TO: ALA Executive Board

RE: Public Policy and Advocacy Office Report

ACTION REQUESTED/INFORMATION/REPORT:
No action requested

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DATE:
To be presented on Friday, January 24, 2019, 9:00 – 9:20 a.m.

BACKGROUND:
Report of activities of ALA’s Public Policy and Advocacy Office

ATTACHMENTS:
Public Policy and Advocacy Report
ALA PUBLIC POLICY AND ADVOCACY REPORT

FEDERAL LEGISLATION AND POLICY UPDATES

LIBRARY FUNDING

ALA Members Celebrate Appropriations Win
Following a year of intense engagement by ALA members, Congress approved the largest increase in Library Services and Technology Act (LSTA) funding in 12 years. All library-related programs were targeted for elimination in the President’s FY 2020 budget request. The budget bill was signed by the President on December 20.

Congress appropriated $252 million for the Institute of Museum and Library Services (IMLS)—a $10 million increase—as, which includes a $6.2 million increase dedicated to LSTA. Highlights from the $195.4 million for LSTA include:

- $166.8 million for LSTA Grants to States ($160.8 million in FY2019)
- $5.3 million for LSTA Native American Library Services ($5.1 million in FY2019)
- $10 million for LSTA Laura Bush 21st Century Librarian grants ($10 million in FY2019)

Level funding in the current fiscal environment is considered a win; increased funding is a major accomplishment. Library funding has steadily increased over the past three years. As advocates continue to demonstrate the impact libraries have on communities, ALA is in a stronger position than ever to start the FY2021 budget cycle.

Overall funding for the Department of Education increased by $1.3 billion, raising its total budget to $72.8 billion. The Innovative Approaches to Literacy (IAL) program, another priority for ALA, also escaped the White House’s original proposed elimination and received $27 million for FY2020, the same level as last year. Other library-eligible programs received increases:

- $1.21 billion for Title IV Part A Well-Rounded Education ($1.17 billion in FY2019)
- $192 million for Striving Readers Comprehensive Literacy Grants ($190 million in FY2019)
- $1.25 billion for 21st Century Community Learning Centers ($1.22 billion in FY2019)
- $16.3 billion for Title I Grants to Local Education Agencies ($15.9 billion in FY2019)
- $2.13 billion for Title II Supporting Effective Instruction ($2.06 billion in FY2019)

The Library of Congress, the National Library of Medicine, and the Carl D. Perkins Career and Technical Education Act also received increases.

ALA endorses Crosby Kemper as IMLS Director Nominee
On November 13, ALA endorsed the nomination of Crosby Kemper III to be the next director of IMLS. Kemper, a member of both ALA and the Public Library Association, has served as executive director of Kansas City Public Library since 2005. During his tenure the library received the National Medal for Museum and Library Service. Kemper recently served as chair of the board of directors of the Schools, Health, and Libraries Broadband Coalition, which supports open, affordable broadband connections for
local community organizations. The IMLS Director is an executive appointment of four years, with each leadership term rotating from library to museum professional. Kemper’s nomination was reviewed by members of the Senate Health, Education, Labor and Pensions Committee, and is awaiting consideration by the full Senate.

COPYRIGHT POLICY

Copyright Register resigns; Acting Director named
Copyright Register Karyn Temple has accepted a new position with the Motion Picture Association. Temple worked for the U.S. Copyright Office since 2011, first in the Office of Policy and International Affairs where she advised Congress on important copyright law and policy issues and was involved in several treaty negotiations, including the successful Marrakesh treaty that created an international copyright exception for people with print disabilities. She served as Acting Register of Copyrights from October 2016 until March 2019, when she was appointed Register during a time of dramatic change at the Copyright Office. During her tenure, she spearheaded IT modernization efforts, oversaw improvements such as new public outreach, the elimination of the registration backlog, and reduced registration processing times. Maria Strong, associate register of Copyrights and Director of Policy and International Affairs has been named Acting Register until a new Register is appointed. She has worked for the Copyright Office since 2010, spent 19 years in private practice and started her career as staff attorney at the FCC.

Roundtables held on U.S. Copyright Office Intellectual Property
The Senate Judiciary Intellectual Property subcommittee staff on behalf of Chairman Senator Tillis (R-NC) held a series of roundtables on U.S. Copyright Office modernization with a broad range of rights holder groups, ALA, ARL, and a limited number of civil society groups in the fall of 2019. The purpose of the roundtables was to address rights holder concerns with copyright registration, the authority of the Register to manage the Office’s modernization activities, and the robustness of Library of Congress information technology security as well as legislative changes necessary for a modern and efficient Copyright Office system. Rights holders believe modernization efforts centralized under the Library hindered the Copyright Office, despite public testimony and reports to the contrary. While Senate Judiciary staff assured the group that Copyright Office independence was not a desired outcome, ALA commented on the effectiveness of the existing partnership between the Library of Congress and its units including the Copyright Office.

After the roundtables in December, staff made draft legislation to amend the copyright law available for comment. The legislation includes centralization of information technology in the Library of Congress, increases the authority of the Register, provides liability waivers for rights holders who unknowingly complete registration in error, makes digital deposit the default for copyright examination purposes, separates the process of examination from best edition deposit, and introduces a Copyright Office Advisory Board. ALA and ARL submitted comments on the draft prior to the holidays. The Senate Judiciary Intellectual Property subcommittee plans to introduce legislation in early 2020.

PPA submits comments on Music Modernization Act blanket licenses
The U.S. Copyright Office issued a notice of inquiry and call for comments on the implementation regulations of the Music Modernization Act’s “mechanical” blanket license provisions. PPA along with music librarians and academic copyright librarians asked that provisions include a reasonably priced
license for libraries, museums, archives and non-profit educational institutions who wish to use sound recordings from their collections. PPA suggested that the blanket license could be modelled after existing blanket licenses for college radio stations. Without a blanket license, non-profit educational and cultural institutions would have no option for seeking permission to use musical recordings from the newly established collective for digital uses of musical works.

**Senate Judiciary Chairman Tillis announces DMCA hearings**
Senator Tillis (R-NC) announced plans for a series of hearings in 2020 to consider changes to the Digital Millennium Copyright Act (DMCA) of 1998. Tillis’ primary concern is Section 512, the online service provider liability provision. Section 512 says that online service providers, including libraries who offer public computing, cannot be held liable for third party infringing acts. In order to get the liability protection, online service providers agree to take down infringing content once notified by a rights holder. Rights holders have argued that online service providers should do more to prevent infringing content from being posted online. Online service providers argue that they are doing all that they can to limit infringing content from being posted on their platforms. PPA urged Senator Tillis to also consider a provision of less interest: the triennial rulemaking on anti-circumvention of technological protection measures that prevent access to digital works. PPA has participated in the rulemaking since its start in 1999. The rulemaking has created temporary exemptions for fair uses, circumventing digital rights management to allow for: text-to-speech for eBooks; the inclusion of audio captions on motion pictures and television programming; and film clips be extracted from digital media for scholarship and classroom use. While the rulemaking process has been simplified over the years, the scope of the proceeding has broadened, especially now that software is embedded in everyday consumer products.

**CASE Act stalls in the Senate**
The Copyright Alternative Small Claims Enforcement (CASE) Act (S. 1273) has stalled in the Senate despite strong bipartisan support in the Senate Judiciary Committee. The CASE Act intended to create a small claims tribunal in the U.S. Copyright Office for independent rights holders to bring claims of infringement to an alternative court, outside of the expensive federal court proceeding. Stakeholder groups, including ALA, opposed CASE for various reasons, including: the constitutionality of a judicial court within the legislative branch; the bill’s potential to encourage copyright trolling; liability damages that far exceed damages assessed in state small claims courts; lack of due process for alleged infringers; and the ability of rights holders to bring lawsuits before filing for copyright registration. Senate efforts to negotiate alternative legislation dwindled at the end of the year. The CASE Act has broad support from most rights holders and is expected to be re-introduced next Congress. As you may remember, the CASE Act passed in the House (H.R. 2426) in October 2019.

**Library Copyright Alliance files amicus brief in State of Georgia v. Public Resource.org**
The Library Copyright Alliance (LCA) filed in support of Public Resource arguing that the government edicts doctrine extends to annotations of Georgia state laws. Libraries depend on a comprehensive government edicts doctrine to provide access and preserve the cultural record.

**LCA sends letter in support of South Africa copyright legislation**
LCA sent a letter to South African President Cyril Ramaphosa urging that he sign the copyright amendment bill which includes copyright exceptions like fair use, education and library exceptions. Rights holders, represented by the International Intellectual Property Alliance (IIPA) oppose the bill and have urged the U.S. Trade Representative to review South Africa’s eligibility status from the list of
countries that participate in the Generalized System of Preferences (GSP). The GSP provides trade opportunities for developing countries.

GOVERNMENT INFORMATION

ALA provides resources to support library preparations for the 2020 Census

ALA secured funding and awarded more than $100,000 to 59 libraries nationwide to support their Census activities. On November 4, ALA began inviting applications for $2,000 mini-grants from the Library Census Equity Fund. More than 500 libraries of all types submitted applications. A selection committee established by ALA’s 2020 Census Library Outreach and Education Task Force selected the 59 libraries that will receive mini grants to help achieve a complete count in their communities. The recipients were announced on December 19.

In addition, ALA provided additional resources to help libraries prepare for the upcoming 2020 Census. ALA hosted three free webinars for library staff:

- November 6: “Connecting Your Community to 2020 Census Jobs”
- November 14: “Preparing Your Library for the 2020 Census”
- December 16: “Library Programs and Partnerships in the 2020 Census”

ALA also released two additional tip sheets for library staff:

- Preparing My Library for the 2020 Census
- How Can Libraries Help Count All Kids in the 2020 Census?

ALA will release additional informational resources for libraries in the first quarter of 2020, including an updated Libraries’ Guide to the 2020 Census, additional tip sheets and webinars, a Public Libraries Online podcast, and educational programs at the 2020 ALA Midwinter Meeting and 2020 PLA Conference. Resources will be available at ala.org/census. The self-response period for the 2020 Census will begin after March 12, 2020.

In November 2019, in consultation with PPA, ACRL published “Keeping Up With... 2020 Census,” a current awareness publication for academic librarians. PPA staff also continued outreach presentations to library audiences, including: a webinar presentation to the continuing education coordinators of state library agencies on October 3; a program at the Federal Depository Library Conference on October 22; a keynote address at the national Counted In Forum on October 31; and a presentation at the Conference on Inclusion and Diversity in Library & Information Science on November 1. Staff also presented about library census efforts at Census Civil Rights Summit on December 5 and the Democracy Funders Census Subgroup/Funders Census Initiative quarterly meeting on December 9.

New Director of Government Publishing Office confirmed

On October 17, the White House nominated Hugh Halpern to be Director of the Government Publishing Office (GPO). GPO administers the Federal Depository Library Program (FDLP) and related activities that provide public access to government information. The Senate Committee on Rules and Administration held a hearing to review the nomination on November 14. On November 18, ALA, joined by the American Association of Law Libraries (AALL) and the Association of Research Libraries (ARL), sent a letter in support of Halpern’s confirmation. The full Senate approved the appointment on December 4. Prior to the vote, GPO had not had a Senate-confirmed director for more than two years,
following previous Director Davita Vance-Cook’s departure in November 2017. Previously, Halpern worked for 30 years in the U.S. House of Representatives.

**ALA applauds passage of grant data modernization**
On December 16, the House passed the Grant Reporting Efficiency and Agreements Transparency (GREAT) Act (H.R. 150). ALA joined a [letter in support of the bill](https://www.ala.org/atoz/about-ala/letters), which would modernize reporting by recipients of federal grants and improve access to grant data, including for IMLS and its grantees. The bill was previously passed by the Senate and was signed into law by the President on December 30, 2019.

**TELECOMMUNICATIONS**

**FCC releases anticipated Category 2 Order for E-rate**
In December the FCC [released](https://www.fcc.gov/Release) the long-awaited Category 2 Order which determines the rules for how libraries and schools will apply for funding for WiFi and associated costs starting in 2021 and into the foreseeable future. PPA submitted numerous comments throughout the proceeding and the Order includes several ALA recommendations. ALA Senior Policy Fellow Bob Bocher prepared a [summary](https://www.ala.org/atoz/about-ala/letters) of the Order to assist applicants with navigating the rule changes, and the E-rate Task Force will be discussing additional outreach and education opportunities during its Midwinter business meeting.

In addition to Mr. Bocher’s leadership role within ALA, he recently completed two 3-year terms as the library representative on the Board of Directors of Universal Service Administrative Company (USAC), the agency that administers the E-rate program and other Universal Service Fund programs for the FCC. ALA recommended Amber Gregory, Manager of E-rate Services for the Arkansas State Library and Chair of ALA’s E-rate Task Force. FCC Chairman Ajit Pai formally appointed Ms. Gregory in December. Her term begins in January 2020.

**NY Congresswoman supports digital inclusion**
PAA worked with Congresswoman Grace Meng (NY-6) to draft legislation to address the homework gap. The Congresswoman introduced the [Closing the Homework Gap through Mobile Hotspots Act](https://www.house.gov/.housebrief/press-releases/closing-the-homework-gap-through-mobile-hotspots-act) which, among other things, would provide funding for libraries to loan hotspots to families with school-aged children who do not otherwise have access to home broadband. Rep. Meng’s November 25 [press release](https://www.house.gov/press-release/closing-homework-gap-through-mobile-hotspots-act) included an endorsement quote from ALA President Wanda Brown: “As America’s premier hubs of lifelong learning for all, libraries are uniquely positioned to bridge the digital divide. The nation’s more than 120,000 libraries play a vital role in providing access to high-speed internet… More hotspots in our nation’s libraries is the surest way to make progress in achieving digital equity across the country.”

**ADVOCACY OUTREACH**

**#BooksForAll Campaign continues fierce push for library lending rights**
The ALA Public Policy and Advocacy Office continues to lead and coordinate policy and strategic advocacy communications related to Macmillan Publishers’ embargo of library eBooks, as well as broader issues related to access to digital content in libraries of all kinds. The last three months have been intensely busy with direct negotiations with publishers, a report to the U.S. House of Representatives Committee on the Judiciary Subcommittee on Antitrust, Commercial and
Administrative Law, hand delivery of more than 230,000 signatures to Macmillan CEO John Sargent opposing the company’s embargo, and a campaign update webinar in partnership with PLA, with ALA President Wanda Brown and PLA President Ramiro Salazar, to name a few significant activities. A complete update focused on this policy and communications work will be submitted separately as part of ALA Senior Director of Public Policy and Government Relations Alan Inouye’s report to the board.

**ALA Policy Corps Advisory Group established; third cohort recruited**

Members of the first and second cohort were brought together for their first formal training together October 22 with a focus on copyright policy and eBook advocacy. Each of the cohorts also had a day of work and meetings on their own on October 21 and 23 respectively, including meetings with Federal Communications Commission (FCC) Commissioners and their staff, meetings with their federal representatives and training on public policy messaging and media relations. Corps members also led parts of the training: Carla Myers presented alongside ALA Past President Jim Neal and Senior Director of Public Policy and Government Relations Alan Inouye about contract override in law and policy and how it might be applied to eBook lending concerns; and Lori Fisher shared her work in New Hampshire to engage presidential nominees around library questions and concerns during the state’s primary season as part of a look ahead to the 2020 election cycle. Policy Corps member Hallie Rich also participated in a joint ALA-PLA #eBooksForAll campaign update to share a calculator she has developed to help measure the value of library promotion for authors and titles.

ALA Committee on Legislation Chair Rob Banks and ALA Information Technology Policy Advisory Committee Chair Sukrit Goswami approved the creation of an ongoing ALA Policy Corps Advisory Group to replace the previous member working group. The new advisory group will provide ongoing oversight of the Policy Corps program in three areas: strategic guidance to enable the initiative to develop and improve to address new opportunities and challenges; operational responsibility for selecting each year’s incoming cohort; and assessment and evaluation to guide improvements. As with the prior working group, the new group includes representation from academic, K-12 school, and public library communities, as well as Friends and foundations. The full roster is available on the project web page. The review and selection process to determine the members of the third cohort is underway, with the group to begin meeting and working in the spring. All three cohorts will be able to meet virtually at least quarterly, in addition to individual and team projects and trainings.

**Annual retreat with the Committee on Legislation**

The Committee on Legislation held their annual retreat in the ALA offices in Washington, D.C., in mid-October, where they established their 2020 Legislative Agenda. Joshua Lamel, executive director of the Re:Create Coalition, joined as a speaker to talk about why ALA is a sought-after partner in the policy space. He also shared more about the Re:Create mission as a cross-section of creators, advocates, thinkers, users and consumers and his previous Capitol Hill experience, including serving as counsel to current Senate Finance Committee Chair Ron Wyden (D-OR).

**ALA conducts Advocacy Training in Missouri**

In early October, Emily Wagner and Megan Cusick traveled to Kansas City to attend the Missouri Library Association Conference and present on advocacy strategies to MO library workers. Kathi Kromer served as the MO Library Association conference keynote speaker, giving an hour-long talk on the critical need for library workers and leaders to expand their network and communicate with their elected leaders all year long.
ALA launches Voter Engagement Guide
As part of its focus on nonpartisan voter engagement in the upcoming year, PPA has scheduled programs at Midwinter Meeting and Annual Conference, worked with other ALA units on partnerships with national organizations, and published a voter engagement guide.

State and Local Advocacy continues across the country
PPA has collaborated with state associations, librarians, and library advocates across the country to provide strategic assistance and visible support for libraries. On behalf of ALA President Wanda Brown and AASL President Mary Keeling, PPA submitted letters in support of school libraries and librarians to the Virginia Department of Education, the Illinois State Board of Education, and several school districts. On behalf of President Wanda Brown and United for Libraries President Peter Pearson, PPA submitted a letter to the City of Norfolk, Virginia, in support of the library board of trustees and their request for a unified public library system.

The state ecosystem task force is developing an assessment tool that will help states reflect on the strength of their ecosystems in the focus areas of leadership, communication, collaboration, and sustainability. A complete toolkit, including supporting resources and implementation plan, will be presented at ALA Annual. The group will also make a proposal to the Committee on Library Advocacy about moving the ecosystem work forward after the task force sunsets in June 2020.

PPA continues to collaborate with other ALA units and President-Elect Julius Jefferson on planning for a national tour of libraries, scheduled to take place during the summer of 2020.

ALA launches Registration for National Library Legislative Day 2020
On December 18, 2019, ALA launched registration for the 45th annual National Library Legislative Day (NLLD). The event will be held on May 4-5, 2020, at the Georgetown Conference Center in Washington, D.C. Exciting improvements to the event include: a new venue which provides allotted breakout spaces for state delegation meetings and a more affordable room rate; an improved registration platform, which has enhanced the registration experience both internally and externally; and more close consultation with state coordinators throughout the congressional scheduling process, which will help to streamline all meeting-related planning and coordination and will provide attendees with a personalized scheduling experience. A new NLLD event app will provide participants personalized congressional meeting schedules with live updates and access to library-specific background information on their members of Congress, digital copies of all talking points, leave-behinds and the ability to provide instant congressional meeting feedback to PPA staff.

ALA participates in Library Marketing and Communications Conference
PPA communications staff Emily Wagner and Shawnda Hines represented ALA at the annual conference designed for library employees involved in marketing, communication, public relations, social media, and outreach in all kinds of libraries. The two-day event provided opportunities for learning effective marketing techniques at the individual library level and chances to network with attendees from across the nation, with the goal of recruiting more advocates for libraries and getting ALA resources into the hands of library communicators. During the conference, PPA staff met with a contingent of communications professionals for state libraries.