance matters, particularly efforts to reform Section 702 of the Foreign Intelligence Surveillance Act to afford the public greater privacy protection, and ongoing efforts to reform the 30-year-old Electronic Communications Privacy Act;
  3. Pending bills to ensure access to government information online and make permanently available to the public at no charge reports prepared for Members of Congress by the Congressional Research Service (CRS) as a matter of law; and
  4. A broad range of Copyright issues, including proposals to relocate Copyright Office out of Library of Congress; to reform key provisions of Digital Millennium Copyright Act, and, legislation to remove authority of Librarian of Congress to appoint Register of Copyrights.

The ALA Washington office urges ALA members to sign up for District Dispatch, the Washington Office’s blog, and for action alerts to ensure that they are versed in ALA priority issues and to advance them when grassroots action is timely and needed.

**Subcommittee reports:**

**Copyright**

The Copyright Subcommittee of the Committee on Legislation held one, hour-long meeting during this Conference on Saturday, June 24 at 4:30pm. Subcommittee staff, Adam Eisgrau of the ALA Office of Government Relations, was unable to attend but provided the Committee in advance with a detailed written briefing and updates on the status of pending legislation, Copyright Office and other administra­tive proceedings and select judicial developments in copyright of note.

That being the case, after a brief discussion of the Copyright Office's Report on Section 1201 of the Digital Millennium Copyright Act just released on June 22, the meeting was devoted to an initial discussion (to be continued virtually after Annual) of desirable elements of an "action plan" for the Subcommittee for the coming year and how to more actively and frequently engage with the work of the Washington Office on copyright matters. Suggestions included: active periodic contributions by Subcommittee members to *District Dispatch*, the Washington Office blog; real-time review, as permitted by often urgent deadlines, of copyright related materials and public statements; preparation of an infographic for National Library Legislative Day in 2018; more potential direct engagement with ALA copyright coalition partners and their constituent organizations; the development of best practices materials in consultation with other Grassroots and other germane COL Subcommittees; and the creation of tools to better foster effective advocacy by ALA membership and other supporters on federal copyright legislation and policy.

**Government Information**

During Annual 2017, the Government Information Subcommittee met jointly with the Government Documents Round Table’s Legislation Committee. David Walls, preservation librarian at the Government Publishing Office (GPO), provided an update on preservation and access activities. The members discussed the Depository Library Council’s upcoming process to solicit feedback from stakeholders on modernizing Title 44 of the U.S. Code, which governs public printing and documents. In addition, the members discussed the President’s budget proposal and its impacts on federal libraries, and requested that the Office of Government Relations convey to Congress ALA’s support for continued funding for the U.S. Geological Survey libraries.

**Grassroots**

During the Grassroots Subcommittee meeting, a presentation about "E's of Libraries" messaging effort was made by Marc Gartler and attorney and OITP advisor Alan Fishel. The Subcommittee discussed the part the “E's” might play in Libraries Transform and, in particular, how it might be helpful for libraries doing advocacy work in their own states and counties. The Subcommittee’s members also discussed the details of their upcoming advocacy webinar. The decision was made to host the webinar in late August or early September to allow time for additional calls and planning. The webinar will provide an introduction for National Library Legislative Day, discuss best practices, and wrap up with a discussion of how to take advocacy back home. Also, the FLAG working group came together to discuss the process by which advocates are recruited, contacted, and for follow-up. The working group also worked to identify new ways to activate librarians to assist with the search for grasstops advocates.

**Legislation Assembly**

Legislation Assembly (LA) opted to cancel their Monday meeting in order to allow members time to attend other sessions. Ann gave the report in Chair Chris Corrigan's absence on Monday morning. The Assembly discussed two active resolutions concerning climate change and libraries as responsible spaces, as well as NIH/NLM funding. No other legislative activity was identified by the membership.

**Telecommunications**

The COL Telecommunications Committee held its meeting on Saturday, June 24. The Subcommittee discussed a range of telecom and appropriations issues, net neutrality, E-rate, and broadband access. Several Subcommittee members also discussed local and state broadband and privacy issues. The Subcommittee is eager to become more engaged in the net neutrality fight and encouraged ALA to continue to urge all Chapter members to file comments with the FCC by the mid-July deadline. The Subcommittee’s Chair will investigate the use of the Chapters listserv and will provide comment templates. The Subcommittee also was interested to participating in the July 12 Day of Action on net neutrality and discussed related outreach to small business associations.

**Final Notes:**

As always, as I conclude in this – my final Report to Council – I would like to thank the staff of OGR not merely for their usual tremendously hard work, but for their truly extraordinary efforts in connection with the Fight for Libraries! Campa.ign – and its landmark results achieved to date – even as their and all of our efforts must continue. The work of COL, indeed ALA, cannot succeed without their dedication and skill.

We refer you to following report that gives you additional information about ALA’s federal legislative activities since Midwinter 2017.

**SIX MONTH REPORT TO COUNCIL**

**June 2017**

**Advocacy**

* **National Library Legislative Day**: Held May 1-2 in Washington. Highlights include:
  + Primary “Asks” of Congress for FY 2018: IAL/LSTA funding, reauthorization;
  + Attendance of 550 limited by room capacity, highest in past decade or more;
  + More than 1,000 people also registered for Virtual Library Legislative Day;
  + Full morning of issue briefings again live streamed with support from Google;
  + Hundreds of attendee meetings with House/Senate Offices from all 50 states;
  + Dozens of additional meetings for ALA, Division leaders set and staffed by OGR.
* **Fight for Libraries Campaign**:
  + President first proposes [elimination of federal library funding](http://www.districtdispatch.org/2017/03/presidents-budget-proposal-eliminate-federal-library-funding/) and IMLS;
  + Six conference calls to brief membership and ALA, Division and chapter leaders on [Fight for Libraries!](http://www.ala.org/advocacy/advleg/federallegislation/fight-for-libraries) campaign organized, scripted by OGR for Pres. Todaro;
  + State-by-State FFL issuebriefs re: LSTA benefits prepared by OGR Info Manager;
  + Extensive “Top Ten” [District Dispatch brief](http://www.districtdispatch.org/2017/03/top-10-things-know-saving-imls/) on library funding produced by OGR;
  + Central web portal for appropriations advocacy campaign suggested by Presi­dent Todaro on March 20 during all-Divisions conference call organized by OGR;

* + [Fight for Libraries!](http://www.ala.org/advocacy/advleg/federallegislation/fight-for-libraries) website designed, written and launched by March 22;
  + House [champions release](http://www.districtdispatch.org/2017/03/house-library-champions-release-fy18-dear-appropriator-letters/) FY18 “Dear Appropriator” letters on March 22;
  + OGR co-crafts [public statements](http://www.districtdispatch.org/2017/05/ala-president-responds-2018-budget-proposal/) for Pres. Todaro on release of Admin budgets;
  + OGR builds and maintains web-based signer tracking tools for House and Senate;
  + Web content modified throughout 8-week campaign for DA letter signatures;
  + ALA Legislative Action Center content often update by OGR to enable campaign;
  + Multiple customized [Twitter](https://pbs.twimg.com/media/DAhFIpSW0AAnYpC.jpg) and [other](http://www.districtdispatch.org/2017/05/senate-dear-appropriator-campaign/) graphics produced by OGR;
  + Senate “Dear Appropriator” [effort begins](http://www.districtdispatch.org/2017/04/fight-library-funding-u-s-senate/) with release of letters on April 26;
  + Full COSLA membership briefed at May 3 Spring Meeting and actively engaged by OGR in direct advocacy via elected President, Legislative Chairs and Director;
  + Senate signing period closes after multiple extensions at 5pm on May 25;
  + ***Results***:
    - 42,000 emails to Congress via Legislative Action Center (23,000 of them after Fight for Libraries! portal launch);
    - House “Dear Appropriator” letters [signed by record](http://www.districtdispatch.org/2017/04/advocacy-home-run-ignites-library-funding-rally/) 144 Members for LSTA and 146 for IAL: increases of 64% and 18%, respectively;
    - [Senate “Dear Appropriator” letters](http://www.districtdispatch.org/2017/05/senate-dear-appropriator-campaign/) signed by record 45 Members for LSTA and 37 for IAL: increases of just under 33% and 20%, respectively.
* [**Corporate Committee for Library Investment**](https://www.fundlibraries.com/members/)**:**
  + Advocacy group for library funding co-conceived by ALA and Gale/Cengage;
  + Exploratory conference call convened on March 16, follow-on meeting April 14;
  + Core group of six companies invited to OGR breakfast at NLLD on May 1 agree to form alliance and to recruit other companies;
  + [Letter by 10 companies](http://www.districtdispatch.org/2017/05/corporate-champions-urge-senators-support-fy18-library-funding/) requesting LSTA/IAL Dear Appropriator letter signature delivered electronically by OGR to all Senators on May 10;
  + Group name selected, logo design completed and website soft-launched May 12;
  + CCLI publicly launched with [national press release](https://static1.squarespace.com/static/59161ca4ebbd1af43074b140/t/592825c7be659445b1d53f91/1495803358357/CCLI+-+May+17+Press+Release), redelivery of all-Senators letter with 25 signers, including two national trade associations, May 17;
  + Covered in [Publishers Weekly](https://www.publishersweekly.com/pw/by-topic/industry-news/libraries/article/73627-major-companies-expand-effort-to-support-federal-library-funding.html), multiple [other media](https://www.fundlibraries.com/ccli-in-the-news/) outlets;
  + Membership reaches 80+ companies through web sign-on form by May 19;
  + [Current membership](https://www.fundlibraries.com/members/) at nearly 100 companies including [Computer & Communi­ca­tions Industry Association](http://www.ccianet.org/about/members/) ([members](http://www.ccianet.org/about/members/) include Google, Amazon, Intuit, Uber);
  + CCLI core members to sponsor recruiting reception at ALA Annual in Chicago

**FY 2017 Appropriations**

* President signs $1.1 trillion “omnibus” Consolidated Appropriations Act of 2017 ([H.R. 244](https://www.congress.gov/bill/115th-congress/house-bill/244?q=%7B%22search%22%3A%5B%22H.R.+244%22%5D%7D&r=1))“ to fund the government through September 2017;
* Bill contains $1 million more for the Institute of Museum and Library Services (IMLS) than originally anticipated for FY 2017, $628,000 of which will be split between the Grants to States program and National Leadership Grants;
* Additional funds due to support and insistence of full Appropriations Committee’s and relevant Subcommittee’s chairs: Sens. Cochran (R-MS) and Blunt (R-MO).

**FY 2018 Appropriations**

* Key Subcommittee in both chambers for library funding is “Labor, Health, Human Services, Education, and Related Agencies.”
* Next steps in FY 2018 appropriations process include:
  + Submission of individual House Members’ funding priorities to Committee;
  + Receipt by all Subcommittees of total amount they may each allocate;
  + Work by Subcommittees to set specific departmental and program funding levels (including possible hearings and Subcommittee “markups”);
  + Full Committee consideration of up to 12 Subcommittee-passed funding bills;
  + Consideration by full House and Senate of such individual funding bill ***OR***, as in FY 2017 and many recent years, passage of one or more “Continuing Resolutions” and/or an “omnibus spending” package potentially funding the government at FY 2107 levels or implementing across-the-board or specific cuts.
* Campaign to reauthorize LSTA through Museum and Library Services Act forthcoming.

**Telecom Government Information/Access**

* **Net Neutrality**: FCC Chairman Ajit Pai announces intention on April 26 to dismantle Open Internet Order strongly [supported by ALA](http://www.ala.org/news/press-releases/2016/06/ala-applauds-decision-upholding-net-neutrality-protections), as recently [reconfirmed](http://www.ala.org/news/press-releases/2017/03/ala-and-acrl-join-higher-education-library-groups-urge-fcc-and-congress) to Congress and the FCC; Order adopted by the FCC in 2015 establishes rules for internet service providers protecting “net neutrality”); FCC issues associated [Notice of Proposed Rulemaking](http://transition.fcc.gov/Daily_Releases/Daily_Business/2017/db0523/FCC-17-60A1.pdf) at May 18 Meeting to undo Order; Initial Comments due July 17, Reply Comments August 16.
* **E-rate**: Comments filed with FCC supporting [2014 E-Rate Modernization Order](http://www.ala.org/news/press-releases/2014/07/ala-welcomes-forward-movement-e-rate-modernization) currently under scrutiny from FCC, Congress.
* **Broadband**: OGR/OITP developing joint strategy to promote inclusion of library facilities and broadband speed and dramatic availability/speed enhancement in any Infrastructure-related legislation/funding ultimately considered by Congress.
* **Consultant**/counsel Alan Hill, expert with 20+ years’ experience in Congress and private sector, engaged to work on all issues above.

**Copyright**

* **Legislation**: Bills pending --
  + to strip the current Librarian of Congress of the authority to appoint the next Register of Copyrights in favor of giving that power to the President ([H.R.1695](https://www.congress.gov/bill/115th-congress/house-bill/1695?q=%7B%22search%22%3A%5B%22hr+1695%22%5D%7D&r=1)) [passed overwhelmingly](http://clerk.house.gov/evs/2017/roll227.xml) in House on April 26, 2017 and since introduced as identical [S. 1010](https://www.congress.gov/bill/115th-congress/senate-bill/1010/related-bills) in Senate; Path in Senate substantially slower given referral to Rules Committee, which also will consider removing Copyright Office from Library of Congress; No action presently scheduled; ALA [joined with LCA](http://www.librarycopyrightalliance.org/storage/documents/House-Register-Appointment-Statement.pdf) in commenting on the legislation and issued its own strong [statement in opposition](http://www.ala.org/news/press-releases/2017/04/ala-urges-senate-reject-bill-make-register-copyrights-presidential-appointee) to the bill by President-Elect Neal; and
  + [You Own Devices Act](https://www.congress.gov/bill/114th-congress/house-bill/862?q=H.R.+%20862) (see [District Dispatch](http://www.districtdispatch.org/2017/02/buy-yodas-back/)).
* **Briefs**: ALA has joined in four judicial briefs since last report addressing --
  + [copyrightability of annotations](http://www.librarycopyrightalliance.org/storage/documents/brief-pubres-ga-ca11.pdf) to a state’s legal code;
  + insulation from copyright liability under the [“safe harbor” clause](http://www.librarycopyrightalliance.org/storage/documents/Mavrix-v-Livejournal-Brief.pdf) of the DMCA;
  + fair use’s [relationship](http://www.librarycopyrightalliance.org/storage/documents/ReDigiFairUse_2017feb14-rs.pdf) to First Sale Doctrine;
  + fair use and the [e-reserves practices](http://www.librarycopyrightalliance.org/storage/documents/16-15726_GSU-ALA_and_Research_Libraries_amicus_final.pdf) of Georgia State University.
* **Testimony**: Also as part of LCA, submitted –
  + written [testimony emphasizing the importance of funding Copyright Office modernization](http://www.librarycopyrightalliance.org/storage/documents/Loc_FY18final.pdf) to the Legislative Branch Subcommittee of the Senate Appropriations Committee;
  + comments to the Copyright Office in inquiry on [Moral Rights of Attribution and Integrity](http://www.librarycopyrightalliance.org/storage/documents/Moral-Rights-LCA-Statement.pdf).
* **Copyright Office Proceedings**: Per prior report, ALA participating in/monitoring:
  + [Section 1201 Study](https://www.copyright.gov/policy/1201/) – Anticircumvention/Triennial Rulemaking;
  + [Section 512 Study](https://www.copyright.gov/policy/section512/) – Notice and Takedown Regime; and
  + [Section 108 Inquiry](https://www.copyright.gov/policy/section108/) - Library Copying
* **Marrakesh**: OGR and LCA continue to look for opportunities to accelerate consideration of the Marrakesh Treaty and associated implementing legislation by the Senate Judiciary and Foreign Relations Committees. No action in current Congress to date and none forecast.

**Government Information/Access**

* The [OPEN Government Data Act](https://www.congress.gov/bill/115th-congress/senate-bill/760/text?q=%7B%22search%22%3A%5B%22government+data%22%5D%7D&r=1) introduced in late March in both chambers of Congress as [S.760](https://www.congress.gov/bill/115th-congress/senate-bill/760/related-bills?q=%7B%22search%22%3A%5B%22government+data%22%5D%7D&r=1) and [H.R. 1770](https://www.congress.gov/bill/115th-congress/house-bill/1770/related-bills); bill would codify the prior Administration’s Order creating pre­sump­tion of openess for all federally created documents and in other ways; ALA endorsed the bill, which passed relevant Senate Committee on May 19 and is thus ripe for action by the full Senate; timing unsure.
* The [Preserving Data in Government Act of 2017](https://www.congress.gov/bill/115th-congress/senate-bill/960/text?q=%7B%22search%22%3A%5B%22government+data%22%5D%7D&r=2), [S. 960](https://www.congress.gov/bill/115th-congress/senate-bill/960/actions?q=%7B%22search%22%3A%5B%22government+data%22%5D%7D&r=2), introduced on April 27; would maximize the open availability of federal data in machine-readable formats and require public notice of the government’s intention to make information unavailable.

**Privacy**

* OGR Managing Director attended invitation-only, day-long “Civil Society Leaders” meeting for ALA on May 19 at **National Security Agency** headquarters at Fort Meade, Md. with senior staff of Agency, advocates from other organizations; ALA’s positions presented on range of privacy/ surveillance issues including “Sec. 702” reform; ground rules of meeting preclude disclosure of attendees and attribution of comments.
* Work ongoing with coalition partners to push for Senate passage of [Electronic Communications Privacy Act](http://www.districtdispatch.org/2017/02/progress-email-privacy-act-clears-house/).

**Enhanced Visa Issuance Vetting Procedures**

* At request of, and in cooperation with, Office of International Relations prepared and filed formal Comments on May 18 with State Department and Office of Management and Budget in [Docket DS-5535](https://travel.state.gov/content/adoptionsabroad/en/about-us/newsroom/proposed-regulatory-change-adoption-regulations.html)proposing enhanced international travel visa vetting procedures:
  + outlined likely negative financial impact of the proposals on ALA and other similarly situated businesses and organizations;
  + cited 2006 ALA Council Resolution opposing such travel restrictions.

**Additional OGR news**

* **Departures**: OGR said a find farewell, but not “goodbye,” to longtime WO Executive Director Emily Sheketoff and was pleased to contribute actively to a widely-attended awards reception for her coincident with National Library Legislative Day activities.
* **Arrivals**: OGR welcomes new Executive Director Kathi Kromer, who began her tenure with ALA on June 5. Kathi comes to ALA with substantial government relations, non-profit leadership and management consulting skills and experience and was the essentially unanimous choice among finalists for her position by both ALA’s leadership and the staff of the Washington Office. OGR also welcomes Gavin Baker as its newest lobbyist. A former OITP policy analyst and long-time lobbyist and government information/access advocacy coordinator for Common Cause. Gavin arrived on May 22 in time to forego all usual orientation activities and immediately contribute substantially to the final four days of ALA’s *Fight for Libraries!* campaign to secure record Senate support for LSTA and IAL.