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Library Issues at the Federal Level: An Introduction to ALA's Washington Office and the Committee on Legislation

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An Introduction to ALA's Washington Office and the Committee on Legislation

Ann Dutton Ewbank, J. Turner Masland, and Christian Zabriskie

Abstract

In this white paper, we outline the federal legislative agenda of the American Library Association, crafted by members and operationalized by the Washington-based ALA Office of Government Relations, which lobbies on behalf of the Association. We discuss how policy is made in ALA, including the work of the Committee on Legislation. We then explain the federal legislative issues that are advanced by ALA through the Washington Office¹. These include: appropriations, privacy/surveillance, access to government information, copyright, school libraries, and telecommunications. We conclude with information on how to become an advocate for federal legislative issues critical to libraries, their patrons and the broader public interest.

Introduction

The American Library Association (ALA) is the largest professional library organization in the world with more than 58,000 members. You might think of the ALA as an avenue for professional development and networking with colleagues across the country. However, behind this large organization is a member-driven federal legislative agenda, operationalized by the Office of Government Relations (OGR), which employs multiple full-time lobbyists to carry out this agenda on Capitol Hill.

The OGR works in coalition with many partner organizations that share common values. Among these organizations are the American Civil Liberties Union, Center for Democracy and Technology, Committee for Education Funding, the Electronic Frontier Foundation, Electronic Privacy Information Center, OpenTheGovernment.org, Open Technology Institute, Public Knowledge, R Street Institute, and the RE:CREATE copyright coalition, among many others. Both individually, as well as together with these organizations, ALA is a powerful voice in Washington on legislative issues ranging from privacy and surveillance, to copyright, government information, school libraries and telecommunications.

You may wonder how federal legislative activity affects libraries at the local level. One striking example is ALA's lobbying efforts for the reauthorization of the Library Services and Technology Act (LSTA). Established September 30, 1996, the LSTA provides block grant allocations to states based on population and funds important grant library programs. LSTA monies are used to provide libraries with grants at the local level, to fund statewide databases, and to provide necessary state infrastructure so that libraries can operate smoothly. Through the efforts of ALA members and the ALA Office of Government Relations, over the last 20 years funding for this critical legislation has risen from \$139 million level to \$183 million in fiscal year 2016—more than 30% in 20 years (ALA, 2016a).

This is but one example of how ALA, its member leaders, and lobbying staff work for the benefit of all libraries and communities in the United States. In this white paper we will explain how an idea becomes ALA policy, discuss the current issues for which OGR advocates, and describe how you can get involved in advocacy on federal legislative library issues.

How is policy created in ALA?

How does an issue become ALA policy, which is then lobbied for on Capitol Hill by OGR? It begins at the grassroots level, initiated by ALA members, but can take many paths to becoming policy.

ALA Task Forces, Committees, Divisions, and Roundtables can bring a resolution to ALA Council, the governing body of the Association, through their representative Councilor, proposing that the Association lobby on a specific matter of federal policy or take a particular stance on a broad policy issue. Members can also propose a resolution during a membership meeting. An ALA member or a group of members can also bring an idea to a Councilor, who can then craft a resolution and propose it from the floor during a Council session. Resolutions involving such matters often are drafted by their initiators in collaboration with the Committee on Legislation, fellow Councilors, attendees at Council Forum, and members of Divisions or Roundtables.

1. The ALA Washington Office is comprised of the Office of Government Relations (OGR) and the Office for Information Technology Policy (OITP).

Resolutions which will have legislative impact which have not been through this process with COL are referred to the Committee on Legislation by Council².

The ALA Committee on Legislation (COL) is a committee of the ALA Council, which it advises on matters of national legislation and policy. These issues can be very complicated and involve many moving parts. It would be impossible for every member of the organization to be deeply engaged in all of these issues all of the time. Therefore, the members of the Committee are charged with vetting the issues facing libraries on matters of federal legislation. The charge of COL is as follows:

To have full responsibility for the association's total legislative program.... To recommend legislative policy and programs for council approval and to take the necessary steps for implementation. To protest any legislative or executive policy adversely affecting libraries. To seek rulings and interpretations of laws and regulations affecting the welfare and development of libraries. To represent the ALA before the executive and legislative branches of government as required at all levels. To provide a forum within ALA to gather information about needed legislation and to keep all units of the association informed of the ALA legislative programs. To direct the activities of all units of the association in matters relating to legislation (ALA, 2016b).

The members of COL are not lobbyists, but ALA employs registered lobbyists who advocate for member-driven policy on Capitol Hill. COL acts as the membership's voice on these complex issues, and the people in the room approach the issues from librarians' and library users' perspectives. Members of COL do not have to be on Council to serve on the Committee and are appointed to two-year terms by the incoming ALA president.

Virtually every resolution that deals with federal legislative or policy issues is vetted by COL prior to its introduction on the Council floor. The Committee pores over the language of resolutions watching out for anything that might require legislative action or that could

impact our nationally elected officials. For example, does the resolution call for a letter to go to Congress? In this case, the resolution is referred to COL because, if adopted, it will either enhance or inhibit the ALA Washington Office's abilities to do their lobbying work. Accordingly, the Committee exists to assist and advise Council to decide as an organization if the benefit of the resolution is worth impacting work on other potentially more pressing or long-term issues. Another example is a resolution that calls for an office to be created in the Library of Congress. This would need to be reviewed by COL because there are legislative issues that need to be addressed.

The members of COL and the lobbying professionals of OGR do not, however, act as "gatekeepers" or to control the dialogue of the organization on matters of federal legislation and policy. They are there to safeguard the best interests of the organization when dealing with complicated issues that are outside the typical work of librarianship. How do members of the Committee obtain this perspective? They attend myriad briefings, read updates from the ALA Washington Office, follow the political news closely, hold regular conference calls, and discuss issues with OGR lobbying professionals. This gives them a unique perspective on, and a deep understanding of, the issues facing libraries in the US and helps them to direct and support the lobbying efforts of ALA as a result.

Together, the ALA Council and the Committee on Legislation craft policy that directs OGR staff to advance the interests of libraries, librarians, their patrons, and the public interest on Capitol Hill. Critically, this complex process ensures that all ALA members have a real voice in forming ALA policy related to federal legislative and policy matters.

What are the issues that the Office of Government Relations lobbies for on Capitol Hill?

Appropriations

As mentioned above, LSTA grants provide funding for local libraries critical for training library staff, affording database access and helping to provide users access to information through library networks. While the majority of library funding comes from the local level, especially for public libraries (Chrastka, 2015), such funding largely covers administrative costs and collection development and maintenance. LSTA funding provides critical

2. The ALA Policy Manual, located at <http://www.ala.org/aboutala/governance/policymanual> outlines the position statements ratified by ALA that direct OGR's lobbying activities.

additional resources to underwrite services to community members. For example, these grants have been used to purchase equipment, pay for subscriptions to electronic resources, and help pay for libraries to create in-house digital resources to meet users' needs (Oregon State Library, 2015). These grants come directly from the federal government through the appropriations bill which is negotiated by Congress (ALA, 2016b). In addition to LSTA grants, appropriation bills also help fund federal libraries (such as the Library of Congress, the National Agricultural Library, the National Library of Medicine), Native American Library Services, the National Leadership Grants for Libraries and K-12 school libraries (Maher, 2015).

Privacy/Surveillance

The American Library Association has long championed the fundamental right to inquiry and the rights of privacy that are prerequisites to genuine intellectual freedom (ALA, 2016d). ALA and OGR are heavily engaged in protecting the rights to privacy of library users and fighting unlawful or overbroad digital surveillance activities. Much of ALA's work in this area is done in close collaboration with like-minded non-profit organizations and, often, corporate trade associations. For example, together with dozens of other groups, ALA members and staff played a leading and very public part in Congress' passage in late 2015 of the USA FREEDOM Act, which – for the first time since September 11– made real, pro-privacy reforms in the USA PATRIOT Act to protect library patron and other “business records.”

ALA is also a founding member of the Digital Due Process coalition, an organization that has been working for many years to amend the Electronic Communications Privacy Act (ECPA) to provide full Fourth Amendment protection to all electronic communications (such as email, texts, and materials of all kinds stored in the “cloud”) as soon as they are created—protection they do not now have. First enacted in 1986, well before the Internet Age, ECPA has not been able to keep up with the technological advances over the last three decades, and thus the law is not providing adequate protection. At this writing, the odds are good that ECPA finally will be updated for the digital era this year.

Despite our best efforts, however, ALA is by no means always victorious. At the close of 2015, Congress adopt-

ed an Omnibus Spending Bill that included the Cybersecurity Information Sharing Act (CISA) of 2015, language negotiated behind closed doors by the House leadership and Senate Intelligence Committees and inserted into that 2000+ page bill on the eve of its final approval. Passage of the Act, which is hostile to personal privacy in many fundamental ways, ends (at least for now) a fight waged by ALA and many coalition partners. While this is a setback, ALA and OGR continue to fight on behalf of libraries and the privacy rights of users in every community they serve.

Government Information

The public's open access to government information is an important element of an informed citizenry. Historically, ALA and OGR have fought for the public's “right to know.” From modernizing the Freedom of Information Act to expanding E-Government programs, ALA has been on the front lines of ensuring that the American citizenry has the ability to access information produced by the U.S. Government. One recent example of this effort has been the promotion and advocacy of the Fair Access to Science and Technology Research Act (FASTR), which would require that all research supported by federal funding be published and archived openly. FASTR is based on the belief that research funded by public money should be easily accessed by the public and not hidden away behind publisher paywalls. Breakthroughs in technology, science and medicine are often supported by federal money, and making these breakthroughs widely available can only further such advancements.

One example of a citizen contributing to medical breakthroughs was the work of Jack Andraka who, as a high school student, invented a potential method for detecting early stages of pancreatic cancer. Access to free online scientific journals was essential to his research and critical in developing his method (BBC, 2012). While this is an unusually dramatic example, it highlights the importance of cutting edge research being accessible to the public (McGilvray, 2015).

Copyright

When it comes to content creation and dissemination, copyright is a very delicate (and often times confusing) balancing act. On one side of the scale are the financial incentives for writers, artists, inventors, scientists,

engineers, and others to create new work. By being able to profit from their new ideas, these creators are encouraged to share and market their ideas which often improve our society. On the other side of the scale is the legally protected ability of others to learn from and build upon these ideas. One intention of copyright law was to “promote the useful arts and sciences” (U.S. Copyright Office, 2016). If the scale becomes imbalanced, then this constitutionally articulated goal is thwarted. This balancing act is even more essential in the 21st century, when information sharing is so intrinsic to the health of the global economy and the pace of change and innovation is so rapid. If copyright law is so conservative that students, researchers, entrepreneurs and other new creators cannot legally use copyrighted material, innovation and all of the social and economic benefits that it provides can be hobbled. Conversely, copyright law cannot be so permissive that it is impossible to earn a living from creating and publishing new works.

Copyright law can have a major effect on our local libraries. As Jenny Backus, former Senior Policy Advisor and Head of Strategic Outreach & Engagement at Google, stated: “tomorrow’s businesses are being built in today’s libraries” (personal communication, October 1, 2015). Public, school, and academic libraries are creating spaces for all citizens to access new technologies and services such as digital production studios, 3D printing, mobile technology, and lessons in coding. Collectively, such facilities and resources are known as “makerspaces” and the importance of their current and future role in creating jobs and fostering innovation both by and for library users is potentially enormous. It is essential that libraries ensure that access to these technologies and the ability to build and create with them is not impeded. This is just one reason of many that ALA’s work to help shape modern copyright law is so important.

School Libraries

ALA and OGR won a major victory in 2015, after a decade of work, the Every Student Succeeds Act (ESSA) passed. ESSA reauthorized the Elementary and Secondary Education Act (ESEA). In so doing, it also expressly recognized “effective school libraries” as authorized to receive funds ultimately appropriated to implement the bill’s objectives. Before the passage of ESSA, no federal legislation explicitly encouraged the use of federal funds for

school library programs (Gravatt, 2015). Consequently, under the previous statute known as No Child Left Behind, school libraries suffered deep, widespread and sometimes crippling cuts to staff and programs by educational administrators under increasingly tight budgetary constraints. As a consequence of such cuts to school libraries, many teachers and educators became dependent upon their local public libraries to meet the needs left unfulfilled by the absence of their school librarians (Abrams, 2015). This put additional stress on public libraries, which often had to contend with their own funding shortfalls. Now that ESSA has passed, we hope to see some reversal of the damages caused by No Child Left Behind and an increase in federally supported effective school library programs across the country. Such programs are an essential resource for America’s students, providing them with access to certified school librarians who can teach important lessons about information literacy, physical and digital collections maintained and curated to support their intellectual development, and to technology which will contribute to their success as global citizens.

Telecommunications

In order to provide consistent access to information, libraries need to provide consistent access to the internet. ALA and OGR work hard to ensure that the internet remains open and unrestricted for libraries. In 1996, with the Reauthorization of the Telecommunications Act, Libraries and schools benefited from the “E-Rate,” a program administered by the Federal Communications Commission (FCC) to provide discounted telecommunications and internet access (Gilroy, 2003) to libraries and schools serving low-income populations. More recently, in 2015 ALA teamed up with the Association of College & Research Libraries (ACRL), Association of Research Libraries (ARL) and the Chief Officers of State Library Agencies (COSLA) to file an amicus brief in support of the FCC’s efforts to protect and preserve net neutrality, arguing that libraries need strong open internet rules to fulfill our missions and serve our millions of patrons (Clark, 2015).

ALA also has strongly supported the Digital Learning Equity Act of 2015, which seeks to close the digital divide for school-aged children and their parents. Sponsored by Rep. Peter Welch (D-VT), the bill addresses the homework gap, and the fact that even as internet access

is becoming a requirement for all children, such access is a barrier for rural and low-income students who may not have reliable internet access at home. The bill would, if passed, support innovative digital learning models while also increasing digital learning resources for educators and schools to enhance student learning. Additionally, this bill would foster strategies to support those students who do not have access to the internet outside of school (Wood, 2015).

As you can see, the American Library Association actively advocates for many issues essential to the continued health of libraries of all kinds and the diverse communities that they serve. The ALA Washington Office, driven by policy initiated by ALA members, is committed to representing the best interests of libraries on Capitol Hill.

How can you get involved?

While we strongly encourage librarians and library advocates to join ALA, the several resources available on the ALA website are freely available for ALA to members and non-members alike.

District Dispatch is the Washington Office's comprehensive online blog devoted to federal library legislative and policy issues. It is located at <http://www.districtdispatch.org/>. Additionally, all library and library issue supporters are urged to sign up for legislative action alerts and a weekly digest both of which are pushed to the user's email. All are excellent ways to keep up to date on federal library legislative issues.

For those seeking a great and immersive experience, the ALA Washington Office also holds National Library Legislative Day in Washington, DC each year over two days during the first week of May. Attended by roughly 400 librarians (often from all 50 states), this event consists of a day of briefings followed by state delegation visits to Congressional offices the next day. The Washington Office provides briefing materials for each participant and a packet of information to give to elected officials and their staff. During the visits, library advocates discuss federal legislative issues and how these issues affect the constituents in their state. Visits are arranged by state legislative coordinators. If you would like to attend, you can contact your state legislative coordinator. Information is located at <http://www.ala.org/advocacy/advleg/nlld>.

For those who cannot make the trip to Washington, Virtual Library Legislative Day is held in conjunction with the in-person event. Comprehensive information is online at <http://www.ala.org/united/advocacy/virtuallegday>.

Finally, the ALA Committee on Legislation is always happy to hear from library advocates about federal library legislative and policy issues. A membership list is located at <http://www.ala.org/groups/committees/ala/ala-lg>. Library advocates can best reach the current Chair through the staff liaison located at the bottom of that page.

Conclusion

We hope that this white paper has been helpful in shedding light on both the process by which ALA policy is crafted, as well as the issues that ALA advocates for on behalf of all libraries, library users and the public. We also hope that the information contained in this white paper is of use to library advocates who work on the local level. Federal, state, and local library issues are inherently intertwined. The federal library landscape informs what happens at the state and local level. ALA, the Committee on Legislation, and the Office of Government Relations are committed to working to provide the best possible outcomes for libraries and their users. We urge you to join ALA if you are not a member and, member or not, to add your voice to the ranks of the thousands who help ALA advocate in the public interest every day.

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