

Council Committee Report Form

TO: ALA Council

RE:

- ACTION REQUESTED
- INFORMATION
- REPORT

ACTION REQUESTED BY:

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DATE: January 4, 2022 (updated January 18, 2022)

BACKGROUND: COL report to Council

Report to Council
2022 ALA Virtual Council Meeting
Joe Thompson, Chair—ALA Committee on Legislation (COL)
January 4, 2022

COL committee members: Joseph Thompson (Chair), Brandon Wright Adler, LaMoya Nicole Burks, Sara Dallas, Deborah Doyle, Jessica Sheara Epstein, Lori Fisher, Ed Garcia, Charles Kratz, Kathleen Peiffer, Kent Oliver, Nicole Robinson, Eric Suess, Julia Warga, Bradley Wiles, Emily Finch, Sarah Landeryou.

Advocacy

Advocacy efforts for increased funding for federal appropriations, library construction and broadband have been at the forefront of the activities of COL and our library supporters. While several of these major legislative efforts are currently on hold or stalled due to disagreements and pushback from members of Congress, COL, alongside ALA's Public Policy and Advocacy Office (PPA), remains vigilant and ready to take action for and mobilize the library community when our voices will have the greatest impact on the legislative process.

COL Legislative Agenda

In the fall of 2021, COL discussed and approved the Legislative Agenda for 2022 (attached to this report). The top priority issues include equitable library funding, library infrastructure and sustainability, internet access and digital inclusion, copyright, licensing and competition, and government information and services. This agenda annually highlights priorities for federal legislation, reflecting current opportunities with the greatest impact on libraries.

Win for FY 2022 Library Appropriations, but Currently on Pause

ALA [mobilized library advocates](#) to contact their members of Congress to sign the fiscal year (FY) 2022 Library Services and Technology Act (LSTA) and Innovative Approaches to Literacy (IAL) Dear Appropriator letters in support of funding for school libraries and state library agencies' grants to public, academic, school and special libraries. In July, the letters finished circulating in both the House and Senate with near record support.

On July 15, 2021, ALA [welcomed substantial increases](#) in federal funding for libraries approved by the House Appropriations Committee and the full House. The IMLS-administered LSTA saw an increase of \$9 million, raising a total of \$206.5 million for the nation's primary source of federal funding for libraries. IAL saw a \$3 million increase, for a total \$31 million for the Department of Education program. The Senate draft of the appropriation bills also includes \$3 million for an important Information Literacy Taskforce along with increases of \$6 million for LSTA and \$6 million for IAL.

As of October 2021, the federal government is operating on a continuing resolution (CR), through February 18, 2022. With this CR in place, funding levels from FY 2021 will continue until Congress can come to an agreement, and these proposed increases to federal library programs will be on

hold. COL and ALA are prepared for the possibility of having two separate appropriations bills to monitor and act upon at the same time in early 2022, as the President normally releases the budget proposal for the next fiscal year (2023) around mid-February.

Library construction funding stalled in Congress

Public policy and advocacy efforts for the [Build America's Libraries Act](#) (H.R. 1581 / S. 127) and other federal legislation that would provide funding for library construction and renovation has remained a top priority for COL and PPA. In July, ALA President Patty Wong and COL member and Cranston Public Library Director Ed Garcia and PPA staff held a virtual press briefing on the bill alongside House bill lead sponsor, Rep. Andy Levin (D-MI-09). COL members and library advocates across the country worked with PPA staff to place dozens of op-eds in local and national newspapers. In August, the Build America's Libraries Act was [formally endorsed](#) by the Congressional Hispanic Caucus, in addition to the endorsements of over 30 national organizations, and the near 200 cosponsors in both the House and Senate bills combined.

Unfortunately, the main potential legislative vehicle remains stalled in Congress. In August, the Senate and House passed the budget resolution for FY 2022, which set in motion the process for Congress to develop a budget reconciliation package, known as the Build Back Better Act. ALA has urged that the package include funding for library renovation and construction, equivalent to the proposed \$5 billion outlined in the Build America's Libraries Act. On November 19, 2021, the U.S. House of Representatives passed a version of the Build Back Better Act that would provide a scaled-down \$1.75 trillion in new federal programs, which did not include funding for library construction. As of December 2021, the Senate has not yet passed the Build Back Better Act amid challenging negotiations and pressure to further reduce the scope of the package. While the fate of the Build Back Better Act currently remains unclear, COL and ALA will continue advocacy efforts for federal support for library construction through any potential mechanism.

Substantial broadband funding administered through emergency relief legislation

COL and PPA continued efforts on the Federal Communications Commission's (FCC) Emergency Connectivity Fund (ECF) program, established through the American Rescue Plan Act (ARPA) by encouraging libraries to apply for the funding and providing resources to help them do so successfully. The ECF provides federal funding for public and tribal libraries and K12 schools to purchase connected devices and broadband internet connections for use off library and school grounds for individuals who otherwise lack internet access. The FCC opened a 45-day application window through August 13, 2021, as well as a second application window that closed on October 13, 2021. PPA staff developed a dedicated ECF resource [webpage](#) to assist library workers, patrons, students and teachers in applying for the funding. In response to concerns raised by libraries about patron data collection and retention, PPA staff also met with FCC staff to seek clarifications and modifications of these requirements, and submitted several letters outlining the issue of concern and proposing possible solutions. COL and PPA continue working to seek additional funding for the ECF program, and [supported](#) the SUCCESS Act, introduced in July by Senators Ed Markey (D-MA) and Chris Van Hollen (D-MD) and Congresswoman Grace Meng (D-NY-6), that would extend the program's funding for five years.

The Infrastructure Investment and Jobs Act, signed by President Biden on November 15, 2021, provides \$2.75 billion for the [Digital Equity Act](#) to create new federal investments for digital inclusion projects at the national, state and local levels, and libraries of all types will be eligible. COL and PPA staff are closely monitoring the developments of this program, and working to influence its roll out.

COL and PPA have also [highlighted and publicized](#) the opportunity for libraries to secure funding

through ARPA's Coronavirus Capital Projects Fund, which provides \$10 billion in available funding for eligible states, territories, and tribal communities to ensure individuals' access to high quality broadband, the implementation of broadband infrastructure improvements, and the enhancement of the overall quality of education, work, and telehealth as a direct response to the ongoing public health emergency. These funds will be allocated from the U.S. Department of the Treasury to states.

ALA responds to Copyright Office analysis of state eBook legislation

The U.S. Copyright Office [released a letter](#) to respond to the query from Sen. Thom Tillis (R-NC) about possible federal preemption of state eBook law and legislation. ALA has since held congressional meetings regarding the Tillis request, and in August, issued a [statement](#) in response to the U.S. Copyright Office letter. COL and ALA firmly believe that the Maryland law and the pending legislation in several states are not in conflict with the Copyright Act or the U.S. Constitution.

Library of Congress Subject Headings Update

At ALA Annual 2021, members of ALA Council referred resolution ALA CD #56, "Resolution on Replacing the Library of Congress Subject Heading "Illegal Aliens" Without Further Delay," to COL, requesting that ALA urge the Library of Congress to change the subject heading Illegal aliens promptly, and encourage libraries to dedicate staff time and capacity to addressing and remediating problematic metadata.

Following the introduction of the resolutions, PPA staff attended each monthly Library of Congress Subject Editorial Meeting, and closely monitored the developments and progress of the issue. PPA also continued its engagement with Congressional staff. During the Library of Congress's scheduled meeting on November 12, 2021, COL and ALA [praised](#) the institution's decision to replace the terms "aliens" and "illegal aliens" with new subject headings "Noncitizens" and "Illegal immigration." These revisions will appear on Special List 21-11B, and headings on existing bibliographic records in the Library of Congress's catalog will be updated quickly as the heading changes are approved. COL and ALA applauded the replacement of outdated and dehumanizing terms, and acknowledge this important first step in aligning the Library of Congress's subject headings with the core values of social justice for ALA members, and respecting members of the library community from all backgrounds.

COL Subcommittees

The [Government Information Subcommittee \(GIS\)](#) will be meeting during the LibLearnX conference in January to discuss their plans and priorities for 2022, aligning with the legislative agenda's declared goals of ensuring public access to publicly-funded research and data.

The [Copyright, Legislation, Education, and Advocacy Network \(CLEAN\)](#) developed and maintained several copyright tools to help librarians and their patrons navigate various copyright issues. These tools - the Public Domain Slider, the Section 108 Spinner, the Fair Use Evaluator and the Exception for Instructors eTool available via links from the [ALA website](#). The Public domain slider has been updated and the Copyright Genie was fixed so that things falling into the public domain this year would show up correctly as in the public domain. The ALA Copyright Network analytics indicate consistent use of all tools year round. Unlike some of our calendars, copyright never takes a holiday.

**2021-2022 ALA CD#20
2022 ALA Virtual January Meeting**

CLEAN members also staff the Copyright Advisory Network (CAN). CAN exists to help librarians understand copyright law and appreciate the important role that they can play in serving the public “to advance the progress of science and the useful arts.” [The Network](#) is to respond to copyright questions posed by librarians, independent creators and copyright users.

**American Library Association (ALA)
Committee on Legislation
Legislative Agenda for 2022**

Policymakers must ensure libraries are equipped to safely meet their communities' needs for technology access, education and learning, economic recovery and development, research, health and well-being, and civic engagement. Policies should support the contributions of school, public, and academic libraries, with emphasis on meeting the needs of underserved groups. Advancing diversity, equity, and inclusion underpin and permeate our legislative advocacy.

ALA's Committee on Legislation encourages ALA members and library supporters to advocate on the following library priorities in 2022. ALA will monitor and engage on these and other [federal issues](#) that affect libraries, and will join with partners and coalitions to promote strong and equitable libraries. We urge ALA members and library supporters to [sign up as advocates](#) and use [ALA's advocacy resources](#) to build effective relationships with decisionmakers.

Funding and Support

[Equitable federal funding](#) for library services is essential to ensuring that every community in America has strong libraries. Key issues for 2022:

Dedicated library programs: Increase and maintain funding for the:

- Institute of Museum and Library Services, which administers the Library Services and Technology Act, with priority on services and technology for underserved communities;
- Innovative Approaches to Literacy program, with priority on funding for underserved, tribal, and/or high-need [school libraries](#) through the Department of Education;
- Library of Congress, including the National Library Service for the Blind & Print Disabled; and
- Federal Depository Library Program and the Government Publishing Office.

Library-eligible programs: Continue and enhance federal programs for which libraries are eligible recipients or partners. Recognize and support libraries' important roles in:

- [Economic and workforce development](#), including in reauthorization of the Workforce Innovation and Opportunity Act;
- K-12 education, including in reauthorization of the Every Student Succeeds Act; and

- Higher education, including in reauthorization of the Higher Education Act, and preserving eligibility of library workers for Public Service Loan Forgiveness.

Library infrastructure and sustainability: Provide support to make library facilities more modern, healthy, safe, sustainable, resilient, and accessible for all users.

Internet Access and Digital Inclusion

To promote digital equity and enable modern library services, libraries in all parts of the country must be able to serve their users with fast and affordable [broadband](#), technology access, and digital skills training. Key issues for 2022:

E-rate: Improve outreach and technical assistance for applicants to increase library participation in the program, especially in underserved communities. Ensure eligibility of tribal libraries.

Technology access and training: Provide funding for libraries to strengthen internet and technology access and digital skills training for all through the Emergency Connectivity Fund, Digital Equity Act, and other legislative possibilities.

Broad telecommunications policy: Restore [net neutrality](#) protections and preserve Section 230 of the Communications Decency Act to ensure equitable access to the internet.

Copyright, Licensing, and Competition

Libraries rely on balanced and flexible [copyright policy](#) to enable vital library services. ALA supports a modern copyright system with effective user rights and limitations and exceptions to copyright. Additionally, libraries rely on fair licenses and market practices in order to provide access to digital content such as [e-books](#). Key issues for 2022:

E-books and digital content: Prevent unfair and anti-competitive practices that limit libraries' ability to meet their users' reading and information needs. Advocate for federal legislation and regulation and support state-level initiatives in collaboration with ALA Chapters. Develop strategy for the long-term.

Copyright Office: Preserve the Librarian of Congress' authority to manage and oversee the Copyright Office.

Government Information and Services

Libraries provide access to [government information](#) and services in communities across the country. ALA supports policies that assist libraries in providing no-fee permanent public access

to government information and equitable access to government services, which includes voting. Key issues for 2022:

Federal Depository Library Program: Modernize the [Federal Depository Library Program](#).

Public access to research: Ensure public access to publicly-funded