

**Society of American Archivists
Council Conference Call
January 17, 2018**

**Society of American Archivists’
2018 Legislative Agenda and Action Plan
(Prepared by the SAA Committee on Public Policy)**

BACKGROUND / DISCUSSION

The Committee on Public Policy (COPP) recommends that the SAA Council approve a Legislative Agenda and Action Plan for 2018 that will:

1. Supplement SAA’s more wide-ranging [Public Policy Agenda](#), which is intended to identify a limited set of broad priorities that serves to guide SAA’s advocacy efforts in the public policy and legislative arenas;
2. Provide focus and direction to the organization’s advocacy efforts; and
3. Encourage members to take individual action in support of archives and archivists.

COPP has identified three high-priority federal legislative areas that we believe should be the focus of SAA’s policy advocacy efforts in 2018: funding of federal programs that support archives and records management, Net neutrality, and intellectual property rights.

Further, COPP proposes an Action Plan that provides a framework for operationalizing and providing resources to accomplish the Agenda.

In addition, we have included in the Agenda several federal and state public policy issues that we think SAA should continue to monitor and act on as appropriate. SAA members should advocate individually on behalf of those additional issues that affect their state, region, or institution.

In developing these priorities, the Committee solicited—and incorporated—input from all component groups via the SAA Leaders listserv.

RECOMMENDATION

THAT the following 2018 Legislative Agenda and Action Plan be approved.

Society of American Archivists’ 2018 Legislative Agenda and Action Plan

The SAA 2018 Legislative Agenda lists objectives for legislative action at the national level on issues that affect archives and archival programs in the United States. The agenda identifies three high-priority issues for which legislative or regulatory action is already underway, has been scheduled to take place, or is anticipated to emerge this year. This is an organic document; the list may be amended or reprioritized as legislative and regulatory developments take place during the year.

In addition to the priorities for advocacy, issues are identified here for monitoring and potential action. First are those issues at the national level that will be monitored for unanticipated developments that may need immediate response. Second are issues that may emerge at the state, regional, or local level and for which the most effective advocacy will be through actions by individual members, institutions, and regional archival organizations.

The following public policy priorities are issues on which SAA will advocate or take other action, either separately or in collaboration with other organizations.

----- 2018 LEGISLATIVE PRIORITIES -----

Public Policy Priority:

Ensure robust federal funding for archives.

Legislative Action: Advocate for robust federal funding for archival projects, including electronic records preservation initiatives and cultural heritage disaster recovery efforts. Support legislation reauthorizing the National Historical Publications and Records Commission (NHPRC), the National Endowment for the Humanities (NEH), and the Institute of Library and Museum Services (IMLS). Advocate for the following federal budget funding levels:

NHPRC:	\$10 million
NEH:	\$150 million (2017 funding level)
IMLS:	\$231 million (2017 funding level)

Background: Federal funding for the NHPRC, the NEH, and the IMLS must be sustained to ensure that the historical record of our collective human experience is preserved and accessible for use by the American public, including teachers and students, scholars, scientists, family historians, the business community, and governments themselves.

SAA Statements/Issue Briefs on This Topic:

- Federal Grant Funding for Archives (2017) <https://www2.archivists.org/statements/issue-brief-federal-grant-funding-for-archives>
- Adequate Funding of Government Archives and Archival Programs (2014) <https://www2.archivists.org/statements/issue-brief-adequate-funding-of-government-archives-and-archival-programs>
- Backgrounder: Funding for the National Historical Publications and Records Commission (2017) <https://www2.archivists.org/statements/backgrounder-funding-for-the-national-historical-publications-and-records-commission>
- Backgrounder: Funding for the National Endowment for the Humanities (2017) <https://www2.archivists.org/statements/backgrounder-funding-for-the-national-endowment-for-the-humanities>

Public Policy Priority:

Support Network neutrality.

Legislative Action: Support the maintenance of Net neutrality in the United States and legislative proposals that would ensure that Internet providers are designated as common carriers under Title II of the Communications Act of 1934.

Background: Net neutrality is the principle that Internet service providers must treat all data on the Internet in the same way, and not discriminate or charge differently by user, content, website, platform, application, type of attached equipment, or method of communication.¹ For instance, under these principles, Internet service providers are unable to intentionally block, slow down, or charge money for specific websites and online content.

Access to essential documentation of our government and society is made available ubiquitously to a wide array of users through the Internet. Archival institutions use the Internet to provide access to finding aids and discovery tools as well as to digitized collections to efficiently reach audiences, including governments and policy researchers, K-12 teachers and students, college/university students and academic researchers, as well as family historians, legal and medical researchers, and a wide range of other users. The principles of Network neutrality are indispensable for the transparent and democratic distribution of information available online from tens of thousands of archival repositories throughout the country.

Our nation and the mission of our profession will be best served if government regulations ensure the ability of archives to provide equitable and unfettered access to our shared cultural heritage and support access for users of archival information from many

¹Gilroy, Angele A. (March 11, 2011). Access to Broadband Networks: The Net Neutrality Debate (Report). DIANE Publishing. p. 1. [ISBN 978-1437984545](https://www.diane.org/ISBN/978-1437984545).

research communities, including attorneys, genealogical researchers, K-12 teachers and students, historians, scientists and medical researchers, college professors, and undergraduate and graduate students.

SAA Statements/Issue Briefs on This Topic:

- SAA Letter to the FCC Commissioner, December 2017:
<https://www2.archivists.org/news/2017/saa-urges-fcc-to-preserve-existing-net-neutrality-provisions>
- SAA Issue Brief under development by COPP.

Public Policy Priority:

Address inadequacies in intellectual property law and regulations.

Legislative Action: Oppose any legislation or regulatory actions related to intellectual property rights that reduce or impede the ability of archives and libraries to preserve and provide access to archival materials, including extending the duration of copyright or changes to Section 108 of the U.S. Copyright Act that are not made specifically to expand permitted uses by archives and libraries.

Background: Overlong terms of copyright protection inhibit the growth of the public domain to the detriment of the public interest. Section 108 of the U.S. Copyright Act is one of several provisions in the law that ensures a balance between the important interests of rights holders and the equally important interests of the public—a balance that is critical to archives’ missions. By granting institutions exemptions to make use of copyrighted works under clearly defined circumstances, Section 108 in particular plays an important part in incentivizing the vital part that archives and libraries play in our society. Although aspects of Section 108 might be updated, the statute is remarkably resilient and is used every day by practicing archivists. Combined with other important provisions in the Act, in particular the Fair Use doctrine as codified in Section 107, Section 108 has proven to be an invaluable tool for archivists in conducting their collective mission to preserve the historical record.

SAA Statements/Issue Briefs on This Topic:

- Archivists and the Term of Copyright (2016)
<https://www2.archivists.org/statements/issue-brief-archivists-and-the-term-of-copyright>
- Statement on Draft Revision of Section 108 (2016)
<https://www2.archivists.org/statements/saa-statement-on-draft-revision-of-section-108>
- Archivists and the Trans-Pacific Partnership Agreement Provisions (2015)
<https://www2.archivists.org/statements/saa-opposes-trans-pacific-partnership-agreement-provisions>

---ACTION PLAN FOR 2018 LEGISLATIVE PRIORITIES---

In support of this Legislative Agenda, the Society of American Archivists will undertake the following actions:

1. Advocate with Members of Congress to support SAA's legislative priorities by collaborating with the Council of State Archivists and the National Association of Government Archives and Records Administrators to sponsor an "Archives on the Hill" event in conjunction with the three organizations' Joint Annual Meeting in Washington, DC, in August 2018. SAA will collaborate with our partners to:
 - Identify a cadre of SAA/CoSA/NAGARA/RAAC members to meet with Congress members who have critical roles and influence on priority areas.
 - Provide SAA/CoSA/NAGARA members with training for Hill visits.
 - Prepare fact sheets/informational materials on the priority issues for use during and after the Hill visits.
 - Provide training and support materials for additional SAA members who wish to visit their Members of Congress members who are not on the priority list.
 - Conduct a debriefing on Hill visits and identify and plan further strategies.
2. In collaboration with CoSA, NAGARA, and RAAC, develop for discussion a white paper on federal funding that addresses the essential nature of additional and stable funding for archives programs. The discussion paper will serve as the basis for profession-wide conversations on identifying high-priority funding needs in such areas as management and preservation of born-digital and digitized records; disaster response and recovery support for archives; online access initiatives; and other issues recommended by the archives community.
3. Raise awareness of legislative priorities via SAA's media. SAA will:
 - Prepare templated letters to the editor on issues of urgency and importance for use by SAA leaders and members with national, regional, and local news media.
 - Prepare op-ed columns for key media outlets and seek influential individuals/supporters to author and submit these columns.
 - Circulate information on legislative priorities via regular/periodic social media postings.

4. Monitor actions in the Congress and Executive branch for issues that affect or involve archival records and programs and/or the archives profession. SAA will issue statements and action alerts in response to these issues.

5. Solicit supporters. SAA will:

- Identify and recruit ten “grass top” individuals with name recognition who are interested in, and willing to speak in support of, SAA’s legislative priorities.
- Work with at least three individuals to provide op-ed pieces or letters to the editor on key priorities in 2018.

-----NATIONAL ISSUES TO BE MONITORED IN 2018-----

Public Policy Issue:

Address weaknesses in classification of federal records.

Legislative Action: Collaborate with interested organizations to support efforts to improve classification and declassification and avoid over-classification of federal records. Actions to support include simplification of classification categories and provision of additional funding for training and technology to assist and improve the classification process.

Background: The core values of archivists as defined by the Society of American Archivists and the profession include accountability and access and use. There is a demonstrated need to reform the federal classification process, reduce over-classification, and ensure that the controlled unclassified information system does not become yet another system of “classification” in order to ensure a more open and transparent government. In particular, the federal government should strive for the greatest possible openness when declassifying national security information.

SAA Statements/Issue Briefs on This Topic:

- Issue Brief: Declassification of Federal Records (2017)
<https://www2.archivists.org/statements/issue-brief-declassification-of-federal-records>
- Issue Brief: Federal Classified Information and Controlled Unclassified Information (2017)
<https://www2.archivists.org/statements/issue-brief-federal-classified-information-and-controlled-unclassified-information>

Public Policy Issue:

Support efforts to strengthen open government data and transparency.

Legislative Action: Support efforts to develop open government information for all federal agencies. Support legislation that enhances federal electronic records management, such as H.R.745, the Federal Records Modernization Act of 2017.

Background: SAA promotes the protection and accessibility of records found in governments, organizations, and archives repositories. Records ensure the protection of individuals' rights, the accountability of governments and organizations, and the accessibility of historical information. To ensure that records can serve these purposes, the National Archives and Records Administration (NARA) should be granted the statutory authority that will allow it to carry out its crucial responsibility for the proper management of federal records.

SAA firmly believes that the critical nature of information in a democracy places the burden to prove the need for confidentiality, or the legitimacy of excluding information from the public domain, on those asserting such claims. Therefore, SAA strongly opposes any effort by presidential administrations to deny U.S. citizens access to government information found in archives and records.

SAA Statements/Issue Briefs on This Topic:

- Statement on the Value and Importance of Transparency in Government (2017)
<https://www2.archivists.org/statements/saa-statement-on-the-value-and-importance-of-transparency-in-government>

Public Policy Issue:

Promote effective management of federal records.

Legislative Action: Advocate for pertinent legislation and the development of appropriate agency regulations, and support the National Archives and Records Administration (NARA) in pursuit of these goals.

Background: The Congress should pass, and the President should sign, legislation that gives NARA the authority and resources to investigate violations of records management laws and policies. Such legislation should also set appropriate penalties – levied according to the degree of authority and responsibility granted to the offender – for noncompliance with existing records management laws and policies. Cases in which violation of records management law are suspected should be referred to the Department of Justice for adjudication.

NARA should be provided the necessary additional resources to carry out a system of robust, regular audits of the records management practices of federal agencies to

determine their level of compliance with existing laws and regulations. Agencies should be audited at least once every five years to ensure compliance.

SAA Statements/Issue Briefs on This Topic:

- Issue Brief on Strengthening of Federal Records Authority (2015)
<https://www2.archivists.org/statements/issue-brief-strengthening-of-federal-records-authority>

Public Policy Issue:

Improve the Freedom of Information Act.

Legislative Action: Support strengthening of FOIA implementation, especially through expansion to all federal agencies of the “Release Once Release to All” pilot project.

Background: Many agencies across the federal government have backlogs in responding to FOIA requests from citizens, with average response time increasing.

SAA Statements/Issue Briefs on This Topic:

- Issue Brief on Freedom of Information Act (2014, updated 2016)
<https://www2.archivists.org/statements/issue-brief-freedom-of-information-act>

**-----STATE / REGIONAL / LOCAL POLICY ISSUES-----
TO BE MONITORED IN 2018**

Public Policy Issue:

Support efforts to define police mobile camera footage as a public record.

Legislative Action: Encourage members to advocate for and support efforts to define police mobile camera footage as a public record under existing public records laws according to local, state, and federal statutes; advocate for standardized practices and policies to ensure effective management, preservation, and access.

Background: Police mobile camera video—recorded in the course of operations and preserved as evidence—falls under the professionally accepted definition of public records, i.e., any documentary materials, regardless of physical form or characteristics, made or received by a government entity in the conduct of public business and preserved (or appropriate for preservation) as evidence of the entity's organization, functions, policies, decisions, procedures, operations, or other activities, or because of the information contained therein. However, state laws diverge widely on the treatment of body camera recordings as public or open records. Effective management of these

records needs to be addressed, as well as the complex issues involved in balancing the public right to know versus personal privacy.

SAA Statements/Issue Briefs on This Topic:

- Issue Brief: Police Mobile Camera Footage as a Public Record (2017)
<https://www2.archivists.org/statements/issue-brief-police-mobile-camera-footage-as-a-public-record>

Public Policy Priority:

Promote improvements in state Freedom of Information laws.

Legislative Action: Closely monitor state legislation pertaining to state records laws, work with other organizations that are interested in FOIA, and encourage members in respective states to advocate for strengthening state FOI laws.

Background: To ensure the public's right to equal and equitable access to government information found in archives, SAA supports state government efforts to examine all freedom of information laws and strengthen all pertinent legislation. All state records laws should include specific language to prevent restrictions and exemptions for records of public officials and other government employees, other than those that are explicitly required by law.

SAA Statements/Issue Briefs on This Topic:

- Issue Brief on State Freedom of Information Laws
<https://www2.archivists.org/statements/issue-brief-state-freedom-of-information-laws>

Support Statement: The 2018 Legislative Agenda and Action Plan will provide SAA members and other prospective audiences with an understanding of SAA's priorities related to federal legislation that has an impact on archivists, archives, the archives profession, and the communities we serve.

Impact on Strategic Priorities: Addresses Goal 1: Advocating for Archives and Archivists, Strategy 1.1. Provide leadership in promoting the value of archives and archivists to institutions, communities, and society; Strategy 1.2. Educate and influence decision makers about the importance of archives and archivists; Strategy 1.3. Provide leadership in ensuring the completeness, diversity, and accessibility of the historical record, and Strategy 1.4. Strengthen the ability of those who manage and use archival material to articulate the value of archives.

Fiscal Impact: Implementation of the Legislative Agenda and Action Plan will require SAA to expend funds (some of which are included in the FY18 Budget) on specific advocacy efforts. In addition, implementation will require a significant time commitment from SAA staff and volunteers.