

TO: ALA Executive Board

RE: Public Policy and Advocacy Office Report

ACTION REQUESTED/INFORMATION/REPORT:

No action requested

CONTACT PERSON:

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DATE: Friday, January 8, 2021

BACKGROUND:

Report of activities of ALA's Public Policy and Advocacy Office

ATTACHMENTS:

Public Policy and Advocacy Report

ALA PUBLIC POLICY AND ADVOCACY OFFICE REPORT

ADVOCACY OUTREACH

America's libraries receive inaugural DOER Award

In October, ALA President Julius C. Jefferson, III, attended a [virtual reception](#) hosted by FCC Commissioner Geoffrey Starks to receive one of the inaugural Digital Opportunity Equity Recognition (DOER) Awards on behalf of "[America's libraries](#)." PPA nominated libraries for the award, which was created by Commissioner Starks and the review committee to recognize the tireless efforts of all the nation's libraries in addressing the digital divide, especially during the COVID-19 pandemic.

ALA supports library efforts to expand voter engagement

Throughout the last half of 2020, PPA staff supported libraries' efforts to [register, inform, and engage voters](#) before the November election in collaboration with partners including Nonprofit Vote. In December, PPA concluded its partnership with the Women's Suffrage Centennial Commission, completing the distribution of nearly [6,000 sets of women's suffrage books](#) to libraries across the country.

ALA promotes advocacy post-November elections

On October 21, ALA hosted the pre-election webinar, [Advancing Your Library Agenda After Elections](#). The webinar included an all-star line-up of experts discussing strategies on how ALA members across the nation can use the months after the elections to help position the library agenda for success. ALA President Julius C. Jefferson Jr moderated the panel, which included internet pioneer Larry Irving (credited with coining the 'digital divide'); Nikki Scarpitti Director of Strategic Initiatives and Advocacy, Columbus Metropolitan Library; and Nick DeSarno, Director of Digital and Policy Communications, Public Affairs Council.

As the transition between the 2020 elections and the start of the new Congress was a window of opportunity for library advocates to get to know new decision makers and get reacquainted with the ones reelected, in November PPA launched a web page: [A Transition Plan for Library Advocates](#). Along with the new web page, which included opportunities to Take Action, Stay Informed and Get Prepared for the 2021 legislative sessions, ALA issued an advocacy alert asking library advocates to send a "congratulations" message to their elected leaders at every level and share how libraries serve their constituents and why libraries should be a priority.

ALA engages White House transition team

ALA worked to provide input to the Biden-Harris Transition Team. We submitted formal comments to three Agency Review Teams: the Federal Communications Commission (FCC), the Arts & Humanities (which includes IMLS) and the Department of Education. PPA had a meeting with the FCC Agency Review Team and worked with allies to reinforce the case of libraries. In collaboration with AASL, PPA submitted a [letter](#) to the Biden-Harris education transition team

on behalf of ALA President Julius C. Jefferson, Jr AASL President Kathy Carroll, and leaders from forty-eight state chapters.

ALA supports state and local advocacy

PPA updated its state and local advocacy [web pages](#) to better align with federal advocacy resources and reflect the best practices identified by the Committee on Library Advocacy (COLA). COLA conducted a review and update of the [Library Value Calculator](#) to assist libraries in making the case for library funding. COLA's ecosystem subcommittee hosted a [webinar](#) to introduce the [One Voice toolkit](#) to help library organizations assess and extend the strength of their ecosystems. While written for ecosystems at the state level, the framework applies to the library ecosystem at any level. COLA continues outreach to members across the association (e.g., [AASL](#) and [states](#)).

ALA continues to assist libraries in responding to local concerns, including:

- PPA provided advocacy training in partnership with New York Library Association, Hawaii Library Association, and the school librarian program at University of Central Oklahoma.
- With the Chapter Relations Office, PPA hosted two [Chapter Advocacy Exchanges: Conversations About Funding in a Time of Uncertainty](#) (December) and [Planning Your Virtual Legislative Day](#) (January).
- PPA and United for Libraries submitted a [joint letter](#) on behalf of ALA President Julius C. Jefferson Jr and United President David Paige to the Loudon County, VA, Board of Supervisors, in support of the governing board of the Loudoun County Public Library.
- PPA consulted with state and local advocates in states including Wisconsin, Pennsylvania, Louisiana, Tennessee, Georgia, and elsewhere in response to a range of inquiries about funding, school libraries, library boards, and other issues.
- PPA is working with the Office for Intellectual Freedom on tracking state legislation that impacts libraries and offering strategy support to states where requested.
- In coordination with our colleagues at Michigan Library Association, PPA posted a congratulatory video from ALA President Julius C. Jefferson, Jr to Congressman Andy Levin (D-MI-09), MLA's legislative awardee, during their [annual awards program](#).
- PPA Washington and Chicago staff are advocating to ensure that library districts are [included in federal COVID relief](#) legislation.

ALA closes out Census Complete Count efforts, begins new work with PLA

ALA completed its Complete Count efforts with libraries across the country with the announcement that the Census Bureau [ended](#) 2020 Census data collection on October 15, 2020. The 2020 Census Library Outreach and Education Task Force has sunset, and final grant reports have been submitted.

A related grant-funded project has been initiated in collaboration with the Public Library Association to advance Census data literacy skills in the profession and the communities that libraries serve. Development is underway for a series of webinar trainings and online resources

that will increase library staff knowledge, skills, and confidence to use Census data to plan and implement services that best meet the needs of diverse local communities. The trainings also will empower library staff to provide inclusive patron training in key areas, particularly related to local business and economic development, nonprofit and government planning, and student and community research.

Libraries Build Business begins implementation

In fall 2020, the [Libraries Build Business](#) cohort began implementation of their projects. For most, project implementation looked vastly different than what they had initially proposed, as programs pivoted to virtual, and libraries considered new ways to recruit, sustain, and manage their programs and resources for the business community.

The cohort continues with bi-weekly peer learning sessions to engage with one another around the innovations, challenges and promising practices emerging in the implementation stage. At times, guest speakers are invited to facilitate discussions with the cohort as well. The peer learning network is beginning plans for scaling and expanding in 2021. Cohort members will serve as coaches and mentors to other interested library workers. As implementation starts, so does the application of the measurement and evaluation tools. Project consultant Cicero Group continues to improve the evaluation instruments as libraries give valuable feedback on their use. Data collection is in progress and will provide valuable insight for our playbook and reporting.

In November, ALA and Libraries Build Business released a paper titled *Open to Change: Libraries Catalyze Small Business Adaption to COVID-19*. This paper provides some practical and insightful perspective on the COVID-19 challenge for small businesses, highlights some innovative ways that small businesses and entrepreneurs are pivoting, and some ideas for libraries to support small business communities. The paper was distributed widely to members and library workers and will continue to be available on the ALA website.

Libraries Build Business continues the Instagram Live Q&A series monthly with great success. Participants participate in a Q&A with Megan Janicki, the project manager, Live on Instagram, and audience members can also ask questions. The December event featured [Providence \(R.I.\) Public Library](#); November, [Spokane County \(Mont.\) Public Library](#); and October, [Appleton \(Wisc.\) Public Library](#). Promotion for the series is on social media.

COVID-19 RELIEF FOR LIBRARIES

ALA gains cosponsors for Library Stabilization Fund Act

Legislation calling for \$2 billion in emergency library resources, the [Library Stabilization Fund Act](#), was introduced in the Senate by Sen. Jack Reed (D-RI), and in the House by Rep. Andy Levin (D-MI-09) in July 2020. The [legislation would provide](#) at least \$1.7 billion of emergency aid directly to state library agencies, \$45 million for Tribal libraries, and \$200 million in competitive grants related to COVID response. In response to an all-out effort by ALA members, the Senate

bill secured 17 cosponsors while the House bill secured 68 cosponsors. PPA is working with Sen. Reed and Rep. Levin to reintroduce the legislation in 2021.

Build America's Libraries Act introduced in the Senate

On December 19, 2020, the Build America's Libraries Act (S. 5071) was introduced by Sen. Jack Reed (D-RI). The legislation would provide \$5 billion to repair and construct modern library facilities nationwide in underserved and disadvantaged communities. Funding would be distributed through IMLS to state library agencies, which would then award grants on a competitive basis to libraries in each state. Funding would be prioritized to libraries serving marginalized communities, such as high-poverty areas. Additionally, IMLS would provide funding directly to Tribal libraries.

Eligible facilities include public libraries, tribal libraries, and state libraries that directly serve the general public. Eligible uses of the funding would include conducting facilities condition assessments, needs assessments, and master planning; financing new library facilities; or making capital improvements to existing library facilities, including buildings, grounds, and bookmobiles. Improvements to library facilities could include enhancements to protect health and safety, such as preventing the spread of COVID-19 and mitigating risks from natural disasters; upgrade broadband equipment and technology hardware; ensure accessibility for people with disabilities; abate hazards such as mold and lead; and increase environmental sustainability, such as energy efficiency.

In addition to the standalone version of the Build America's Libraries Act, the same provisions were also included as part of the [Economic Justice Act](#) (S. 5065), which was introduced Dec. 18. The Economic Justice Act additionally creates programs that could be used to improve school and academic library facilities, provides \$12 billion in E-Rate funds for libraries and schools to provide home internet connectivity, and ensures that tribal libraries are eligible to participate in the E-Rate program.

Along with ALA, the Build America's Libraries Act was supported by the American Indian Library Association; American Institute of Architects; Association of Tribal Archives, Libraries, and Museums; Association for Rural & Small Libraries; Chief Officers of State Library Agencies; Education Market Association; International WELL Building Institute; National Coalition for History; National Coalition for Literacy; National Digital Inclusion Alliance; National Summer Learning Association; Schools, Health & Libraries Broadband Coalition; and Urban Libraries Council.

ALA is working with library champions in Congress to reintroduce a revised version in the 117th Congress.

PPA Relies on Advocates to Round Out the Year of Broadband

The advocacy efforts that started over the summer to push for library broadband funding in the next COVID relief package intensified in the last quarter of 2020, culminating in 36 hours of virtually round-the-clock collective action as PPA called on grassroots and grassroots advocates

from key congressional districts. The goal was to keep the pressure on lawmakers to provide \$200 million to IMLS for libraries in expanded internet access through boosting Wi-fi signals or loaning internet capable devices such as hotspots. Libraries were also eligible for \$3.2 billion in funding slated for the FCC's E-rate program for similar purposes to support students and library patrons without home internet access.

PPA supported several versions of these provisions, including the HOTSPOTS Act and ACCESS the Internet Act, which called for the IMLS funding and the Emergency Educational Connections Act calling for the E-rate funding. These bills were included in a [bi-partisan, bicameral Covid Relief Framework](#) and subsequent Act, a \$908 billion package led by Senator Joe Manchin (D-WV), who also championed the [HOTSPOTS Act](#) and [ACCESS the Internet Act](#).

At the eleventh hour, library broadband funding was removed from the COVID relief provisions in the Consolidated Appropriations Act that was signed into law. We would not, however, have been as close as we were without the massive work of ALA advocates. PPA Policy Corps members, COSLA, state Chapters, and longtime advocates and some new ones all pitched in with emails, social media, and phone calls to their members of Congress. Many ALA advocates also tapped their networks at home, including Friends groups and Trustees. It was truly a herculean effort. While we were ultimately not successful, this hard work sets libraries up for action in the new Congress, as it is likely broadband will stay a hot topic with the new White House.

COPYRIGHT

[Library Copyright Alliance \(LCA\)](#) participates in U.S. Copyright Office sovereign immunity study

Under the direction of Congress, the U.S. Copyright Office is exploring whether rights holders experiencing infringement by state entities can seek adequate remedies under state law. State sovereign immunity protects states from being sued for copyright infringement under federal law. The Supreme Court ruled unanimously in [Allen v. Cooper](#) that there was not enough evidence to show that state entities like state run universities were intentionally infringing copyright, using state sovereign immunity as a safeguard. LCA provided [written comments](#) and participated in a public roundtable held in December 2020 arguing that libraries have not “exploited this immunity to run roughshod over copyright.”

Two copyright provisions included in omnibus spending bill

The LCA issued a [statement](#) regarding copyright legislation on felony streaming and the creation of a small claims tribunal to adjudicate small copyright claims included in [Consolidated Appropriations Act, 2021](#). The felony streaming provision extends felony penalties to unlawful streaming services and does not impact libraries.

The [small claims tribunal](#) is the [Copyright Alternatives in Small-Claims Enforcement \(“CASE”\) Act](#) that the LCA has [opposed](#). Two provisions protect libraries from infringement claims to an

extent. First, claims cannot be brought against state government entities. Most public colleges and universities, and their libraries, are state government entities and thus are excluded. Second, a “preemptive opt-out” for libraries and archives would exempt public libraries run by state and municipal entities and permanently exempt libraries that opt out of the tribunal when a notice is filed. However, these protections do not help library users, students, or university faculty, who would still be subject to claims.

ALA and other library groups will need to educate library users that filing a notice to opt-out of the small claims tribunal would generally be in their interest because under CASE, defendants do not have the advantages they would have in a federal court: full discovery, the option of a jury trial, the opportunity to appeal, or protection from statutory damages of \$7,500 per work, even when the work has not been registered with the Copyright Office. The U.S. Copyright Office has one year to implement CASE, and the LCA will be involved in providing comment throughout any public rulemaking.

Digital Copyright Act of 2021 discussion draft released

The LCA has serious concerns with the discussion [draft](#) of the Digital Copyright Act of 2021 released in late December by Senator Thom Tillis, then-chairman of the Senate Judiciary Subcommittee on Intellectual Property. The discussion draft proposes sweeping changes to the safe harbors for online service providers contained in the [Section 512](#) of the Digital Millennium Copyright Act. These changes would threaten libraries’ ability to provide public internet access by requiring increased filtering, which would limit free speech and fair use rights. Privacy concerns and the increased risk of termination of consumers’ internet access could occur. It would change the current Section 512 liability protection for service providers (including libraries) by enforcing a “notice and stay down” regime over a “notice and take down” regime.

Numerous other troubling provisions are proposed in the legislation, including the relocation of the Copyright Office from the Library of Congress to the Department of Commerce, a move that would vastly increase the Copyright Office’s regulatory authority. The Register of Copyright would become a presidential appointment, removing hiring and all other authority from the Librarian of Congress. In addition, the draft proposes micro-managing the registration, recordation, and mandatory deposit systems of the Office. It would make the absence or change of attribution information subject to civil action. The draft also includes an orphan works provision, legislation that failed ten years ago.

While the LCA welcomes the proposed amendments to the Section 1201 prohibitions on the circumvention of technological protection measures, they do not go nearly far enough. There should be no violation of Section 1201 without a nexus to infringement. Moreover, additional permanent exceptions are needed for library preservation efforts and providing services to people with disabilities. The draft does not include library priorities that were communicated to Senator Tillis, including challenges presented by digital technology in distance education and overcoming contractual restrictions. With Senator Tillis no longer chair of the Senate Judiciary Intellectual Property subcommittee, it is less likely there will be such interest in pursuing this very controversial draft.

IMLS receives \$5 million increase in appropriations for FY 2021

Thanks to the work of ALA advocates, who faced-down the Administration's repeated [requests to eliminate funding](#) for LSTA, IAL and many other library-eligible programs, FY 2021 funding for the Library Services and Technology Act (LSTA) and Innovative Approaches to Literacy program received a [bump from Congress](#) for regular appropriations when the annual spending bill passed in late December, along with COVID relief funding, as part of an omnibus package. Library advocates were able to convince Congress to increase LSTA funding four straight years- an increase of \$22 million ([raising LSTA to \\$197.5 million](#)). While the Biden-Harris Administration is likely to support education more strongly, the realities of the current pandemic, trillions already spend in emergency relief, and many other long-neglected domestic priorities will necessitate that library advocates remain vigilant in fighting for funding.

PPA ACTIVITY (October-December 2020)

Coalition Letters

- November 13 paper, [Open to Change: Libraries Catalyze Small Business Adaptations to COVID-19](#)
- [November 20 Coalition Letter](#) to Congressional leadership advocating for the Emergency Connectivity Fund
- November 25 [Coalition Letter](#) to Congressional Appropriations leadership regarding CDBG Block Funding
- November 25 email to congressional appropriations staff, Support Libraries in FY 2021
- December 1 [Coalition Letter](#) to Biden Transition Team regarding CDBG Block funding
- [December 1 Coalition Letter](#) to Congressional leadership regarding Broadband Mapping
- [December 1 Library Copyright Alliance Comments](#) on DMCA Reform Bill
- [December 2 Coalition Letter](#) to FCC regarding the Educational Broadband Service
- December 11 email to congressional leadership, Bridge the Digital Divide: Include Libraries in the Next COVID Relief Package
- [December 14 Comments](#) of the Library Copyright Alliance to the US Copyright Office on Preservation
- [December 14 Long Comment](#) Regarding a Proposed Exemption Under U.S.C. 1201
- [December 14 Long Comment](#) Regarding a Proposed Exemption Under 17 U.S.C. 1201

New Advocacy Resources

- Briefing: Coronavirus Aid, Relief, and Economic Security Act (CARES) Act Phase 3 Package - Libraries, Education, and Cultural Heritage Summary
- Briefing: Build America's Libraries Act summary
- Local library resource: Template Press Release and social media posts for libraries to announce CARES Act award from State Libraries
- Briefing: [1-Pager](#) on CIPA compliance when using IMLS funding from the CARES Act
- Template Letter for State Associations and Libraries advocating for emergency funding