

ALA Committee on Legislation
Report to Council
2017 Midwinter Meeting Atlanta, GA

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Committee on Legislation highlights:

1. **FOIA Victory:** Just in time for its 50th anniversary on July 4th, and after nearly a decade of advocacy work by ALA, other activists and government officials, in late June the President signed the President John F. Kennedy FOIA Reform Act of 2017. The Act expands the scope of government documents for future administrations; harnesses technology to improve the FOIA process; limits to 25 years the period of time that agencies may keep records of their internal deliberations confidential; and strengthens the Office of Government Information Services (created in the last FOIA reform bill, the OPEN Government Act of 2007).
2. **Fire side chats / Friday open discussion:** Given the discord within ALA caused by communications during the Fall, Ann Ewbank provided three opportunities during Midwinter 2017 for discussion:

Laurie Hall. Following that update, the preservation theme continued as both committees looked over a resolution on funding the preservation of federal government publications. After much discussion and conversation with GPO staff, the GIS subcommittee and GODORT decided that this resolution will return to GODORT to allow time for further discussion.

Grassroots (and FLAG working group)

The Grassroots subcommittee opted to cancel their Saturday meeting in order to allow members to attend the Atlanta March for Social Justice and Women. The committee plans to have a phone call after conference concludes in order to address priority agenda items. In the past months, the committee has been working on updating the Speak Out advocacy resource, and has been discussing plans for future membership outreach and engagement projects. The Federal Legislative Advocacy Group (FLAG), now a working group under the Grassroots subcommittee met on Sunday morning to discuss their strategy for reaching out to potential grassroots advocates. FLAG is tasked with identifying grassroots advocates and asking them to commit to reaching out to elected officials with strategic asks to support advocacy efforts, when the needs arise.

Telecommunications

The COL Telecommunications Subcommittee met on Saturday, January 21 during Midwinter. The meeting focused much of its discussion on federal policy activity in Washington. The committee discussed the status and outlook for policy issues, including Network Neutrality, Lifeline, E-rate, 1986 Telecommunications Act re-write, and re-authorization of FCC. The committee also reviewed changes in the commissioners at the FCC and Congressional committees with jurisdiction over telecommunication policy. Finally, the committee also began a discussion on how to make participation on the committee more valuable to both the members and provide support and intelligence on the efforts of the Washington office.

Final Notes:

We would like to urge all Councilors who have not yet done so to sign up to receive District Dispatch

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2016 ALA Annual Conference

Finally, OGR set up separate meetings with Dr. Hayden for both the Library Copyright Alliance and the non-profit members of the Re:Create Coalition (on November 22 and December 1, respectively) to discuss appropriate qualifications for and role of the next Register of Copyrights. Both groups were warmly received by the Librarian.

Marrakesh Treaty Stakeholder Negotiations Ongoing, at Apparent Impasse

At the beginning of the summer, bipartisan staff to both the Senate Judiciary and Foreign Relations Committees summoned representatives of print disabled groups, the library community and the publishers to a private meeting on the Hill. They did so for the express purpose of explaining that: 1) the Association of American Publishers was demanding changes to the Administration's proposed texts of Treaty implementing legislation and associated legislative history; 2) the Judiciary Committee would not consider such language unless and until a compromise supportable by all stakeholders had been reached; and 3) the Treaty would not be considered by the Foreign Relations Committee or full Senate absent such a compromise on implementing and legislative history text. Staff thus tasked the stakeholders present with meeting and otherwise coordinating over the summer to attempt to reach an accord.

The Association of American Publishers (AAP) was demanding fairly extensive record keeping requirements of the kind considered in Marrakesh but not ultimately required by the Treaty. Unified library groups opposed the AAP's language because it would be burdensome and was not mandated by the Treaty. However, during the ensuing meetings, libraries have made several proposals moving in

agreement among the stakeholders is likely to be reached, it will remain unclear for some time when the new 115th Congress will consider these matters and what the odds of 2017 Treaty ratification may be.

New LSTA Reauthorization Bill to be Pushed by Powerful Bipartisan Backers in Current Congress

On September 26, OGR was alerted to an attempt to introduce legislation to expand the FBI's authority to warrantlessly compel the production of additional kinds of "electronic communication transaction records" through issuance of a National Security Letter and its associated "gag order." OGR contacted the legislative co-chairs of the Connecticut Library Association, both of whom were immediately responsive to the suggestion that a joint op-ed (with the support of the Connecticut Library Association and the Connecticut Bar Association) opposing such legislation would be extremely influential if run in the Hartford Courant quickly. With the critical assistance of WO Press Officer Shawnda Hines, OGR drafted and facilitated publication early on Wednesday, September 28, of such an op-ed. The piece marks the first time in over a decade that the Connecticut Library Association has been so prominently featured in the press. OGR is enormously grateful to "The Four" and to CLA Legislative Co-Chairs Mary Etter and Carl Antonucci, who were instrumental in making the op-ed a reality. The legislation was not introduced.

ALA, coalition partners to continue fight against new judicial rule

Shortly after the conference call and many subsequent emails, there were changes in the group membership. With both movers no longer members of the Working Group and the Working Group feeling as though there was a need for in-depth research and discussion among the library and deaf and hard of hearing communities before progressing with a resolution, the members decided that the resolution was premature at this time and that they could not support it as written. The members have shared a response with both COL and ASCLA that both groups will respond to during the Midwinter conference.

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