

**ALA Committee on Legislation
Report to Council
2011 Annual Meeting – New Orleans, LA.**

**Charles E. Kratz, Jr.
Chair, ALA Committee on Legislation
June 28, 2011**

The Committee on Legislation and Intellectual Freedom Committee (IFC) collaborated at this conference on a resolution addressing the problems caused by the reauthorization of three expiring sections of the USA PATRIOT Act. In addition to the joint resolution with the IFC, we bring you the Committee on Legislation (COL) report with five additional action items for your consideration.

We refer you to the *ALA Washington Office Six-Month Report*, that gives you more background information about ALA's federal legislative activities since Midwinter 2011.

The first of the six resolutions is Council Document # 20.7:

RESOLUTION TO CONTINUE OPPOSITION TO THE USE OF SECTION 215 OF THE USA PATRIOT ACT AND THE USE OF NATIONAL SECURITY LETTERS TO VIOLATE READER PRIVACY

RESOLVED, That the American Library Association (ALA):

1. Continues to support reforms that protect reader privacy and civil liberties, especially the freedom to read without fear of government surveillance.
2. Continues to oppose the use of Section 215 of the USA PATRIOT Act and the use of National Security Letters (NSL) to violate reader privacy.
3. Supports the passage of legislation which includes such reforms as heightened protections for library and bookseller records; judicial review of FISA orders, NSLs and their associated gag orders; and the sunset of the USA PATRIOT Act's NSL authorities, as proposed in S. 1125, the USA PATRIOT Act Improvements Bill.
4. Expresses its thanks and appreciation to the members of Congress who work to protect reader privacy.

Endorsed by Intellectual Freedom Round Table (IFRT), the Committee on Ethics and the Association of Specialized and Cooperative Library Agencies (ASCLA).

Endorsed in principle by the Government Document Round Table (GODORT).

The second of the six resolutions is Council Document # 20.8:

RESOLUTION ON GOVERNMENT PRINTING OFFICE FY 2012 APPROPRIATIONS

RESOLVED, That the American Library Association (ALA) urges Congress to reaffirm the United States Government Printing Office's (GPO) mission in providing no-fee permanent public access to government information by fully funding the GPO appropriations for FY 2012 at the level requested by the United States Public Printer.

Endorsed by the Government Document Round Table (GODORT) and the Association of Specialized and Cooperative Library Agencies (ASCLA).

The third of the six resolutions is Council Document # 20.9:

RESOLUTION ON DEFUNDING OF STATISTICAL AGENCIES

RESOLVED, That the American Library Association (ALA):

1. Urges the U.S. Department of Commerce to reinstate full funding for the U.S. Census Bureau's Statistical Compendia Branch and its publications and data products; and
2. Urges the Congress to ensure full funding for these critical statistical publications and data products.

Endorsed by the Government Document Round Table (GODORT) and the Association of Specialized and Cooperative Library Agencies (ASCLA).

The fourth of the six resolutions is Council Document # 20.10:

RESOLUTION TO INCREASE FUNDING FOR THE IMPROVING LITERACY THROUGH SCHOOL LIBRARIES PROGRAM

RESOLVED, That the American Library Association (ALA):

1. Urges the United States Congress to recognize the importance of school libraries by retaining the authorization of Improving Literacy Through School Libraries.
2. Urges Congress to commit a minimum of \$19.1 million designated specifically for Improving Literacy Through School Libraries in FY 2012.

Endorsed by the American Association of School Libraries (AASL).

Endorsed by the Association of Specialized and Cooperative Library Agencies (ASCLA) board.

The fifth of the six resolutions is Council Document # 20.11:

RESOLUTION TO INCREASE FUNDING FOR THE LIBRARY SERVICE AND TECHNOLOGY ACT (LSTA)

RESOLVED, The American Library Association urges the United States Congress and the President to fund the Library Service and Technology Act (LSTA) at \$232 million for FY 2012 as authorized in December 2010.

Endorsed by the Association of Specialized and Cooperative Library Agencies (ASCLA) board.

The final resolution for your consideration is Council Document # 20.12

RESOLUTION TO INCLUDE LIBRARIES IN THE WORKFORCE INVESTMENT ACT (WIA)

RESOLVED, That the American Library Association (ALA) urges the United States Congress to include libraries in its reauthorization of the Workforce Investment Act (WIA). Libraries should be eligible to receive funds to serve as, or partner with, one-stops and workforce development providers. ALA also urge that Congress encourage state and local workforce boards to include librarians because of their expertise in providing digital literacy training.

Endorsed unanimously by the Public Library Association (PLA).

Endorsed by the Association of Specialized and Cooperative Library Agencies (ASCLA) board.

Additionally, COL brings to you the following information items:

Grassroots Subcommittee

At the Grassroots Subcommittee meeting members discussed a variety of federal advocacy techniques and messaging tools. Members decided to move forward with creating a “best practices” guide for organizing online advocacy tools, and also discussed how to use “Return on Investment (ROI)” materials to effectively engage and lobby members of Congress on library-related issues. Also discussed at this meeting was the upcoming National Library Legislative Day on April 23-24, 2012.

National Library Legislative Day (NLLD) – May 9-10, 2011 in Washington, D.C.

On May 9 and 10, 2011, the ALA hosted NLLD. This event consisted of a full day of briefings on pressing legislative priorities, followed by a reception on Capitol Hill. U.S. House Representative Raul Grijalva (D-AZ), Senator John Boozman (R-AR) and 101 Congressional staffers from a variety of House and Senate offices attended the reception.

On the second day of NLLD library participants met with members of Congress to advocate on behalf of their state’s library-related legislative needs and concerns. There were 361 librarians and friends of libraries from 47 states at NLLD and 5,000 people contacted Congress online that week.

Feedback from NLLD Participants:

Each year, participants are asked to fill out an evaluation form following NLLD. As an incentive to fill out the form, the forms are used in a drawing for an American flag flown over the Capitol. There were 64 people, or 18 percent of participants, that filled out the form. Participants are asked to rank the overall event and each session on a scale of 1-5 with 1 as “very poor” and 5 as “excellent.” The following table reflects the average rank from this year’s participants:

Session	Average Rank
General (Overall Session)	4.39
Divided Congress: Surveying the Landscape in the 112 th Congress	4.33
Appropriations – Plenary Session	4.10
Telecom and Copyright: Overview and How to Deliver the Message	4.25
Privacy and Surveillance	4.36
Access Issues	3.88
School Libraries	4.38
Follow Up: Now What?	4.03

Broadband and Telecommunications

The COL Subcommittee on Telecommunications continues to meet jointly with the OITP Subcommittee on Telecommunications. The joint meeting included an overview and discussion of network (net) neutrality, updates on the E-rate program and related legislation including the anticipated reform of the Universal Service Fund, ongoing activities on Digital Literacy initiatives and coalition activities (as a member of the Schools, Health &

Libraries Broadband Coalition). In addition, the subcommittees discussed ideas for future joint activities including developing education and communication (i.e. webinars, etc.) on emerging policy and legislative issues (e.g. mobile connectivity – or wireline vs. wireless – issues raised by the disparate application of net neutrality principles by the Federal Communication Commission).

Copyright

The COL Copyright Subcommittee continued discussion on its work to frame and develop messaging to assist ALA members to effectively communicate ALA's positions on copyright legislation and policies. The committee will also work to collect and incorporate copyright related stories from all types of libraries. Additional discussion included reviewing current and possible future copyright-related legislation and regulation during the 112th Congress, as well as significant copyright-related court cases before the Supreme Court. The subcommittee will continue to hold monthly conference calls to continue its committee work.

Government Information

The Government Information Subcommittee (GIS) hosted two meetings at ALA Annual 2011. The first meeting was held jointly with the Government Documents Round Table's (GODORT) Legislation Committee. During this meeting members discussed a resolution on continued funding for the U.S. Census Bureau's Statistical Compendia Branch. The subcommittee also received an update from representatives of the Government Printing Office (GPO) including Superintendent of Documents, Mary Alice Baish.

At the subcommittee's second meeting, the Resolution on Defunding Statistical Agencies was reviewed and then sent on to the full Committee on Legislation for approval. The subcommittee also requested that the Committee on Legislation ask the ALA Washington Office to send a letter to the Public Printer at the GPO requesting information about the final report submitted by ITHAKA and the removal of the report documents that had previously been posted on the internet. The members were also interested in learning what GPO's next steps are with this material.

E-Government Services

The Subcommittee on E-Government Services held one meeting during the ALA Annual 2011 conference. The subcommittee considered what the focus of the group should be in the coming year and decided that they will continue to hold regular conference calls to continue the business of the subcommittee. Following up on a discussion held at the Midwinter conference, the subcommittee arranged for a program held during Annual 2011 on disaster preparedness that had three speakers, including Rebecca Hamilton, State Librarian of Louisiana.

Privacy, Cybersecurity and Surveillance

COL discussed these issues which will be very active in the coming months with the many bills and other legislative proposals pending before Congress. For more detail see the *ALA Washington Office Six-Month Report* and stay up-to-date by subscribing to the Washington Office's *District Dispatch*.

The primary work at this conference in this area, was developing a resolution with the Intellectual Freedom Committee (IFC) - the joint *Resolution to Continue Opposition to the Use of Section 215 of the USA PATRIOT Act and the Use of National Security Letters to violate Reader Privacy*. [see above] Additionally, IFC and COL cosponsored a program, "When it Leaks it Pours: WikiLeaks, National Declassification System and Access to Government Information" featuring Tom Blanton, director of the National Security Archives, a non-governmental organization located in the Gelman Library at The George Washington University in Washington, D.C.

This ends our report at this Annual conference. Thank you for your time and consideration.

**RESOLUTION TO CONTINUE OPPOSITION TO THE USE OF SECTION 215 OF
THE USA PATRIOT ACT AND THE USE OF NATIONAL SECURITY LETTERS TO
VIOLATE READER PRIVACY**

Whereas, Freedom of thought is the most basic of all freedoms and is inextricably linked to the free and open exchange of knowledge and information; and these freedoms can be preserved only in a society in which privacy rights are rigorously protected; and

Whereas, The American Library Association (ALA) is committed to preserving the free and open exchange of knowledge and information and the privacy rights of all library users, library employees, and the general public; and

Whereas, ALA opposes any use of governmental power to suppress the free and open exchange of knowledge and information; and

Whereas, The USA PATRIOT ACT includes provisions such as Sections 215 and 505 that threaten the free and open exchange of knowledge and information; and

Whereas, Section 215 of the USA PATRIOT Act allows the government to request and obtain library records secretly for large numbers of individuals without any reason to believe they are involved in illegal activity; and

Whereas, Section 505 of the USA PATRIOT Act permits the FBI to obtain records from libraries with National Security Letters (NSLs) without prior judicial oversight; and

Whereas, Orders issued under Sections 215 and 505 automatically impose a nondisclosure or gag order on the recipients, thereby impairing the reporting of abuse of governmental authority and abrogating the recipients' First Amendment rights; and

Whereas, The Foreign Intelligence Surveillance Act (FISA) Court issued more than 220 Section 215 orders between 2005 and 2007, some of which may have been issued to libraries; and

Whereas, A recent Department of Justice report on surveillance activities for 2010 disclosed a dramatic increase in surveillance of Americans between 2009 and 2010, with the government more than quadrupling its use of section 215 orders compared to 2009; and the FBI more than doubling the number of US persons it surveilled with NSLs, requesting 24,287 NSLs on 14,212 people (up from 14,788 NSLs on 6,114 people in 2009); and

Whereas, The Office of the Inspector General (OIG) of the Department of Justice reported the issuance of 234,043 NSLs under Section 505 between 2003-2008, at least one of which was issued for library user records; and

Whereas, ALA has repeatedly called on Congress to institute reforms to the USA PATRIOT Act that protect reader privacy and rescind the nondisclosure or gag orders on the recipients of Section 215 and 505 orders for library user records; and

Whereas, Members of Congress have sought to address the concerns of ALA and restore privacy rights by introducing legislation such as the Freedom to Read Protection Act, the National Security Letters Reform Act, and the USA PATRIOT Act Improvements Bill; and

Whereas, Congress reauthorized Section 215 of the USA PATRIOT Act without any reforms and extended the sunset provision until June 1, 2015; now, therefore, be it

Resolved, That the American Library Association (ALA):

1. Continues to support reforms that protect reader privacy and civil liberties, especially the freedom to read without fear of government surveillance.
2. Continues to oppose the use of Section 215 of the USA PATRIOT Act and the use of National Security Letters (NSL) to violate reader privacy.
3. Supports the passage of legislation which includes such reforms as heightened protections for library and bookseller records; judicial review of FISA orders, NSLs and their associated gag orders; and the sunset of the USA PATRIOT Act's NSL authorities, as proposed in S. 1125, the USA PATRIOT Act Improvements Bill.
4. Expresses its thanks and appreciation to the members of Congress who work to protect reader privacy.

Adopted by the Council of the American Library Association



Keith Michael Fiels

ALA Executive Director and Secretary of the ALA Council

Tuesday, June 28, 2011

In New Orleans, Louisiana

**RESOLUTION ON GOVERNMENT PRINTING OFFICE FY 2012
APPROPRIATIONS**

Whereas, No-fee public access to government information is the foundation of an informed citizenry; and

Whereas, The Government Printing Office (GPO) supports this foundation by providing no-fee permanent public access to government information in a variety of formats, including distribution and dissemination of Congressional and other government information through the Federal Depository Library Program (FDLP); and

Whereas, The GPO's Federal Digital System (FDsys) enables GPO to capture, provide no-fee online access to and preserve official government information from all three branches of government; and

Whereas, The GPO's appropriations for Salaries and Expenses includes funding to ensure that government information will continue to be dispersed through the FDLP; and

Whereas, The GPO's appropriations for Salaries and Expenses will support the continuation of FDsys to ensure that valuable government information created today will be electronically discoverable, accessible, and preserved for future generations; and

Whereas, The GPO's appropriations for its Revolving Fund support information technology infrastructure and continuing systems development for FDsys and is necessary for the development and implementation of vital enhancements to FDsys including critical functionality for processing new collections; now, therefore, be it

Resolved, That the American Library Association (ALA) urges Congress to reaffirm the United States Government Printing Office's (GPO) mission in providing no-fee permanent public access to government information by fully funding the GPO appropriations for FY 2012 at the level requested by the United States Public Printer.

Adopted by the Council of the American Library Association



Keith Michael Fiels
ALA Executive Director and Secretary of the ALA Council
Tuesday, June 28, 2011
In New Orleans, Louisiana

RESOLUTION ON DEFUNDING OF STATISTICAL AGENCIES

Whereas, No-fee access to government information is an inherently governmental responsibility and is a cornerstone to a functioning democratic society; and

Whereas, The U. S. Census Bureau's Statistical Compendia Branch which gathers data from approximately 300 federal agencies, has provided essential and crucial services through print and electronic access to such publications as the Statistical Abstract of the United States and the Consolidated Federal Funds Report; and

Whereas, The Office of Management and Budget (OMB) has imposed budget reductions on federal agencies; and

Whereas, The Department of Commerce has chosen to eliminate the Bureau's Statistical Compendia Branch in order to achieve the required budget reduction; and

Whereas, Entrepreneurs and small businesses rely on accurate statistical data in order to plan for expansion that results in job creation; and

Whereas, All elements of society including the general public, government officials, students and researchers, rely on accurate statistical data from these authoritative and convenient resources; and

Whereas, These publications and data products provide access to essential information by gathering it into one location; now, therefore, be it

Resolved, That the American Library Association (ALA):

1. Urge the U.S. Department of Commerce to reinstate full funding for the U.S. Census Bureau's Statistical Compendia Branch and its publications and data products.
2. Urge the Congress to ensure full funding for these critical statistical publications and data products.

Adopted by the Council of the American Library Association



Keith Michael Fiels
ALA Executive Director and Secretary of the ALA Council
Tuesday, June 28, 2011
In New Orleans, Louisiana

RESOLUTION TO INCREASE FUNDING FOR THE IMPROVING LITERACY THROUGH SCHOOL LIBRARIES PROGRAM

Whereas, Students with strong school libraries staffed by state-certified school librarians learn more, get better grades, and score higher on standardized tests; and

Whereas, Students must master 21st century skills to compete in today's global economy and participate as informed citizens; and

Whereas, School librarians and school library programs educate students in the critical, specialized thinking skills that are identified in the AASL Standards for the 21st Century Learner and are essential to college and career readiness; and

Whereas, School librarians and school library programs ensure that all students have equal opportunity to master the 21st century skills necessary to participate in the digital age; and

Whereas, The Improving Literacy Through School Libraries program improves student literacy skills and academic achievement by providing increased access to up-to-date library materials, well-equipped technologically advanced school libraries, and well-trained state-certified school librarians; and

Whereas, The United States Department of Education rates the Improving Literacy Through School Libraries program as highly effective in improving the quality of those school libraries receiving the grants; and

Whereas, The Improving Literacy through School Libraries program facilitates student learning in critical 21st century skill areas by providing 24/7 access to essential information resources; and

Whereas, The Improving Literacy through School Libraries program was authorized at \$250 million, but was zero funded in FY 2011; and

Whereas, Improving Literacy through School Libraries was last appropriated in FY 2010 at \$19.1 million; now, therefore, be it

Resolved, That the American Library Association (ALA):

1. Urges the United States Congress to recognize the importance of school libraries by retaining the authorization of Improving Literacy through School Libraries.
2. Urges Congress to commit a minimum of \$19.1 million designated specifically for Improving Literacy through School Libraries in FY 2012.

Adopted by the Council of the American Library Association



Keith Michael Fiels
ALA Executive Director and Secretary of the ALA Council
Tuesday, June 28, 2011
In New Orleans, Louisiana

**RESOLUTION TO INCREASE FUNDING FOR THE LIBRARY SERVICE AND
TECHNOLOGY ACT (LSTA)**

Whereas, The Library Service and Technology Act (LSTA) is a federal program administered by the Institute of Museum and Library Services (IMLS) to support all types of libraries; and

Whereas, Congress reauthorized LSTA in December 2010 at the funding level of \$232 million; and

Whereas, Libraries play a critical role in American society by providing lifelong learning, economic development and the information necessary for democratic governance; and

Whereas, Provides incentive for all types of libraries so they can work efficiently and effectively together to foster cooperation and ensure equal and equitable access to the unique resources of libraries nationwide for all people across the country; and

Whereas, According to an IMLS study in 2009, 30 million people used library computers and internet access for employment or career purposes; and

Whereas, LSTA funds stimulate library innovation and provide 21st century skills; and

Whereas, LSTA funds allow libraries to provide programs that foster literacy, including digital literacy; and

Whereas, LSTA funds support library programs for school, work, and life; and

Whereas, LSTA funds support the development and preservation of collections in libraries for the purpose of cultivating an educated and informed citizenry; and

Whereas, Libraries face increasing difficulties in providing these services because of budget cuts at local and state government levels exacerbated by the \$24.5 million (11.4%) cut to LSTA in FY 2011; now, therefore, be it

Resolved, The American Library Association urges the United States Congress and the President to fund the Library Service and Technology Act (LSTA) at \$232 million for FY 2012 as authorized in December 2010.

Adopted by the Council of the American Library Association



Keith Michael Fiels
ALA Executive Director and Secretary of the ALA Council
Tuesday, June 28, 2011
In New Orleans, Louisiana

**RESOLUTION TO INCLUDE LIBRARIES IN THE WORKFORCE INVESTMENT
ACT (WIA)**

Whereas, A 2010, Institute of Museum and Library Services (IMLS) study determined that:

- Sixty-nine percent of US residents visited public libraries in past 12 months; and
- Thirty million people used library computers and internet access for employment or career purposes last year; and
- Seventy-six percent of them used library computers to search for job opportunities; and
- Eighty-eight percent of all public libraries provide access to job databases and other job opportunity resources and sixty-eight percent of them submitted an application online; and
- Forty-six percent used the computers to work on their resumes; and

Whereas, In 2010, the U.S. Department of Labor recognized the essential work that public libraries do to help workers and issuing a Training and Employment Notice (TEN) to encourage collaboration between the investment system and public libraries aimed at improving the quality and quantity of employment services to job seekers and unemployed individuals; and

Whereas, The public has come to depend upon the public library for assistance in resume development, job searches, workshops on career information, and employment skills training; now, therefore, be it

Resolved, That the American Library Association (ALA):

1. urges the United States Congress to include libraries in its reauthorization of the Workforce Investment Act (WIA). Libraries should be eligible to receive funds to serve as, or partner with, one-stops and workforce development providers.
2. urges that Congress encourage state and local workforce boards to include librarians because of their expertise in providing digital literacy training.

Adopted by the Council of the American Library Association



Keith Michael Fiels

ALA Executive Director and Secretary of the ALA Council

Tuesday, June 28, 2011

In New Orleans, Louisiana