



# ACRL Legislative Agenda 2024-2025

The ACRL Legislative Agenda and the [ALA Legislative Agenda](#) list objectives for legislative action at the national level on issues that affect the welfare of libraries. ACRL's annual Legislative Agenda focuses on issues affecting academic and research libraries that the U.S. Congress has recently acted, or will act, on in the year ahead. ACRL is active in advocating for policy and legislation through the ALA Public Policy and Advocacy Office, as well as through working with coalitions such as the Open Access Working Group and the Library Copyright Alliance. The following action areas are listed in priority order and include issues that will be the focus of ACRL's advocacy efforts in 2024-25, along with a watchlist of policy issues of great concern to academic librarians:

1. [Upholding Intellectual Freedom](#)
2. [Federal Funding for Libraries](#)
3. [Net Neutrality](#)
4. [Safety and Security of Artificial Intelligence](#)
5. [Open Access to Federally Funded Research](#)
6. [Affordable College Textbook Act](#)
7. [Watchlist:](#)
  - a. [Proposed Elimination of the IPEDS Academic Libraries Survey](#)
  - b. [Deferred Action for Childhood Arrival \(DACA\)/Immigration Issues](#)
  - c. [Environmental Impact of Data Centers and Emerging Technologies](#)
  - d. [Consumer Data Privacy](#)
  - e. [Accessible Instructional Materials](#)
  - f. [Pending Cases](#)

## 1. Upholding Intellectual Freedom

### Background

Intellectual freedom is a core value of the library profession, and libraries are integral to the provision of spaces and information resources that support their users' active and free pursuit of the widest variety of information and ideas. Unfortunately, these core library values and functions are under near constant challenge by those who wish to place limitations on the ideas

and information to which library users have access. While case law has firmly established publicly funded libraries as public fora protected from state-sponsored censorship, challenges persist. For example, recent criticisms of Critical Race Theory have led to efforts by some lawmakers to place limitations on the content that educators, including librarians, can share with the broader public. Importantly, critical race theorists wish to understand how racial inequities persist within institutions and systems—an intellectual pursuit that libraries are well positioned to support. However, numerous public officials, at both the state and federal levels, have moved to introduce legislation meant to curb this pursuit and shape how students discuss this nation's

past and present. As of the writing of this document, thirty-six states have adopted or introduced laws or policies that place restrictions on how educators discuss matters of race and racism.

### **Impact on Academic Libraries**

Citing Articles I and II of the [Library Bill of Rights](#), libraries are knowledge centers for patrons who want to gain more insight into current issues. Libraries should be able to offer books and documents that examine the history of racism as well as materials that call for social justice. Libraries are involved in challenging disinformation and promoting truth by fighting censorship and providing access to relevant materials. Learning and discussing diversity issues without offering patrons access to theoretical frameworks can lead to an oversimplification of race, ethnicity, power, and privilege.

On April 4, 2023, the ACRL President, Vice-President/President-Elect, and immediate Past-President encouraged ACRL members to [confront book challenges and censorship in libraries](#) and uphold intellectual freedom rights.

### **ACRL's Position**

ACRL's [Standards for Libraries in Higher Education](#) contain nine principles reflecting the core roles and contributions of libraries to their institutions, including "Professional Values: Libraries advance professional values of intellectual freedom, intellectual property rights and values, user privacy and confidentiality, collaboration, and user-centered service." In pursuit of these values, the [ACRL Plan for Excellence](#) makes specific note of the strategic importance of supporting libraries in advancing issues of equity, diversity, and inclusion. In August 2022, ALA, ACRL, the Public Library Association (PLA), and the Association of Research Libraries (ARL) approved the [Cultural Proficiencies for Racial Equities: A Framework](#). Created by a joint task force, this document provides recommendations for bolstering racial equity within libraries.

### **Additional Information**

[All Information \(Except Text\) for H.R.3046](#)

[Race and Ethnicity in Higher Education \(ACE\)](#)

[#TruthBeTold](#)

## **2. Federal Funding for Libraries**

### **Background**

The Institute of Museum and Library Services (IMLS) is the primary source of federal funding for libraries through the Library Services and Technology Act (LSTA). IMLS generally receives its funding through the annual appropriations process, with spending limits established each year through the Departments of Labor, Health and Human Services, and Education, along with other related agencies' appropriations subcommittees. In FY2023, LSTA provided \$211 million for

libraries in all 50 states, the District of Columbia, Territories, and Freely Associated States through the [Grants to States program](#), the [National Leadership Grants for Libraries](#), the [Laura Bush 21st Century Librarian Program](#), the [Native American Library Services](#), and other grant programs. [View the most recent grants and funding](#) that have gone to support libraries across the United States on the IMLS website.

## **Impact on Libraries**

The IMLS is the largest source of federal funding for libraries. Through their grant programs, the IMLS helps support innovative research in academic libraries, as well as impactful programming and training opportunities for librarianship at large.

## **Current Status**

President Biden requested the IMLS budget for FY2024 be increased to \$294.8 million to support libraries and museums through a post-pandemic landscape; this amount has been approved. Significantly, this budget maintains \$211 million in funding for LSTA, including \$180 million for the Grants to States program. President Biden continues to [show support for the IMLS](#) by appointing new members to the National Museum and Library Services Board, a committee that serves as an advisory group for the IMLS' policies and practices. For FY2025 Congress is expected to [earmark funds](#) for libraries to submit requests for local library projects. This would be a separate funding request than regularly appropriated funding.

## **ACRL's Position**

Continued advocacy by ACRL and ALA is vital each year to ensure that IMLS funding increases in order to support equitable and innovative library services.

## **Additional Information**

[IMLS Grants to States Program](#)

[FY2023 Appropriations Bill](#)

[Further Consolidated Appropriations Act, 2024](#)

# **3. Net Neutrality**

## **Background**

Network neutrality is the principle that internet service providers should treat all data equally and should not discriminate or provide preference to any data regardless of its source, content, or destination. Whether legislation is needed to ensure this kind of access has become a focal point in the debate over telecommunications reform. Those opposed to access mandates claim that such action goes against the long-standing policy to keep the Internet as free as possible

from regulation and argue that the state of the Internet before this attempted regulation has allowed for commercial innovation and growth.

In 2015, the Obama Administration asked the Federal Communications Commission (FCC) to rule in favor of net neutrality by reclassifying broadband as a common carrier under Title II of the Communications Act of 1934 and [Section 706](#) of the [Telecommunications Act of 1996](#). In February 2015, the FCC approved reclassifying high-speed internet as a telecommunications service rather than an information one, subjecting providers to regulation. In December 2017, the FCC voted in favor of repealing these policies, 3–2, along party lines. In a March 2017 letter to the FCC before the repeal vote, ACRL joined with several other associations in asserting that, “preserving the unimpeded flow of information over the public internet and ensuring equitable access for all people is critical to our nation’s social, cultural, educational, and economic well-being.” In February 2018, ALA again affirmed that “Net Neutrality is essential to the promotion and practice of intellectual freedom and the free exercise of democracy.” More extensive background on net neutrality issues can be found in the links to more information provided below.

### **Current Status**

In July 2021, President Biden called on the FCC to restore net neutrality rules in an [executive order](#). Jessica Rosenworcel was confirmed by the Senate as FCC chairwoman in December 2021 and has [signaled renewed interest](#) in the issue. On January 28, 2022, a U.S. Court of Appeals [upheld](#) California’s net neutrality law, saying the 2017 decision by the FCC to reverse federal internet protections could not bar state action. In July 2022, Senator Ed Markey (D-MA) [introduced a bill](#) to make net neutrality a federal law, but it has not advanced beyond being introduced. Biden’s other nominee to the FCC, Gigi Sohn, was not confirmed in 2022. Sohn was reintroduced as a nominee in 2023 but has withdrawn their nomination leaving the FCC deadlocked. In May of 2023, President Biden [announced](#) a new nominee, Anna M. Gomez, who was confirmed by the Senate in September 2023 and was subsequently sworn in as a [Commissioner](#) that same month breaking the deadlock. In October 2023 the FCC voted 3 - 2 to start [proceedings](#) on reestablishing open Internet protections.

### **Impact on Libraries**

Educational institutions, including libraries, rely on high-bandwidth applications and services, which support access to resources, collaboration, content creation, and learning—activities core to their mission. The rollback of Obama-era net neutrality protections may lead to additional layers of economic influence making it more difficult for students and the public to access educational resources, with increased costs being passed on to both the consumer and educational institutions. Discriminatory network management practices by ISPs will inhibit the ability of colleges, universities, and libraries to be equal access providers of digital content and applications of all types via the Internet.

## ACRL's Position

ACRL stands with ALA as advocates for equitable access to the internet and for the network neutrality protections needed for libraries to fully serve their communities in the digital age. Without strong and clear net neutrality protections in place, there is nothing to stop internet service providers from blocking or throttling legal internet traffic or setting up commercial arrangements where certain traffic is prioritized. ACRL will continue to stand with ALA to advocate and defend the principles of net neutrality in support of equitable information access for all Americans.

## Additional Information

[ALA Net Neutrality](#)

[Net Neutrality and the Battle for the Open Internet](#)

[Net Neutrality Law: An Overview](#)

[Stepping In: The FCC's Authority to Preempt State Laws Under the Communications Act](#)

# 4. Safety and Security of Artificial Intelligence (AI)

## Background

The safety and security of Artificial Intelligence (AI) is a critical concern as AI systems evolve and become increasingly and seamlessly integrated into various aspects of our daily lives, transforming various aspects of how we live, work, and interact. According to a [2021 HubSpot survey](#), 63% of respondents did not realize they were using AI in their daily interactions with technology. The [HubSpot 2023](#) survey indicates that 53% of professionals agree that most people will use more chatbots like ChatGPT to answer their questions instead of search engines like Google. Suppose we translate these statistics to the library field. In that case, some librarians might not be aware that some of the built systems in their library system or information resources use machine learning and AI to manage large data sets.

The prevailing legal structure relies heavily on applying rules and regulations across various domains, including product liability, data privacy, intellectual property, anti-discrimination measures, and workplace rights. The [American Bar Association](#) also indicates that employers' use of AI tools is subject to federal laws prohibiting employment discrimination and emerging state and local laws specific to AI. Self-regulatory bodies and standards groups play a role in shaping the AI governing framework. Consequently, legal frameworks and ethical guidelines are essential to ensure its safe and responsible use in libraries and higher education institutions.

## Current Status

The United States has taken significant steps to address the safety and security of AI. On October 30, 2023, President Biden issued an [Executive Order on Safe, Secure, and Trustworthy](#)

[Artificial Intelligence](#). This order establishes new standards and directs actions to strengthen AI safety and manage associated risks. AI has drawn bipartisan interest, as legislators persistently work to support and regulate AI platforms as they explode into the mainstream. As technology is intricately connected with information creation and access, continuously developing new and emerging technologies requires consistent monitoring. Emerging technologies are novel, fast-growing, and result in a significant impact or change, yet are uncertain or ambiguous due to their rapid evolution. Augmented, mixed, and virtual reality, often referred to as XR or Extended Reality, Artificial Intelligence (AI), and Generative AI, are among the most rapidly developing technologies impacting libraries in higher education. Each represents a sea change in content creation, impacting how we work, learn, and communicate. Because these powerful applications are novel and rapidly changing, there is concern for educator training and university policy regarding best practices. Academic libraries play a critical role in teaching responsible emerging technology use in teaching, learning, and research. In May 2023, the U.S. Office of Educational Technology published a [report on AI](#) guiding appropriate use and assistance in developing educational policy.

U.S. House and Senate committees held nearly three dozen hearings on AI in 2023 alone, and more than 30 AI-focused bills have been introduced in this Congress that have an impact on safety, security, and literacy, including the following:

- [H.R.3369](#): The Artificial Intelligence Accountability Act mandates that mediators embrace stringent practices during AI development and deployment. These practices center around compliance, risk management, and ethical considerations. While this poses challenges, it simultaneously paves the way for innovation and leadership in responsible AI. This act stresses the importance of human review and decision-making authority, particularly in critical decisions affecting individuals' rights or safety.
- [H.R.5077](#): The Creating Resources for Every American to Experiment with the Artificial Intelligence Act of 2023 (CREATE AI Act). The CREATE AI Act creates the National Artificial Intelligence Research Resource (NAIRR) as a common national research infrastructure offering AI researchers and students from diverse backgrounds significant access to the intricate resources, data, and tools required to develop safe and responsible AI.
- [H.R.6791](#): The AI Literacy Act would codify AI literacy as a critical component of digital literacy and create opportunities to incorporate AI literacy into existing programs, according to a bill summary provided by the lawmakers. The bill also would highlight the importance of AI literacy for national competitiveness, workforce preparedness, and Americans' well-being and digital safety. This bill would ramp up efforts to increase AI literacy in public elementary and secondary schools, community colleges, institutions of higher education, and community institutions like nonprofits and libraries through competitive grants.

- [H.R.4103](#) The Virtual Reality Technologies Enabling Coaching and Honing Skills in Government Act of 2019 encourages the use of virtual technologies in the federal workforce. The bill was referred to the House Committee on Oversight and Reform; thus far, no further revisions have been made public.
- [H.R.3211](#) The Immersive Technology for the American Workforce Act of 2023 provides grant funding to community colleges and technical training centers to develop immersive technology in education and workforce development. The bill has been forwarded to the House Committee on Education and the Workforce for further consideration.

Additionally, in January 2024, the US Government Accountability Office issued a [report](#) recommending additional oversight and the development of contingency planning to ensure secure operations for the Federal Aviation Administration (FAA), the Food and Drug Administration (FDA), and the Department of Transportation (DoT). At the state level, Bryan Cave Leight Paisner (PCLP), a legislation and trend analysis organization, developed a [state-by-state AI legislation tracker](#) with the latest on state bills under consideration.

At the institutional level, some higher education institutions have not set policies or guidelines for using AI, often deferring to faculty judgment at the classroom level. Other colleges and universities have revised their academic integrity policies to add AI or created new policies. [Northern Illinois University](#) has an ongoing compilation of AI class policies from various U.S. higher education institutions. Some higher education institutions have also established task forces, which include a librarian to address AI concerns and develop strategies and policies that promote academic integrity and authentic scholarship.

### **Impact on Libraries**

Although specific AI legislation directly impacting libraries in the United States may not be widespread, libraries must stay informed about broader AI safety and security developments. As AI evolves, libraries should consider privacy, data security, and ethical implications when implementing AI technologies.

Librarians have continuously played an essential role in providing library instruction on academic integrity and teaching information skills, such as evaluating information, whether written information or sources of information, since the internet's inception. "Cheating is not a new problem: schools have survived calculators, Google, Wikipedia, essays for pay websites, and more..." ([Heaven, 2023](#)). Academic librarians, with their rich history and adaptability, are uniquely poised to tackle the challenges presented by AI. In the context of AI, librarians explore machine translation, create incubation spaces, integrate robotics, and refine metadata using AI technology.

Libraries have been transitioning from desktop library systems to more automated cloud library systems, which has impacted the role of librarians, eliminating some positions. However, AI brings an opportunity to create new ones and to upskill and reskill academic librarians. For



instance, a [Florida university](#) has created a Natural Language Processing Specialist position, but most patrons refer to the specialist as the AI Librarian.

### **ACRL's Position**

ACRL supports using AI tools and is considering incorporating AI into the [ACRL Framework for Information Literacy for Higher Education](#), according to an interview with Leo Lo, ACRL president-elect. Lo indicated that we need to learn what AI is and how to use it responsibly” ([Coffey, 2023](#)). Librarians at Baylor University explored the possibility of adding AI to the ACRL Framework, and even though they found possibilities and problems of AI in library instruction, they concluded that the framework is open-ended enough for librarians to try new things in library instruction ([James, 2023](#)). ACRL and academic librarians have been researching and publishing about AI to help librarians make informed decisions. In 2022, ACRL published [The Rise of AI: Implications and Applications of Artificial Intelligence in Academic Libraries](#), which delves into these critical topics, sparking conversations and inspiring innovative approaches to engaging with technology.

## **5. Open Access to Federally Funded Research**

### **Background**

The White House Office of Science and Technology Policy (OSTP) released an [August 2022 memo](#) with the subject line, “Ensuring Free, Immediate, and Equitable Access to Federally Funded Research.” Known as the Nelson Memo, it outlines a mandate that publications from all publicly funded research be made openly accessible. The memo states that all federal funding agencies must update their public access policies by December 31, 2025, in accordance with the new stipulations.

As part of this new guidance, access to publications resulting from funded research must be made open without an embargo. The policy also states that the associated data from articles must also be made accessible and that federal agencies should begin to develop plans for making available publicly funded research data not associated with an article. Data repositories used for deposits must align with the OSTP’s [“Guidance on Desirable Characteristics of Data Repositories for Federally Funded Research,”](#) a document released by OSTP in May 2022.

The Nelson memo appears to be the beginning of a longer process in which agencies create public access plans that the National Science and Technology Council Subcommittee on Open Science will then coordinate and align.

### **Current Status**

Under the terms of the [Nelson Memo](#), agencies have submitted drafts of plans and have until December 31, 2025, to implement them. Many federal funding agencies have also released RFIs to gather feedback on their plans.

## **Impact on Academic Libraries**

A [2022 study](#) found that, of the 275,825 publications resulting from public funding in 2021, 32% were behind paywalls and another 19% were made accessible through “bronze” open access (at the publisher’s discretion with no formal license for reuse) or through hybrid journals. Based on the 2021 data, this means researchers will be looking to make open approximately 88,000 articles that would have otherwise been paywalled and possibly another 52,000 if bronze and hybrid open access (OA) are deemed unacceptable OA options. This represents a historic amount of research needing to be OA compliant. Creating comprehensive systems for researcher education, compliance, and data management will present real challenges for academic libraries. Outreach and scholarly communications will take on new importance and are likely to require additional staffing and funding.

Librarians are poised to play a meaningful role in helping researchers to understand the requirements, their responsibilities, and ways to comply. If it becomes clear that universities will be the institutions managing compliance, libraries may find new opportunities in this process for collaboration and developing new approaches to scholarly communications.

## **ACRL’s Position**

ACRL supports immediate open access in a machine-readable format that is permanent. These criteria are supported by the OSTP memo guidance.

As federal funding agencies begin to implement plans for requiring complete and immediate open access, ACRL advocates for an assessment of needs to ensure that academic and research libraries have the capacity to support open access compliance. ACRL will follow developments to ensure that academic libraries and librarians are recognized as stakeholders in the process.

## **Additional Information**

[SPARC OSTP Policy Guidance Agency Updates](#)

[OSTP memo Ensuring Free, Immediate, and Equitable Access to Federally Funded Research](#)

[OSTP Issues Guidance to Make Federally Funded Research Freely Available Without Delay](#)

[ACRL / ALA RFI Response to the Request for Information from OSTP and the National Science and Technology Council Subcommittee on Open Science](#)

## 6. Affordable College Textbook Act

### Background

The Affordable College Textbook Act addresses a critical challenge to college affordability. The increasing cost of textbooks has drawn the attention of students, parents, faculty, and institutions across the higher education sector. Textbooks are often overlooked costs for students and can ultimately be the deciding factor if students decide to go to college or choose to take or complete a course. As a result, legislation has been introduced to combat these rising costs and support the use of open textbooks and other open educational resources. In the 117<sup>th</sup> Congress, U.S. Senators Dick Durbin (D-IL), Angus King (I-ME), Tina Smith (D-MN), and Kyrsten Sinema (I-AZ), along with U.S. Representative Joe Neguse (D-CO), introduced the [Affordable College Textbook Act](#) to both houses of Congress. Although the act was not passed, it has been reintroduced, most recently in both houses in the 118th Congress, and has helped to spark a grant program, the Open Textbook Pilot Program, which awards grant money to institutions that want to explore Open Educational Resources (OER). Through the focus of OER initiatives, the federal government began to realize that additional recommendations needed to be made for higher education institutions to increase access to all types of resources and research. The Affordable College Textbook Act aims to permanently authorize funds for a grant program for the creation of OER. The grant money can be used in some of the following ways: the provision of funding for professional development around the open textbook process, the creation or adaptation of open textbooks, the development of supplemental material, or the facilitation of research surrounding open textbooks and OER material correlated to student success and cost savings.

Although the Affordable College Textbook Act itself has not moved forward yet, Congress has funded the pilot projects outlined in the legislation through the [Open Textbook Pilot Grant Program](#), first funded in 2018. Since the start of the pilot program, \$54 million has been awarded. In 2024, the appropriations bill provided \$7 million for grants towards this program. Allies of this movement are hoping that Congress will provide \$25 million towards the Open Textbook Pilot Grant Program in FY2025 to help college campuses increase their digital programs. These projects are estimated to provide about \$220 million in savings to students.

### Current Status

Most recently, the Affordable College Textbook Act was reintroduced in the Senate on March 27, 2023, by U.S. Senators Dick Durbin (D-IL), Angus King (I-ME), Tina Smith (D-MN), and Kyrsten Sinema (I-AZ). The bill, [S.978](#), was referred back to the [Senate Committee on Health, Education, Labor, and Pensions](#) committee and was reintroduced again to the Senate. This version of the bill includes updated information about the cost of textbooks and authorizes a grant program (similar to the Open Textbook Pilot Grant) that would help universities expand access to open textbooks. This program would create more support for faculty to develop open material. The bill also calls on publishers and institutions to be more transparent about the cost

of textbooks and requirements for course material, along with disclosing how publishers are using student data. Rep. Joe Neguse (D-CO) introduced the House companion bill, [H.R. 1811](#).

### **Impact on Academic Libraries**

Academic librarians are concerned with the affordability of higher education and the negative impact rising textbook costs have on student success. Campus libraries are known for facilitating free access to information resources through curated print and digital collections, course materials that faculty make available through library reserve systems, and interlibrary loan services. Due to continuing effects on higher education from the pandemic, librarians are also being asked to create resources for a digital environment as well. College and university campuses are key locations sharing this content, encouraging open educational resources and their adaption for coursework, and expanding the corpus of openly available course content. As part of the commitment to embedding information literacy and access to quality resources into the student experience and strategies for teaching and learning, librarians are working with their academic colleagues to create such resources and to offer them freely for others.

### **ACRL's Position**

ACRL supports the legislation that makes college textbooks affordable, having joined 14 other organizations to support the Affordable College Textbook Act on its initial introduction to Congress and again on its 2023 reintroduction. This legislation's aim at equity of access to higher education reflects ACRL's core values. Under the aegis of the proposed legislation, ACRL also supports continued funding for the Open Textbook Pilot Program along with the creation of open materials.

### **Additional Information**

[SPARC Description](#)

[Program award page \(U.S. Department of Education\)](#)

## **7. Watchlist:**

There are additional policy issues of great concern to academic librarians that are not included above because there is no pending legislation. Nevertheless, if legislation does arise or becomes necessary, ACRL will advocate for the best interests of academic and research libraries by relying on past precedent and current analysis.

### **a. Proposed Elimination of the IPEDS Academic Libraries Survey**

On March 4th, 2024, the National Center for Education Statistics (NCES), Department of Education (ED) opened a 60 day comment period on its [request to the Office of Management and Budget \(OMB\) for changes to the Integrated Postsecondary Education Data System \(IPEDS\) data collection](#). IPEDS is designed to collect basic data from all postsecondary institutions in the United States and the other jurisdictions, enabling the NCES to report on key

dimensions of postsecondary education. One of the largest changes in this request is the planned elimination of the Academic Libraries survey beginning in the 2025–26 administration. According to the [IPEDS Academic Libraries Resource Center](#), “[t]he purpose of the Academic Libraries Survey (ALS) is to collect information on library resources, services, and expenditures from academic libraries serving degree-granting, Title IV postsecondary institutions in the 50 states, the District of Columbia, and the outlying areas.” The [ACRL Academic Library Trends and Statistics Survey](#) asks every library question required by IPEDS, with instructions and definitions completely aligned since 2015. However, while all Title IV institutions are required to respond to IPEDS per Section 490 of the Higher Education Amendments of 1992 ([Pub. L. 102–325](#)), participation in the ACRL survey is voluntary.

### **b. Deferred Action for Childhood Arrival (DACA)**

The DACA program, established by the Obama Administration in 2012, protects individuals brought to the United States as children from deportation, remains in litigation. In 2017, the Department of Homeland Security (DHS) issued a [memorandum to rescind DACA](#). The Ninth Circuit Court of Appeals blocked the rescission in 2018 and required DHS to continue accepting renewal applications ([National Law Review, November 12, 2018](#)). The Supreme Court overturned the Trump Administration’s termination of DACA in a [2020 decision](#), finding that doing so violated the Administrative Procedure Act. In January 2021, President Biden issued an [executive order](#) reinstating DACA. The U.S. District Court for the Southern District of Texas [declared DACA unlawful in July 2021](#), but issued a partial stay of its order which allows DHS to continue to accept initial, as well as renewal, DACA requests. However, the stay permits DHS to only approve renewal requests and prohibits DHS from approving initial DACA requests. On Aug. 30, 2022, DHS published the [DACA Final Rule](#), with the intent to preserve and fortify the DACA policy. The Fifth Circuit Court of Appeals later [partially affirmed the district court’s decision](#) but retained the partial stay. The DACA Final Rule went into effect on October 31, 2022.

The litigation fight has continued, with a coalition of DACA allies attempting to help the federal government defend the program. The Southern District of Texas ruled that DACA was illegal again in September 2023. [In response New York Attorney General Letitia James marshaled a group of 23 state attorney generals to oppose the Texas ruling](#), filing an amicus brief with the U.S. Court of Appeals for the Fifth Circuit on February 1, 2024. Attorney General James argues that the Executive Branch has the authority to carry out DACA and highlights the many ways that DACA assists state and local governments. [U.S. Senate Majority Whip Dick Durbin \(Illinois\) is pressing hard](#) in the U.S. Senate to not only protect DACA but also promote citizenship for Dreamers.

The [ACRL Board of Directors has publicly recognized DACA students](#), faculty, and staff in higher education—many of whom also work in libraries—as important and valued members of the academic community. The loss of these groups who “contribute their unique perspectives” would “harm intellectual freedom by removing the voices of vulnerable groups from the scholarly

discourse, and would jeopardize the invaluable cultural enrichment brought to our campuses by immigrant students, faculty and staff.”

### **c. Environmental Impact of Data Centers and Emerging Technologies**

As of 2020, data centers were estimated to account for about 1% of global energy consumption, with the broader internet sector constituting 2-4% of global consumption. This marked a doubling in energy costs for these utilities since 2010, with projections indicating a potential three to four-fold increase by 2030. The surge in internet use and demand for cloud computing continues to drive this growth. While technological efficiencies have been successful in reducing the energy demands of global data center infrastructure, the exponential expansion of Artificial Intelligence (AI) poses new challenges.

Over the past four years, legislative efforts have addressed the sustainability of data centers, notably through Division Z (Energy Act of 2020) of the Consolidated Appropriations Act of 2021 ([H.R. 133](#)), the only legislation passed into law that attempts to tackle this issue, though only peripherally. The emergence of AI technologies, particularly large-scale AI models, has intensified the environmental footprint due to their significant energy, water, and carbon emissions during the training phase. The "Artificial Intelligence Environmental Impacts Act of 2024" ([S.3732](#)) introduces a crucial legislative focus on the environmental implications of AI. This act mandates the Environmental Protection Agency to conduct a comprehensive study on AI's environmental impacts and calls for the development of a voluntary reporting system on these impacts, highlighting the urgent need for sustainable AI practices alongside the ongoing efforts to improve data center efficiency.

### **d. Consumer Data Privacy**

Consumer Data Privacy deals with the right of consumers to be aware and in control of how their personal data is being used and sold by online companies. More states have been working on consumer data privacy laws; the International Association of Privacy Professionals (IAPP) tracks the [current status of legislation](#) in each state.

Although the 118th Congress has not addressed the [American Data Privacy and Protection Act, H.R.](#) fifty bills related to privacy have been introduced. IAPP has created [a report](#) that features privacy legislation currently being introduced to the 118th Congress (2023-24). Most recently, on April 5, 2024, a bi-partisan and bi-cameral federal privacy bill, titled [American Privacy Rights Act](#), was recently drafted by the U.S. House Committee on Energy and Commerce Chair Cathy McMorris Rodgers, R-Wash., and Sen. Maria Cantwell, D-Wash., chair of the Senate Committee on Commerce, Science and Transportation. A summary of [the draft](#) includes requirements on data minimization, consumer rights to opt out of targeted advertising and view, correct, export or delete their data. Additionally, the bill carries data security provisions, a section on "executive responsibility," and a national data broker registry. There are also provisions to prevent organizations from enforcing mandatory arbitrations when there is significant privacy harm.

## e. Accessible Instructional Materials

Campus libraries act as central points of access for instructional content. The development of accessibility guidelines for instructional materials will ensure this content is accessible to all. Previously proposed legislation (i.e., the Accessible Instructional Materials in Higher Education Act - AIM Higher Act) sought to promote the development of voluntary guidelines for postsecondary electronic instruction materials and related technologies. Coursework materials are increasingly delivered in digital forms with e-books, PDF articles, and interactive web content delivered from learning management systems, databases, and the open web. Whereas traditional tangible print items present obstacles to students with disabilities, digital content offers opportunities to expand accessibility for these students. What's more, reform efforts will provide an opportunity to consolidate and refine existing standards to ensure their alignment with current accessibility best practices.

[The National Center on Accessible Educational Materials](#), an organization funded by the U.S. Department of Education's Office of Special Education Programs, dedicates a section of its web site to [higher education](#) that includes links to current federal laws and policies. The Center also published a guide in 2020, [Higher Education Critical Components of the Quality Indicators for the Provision of Accessible Educational Materials & Accessible Technologies](#). This guide can provide broad benchmarks and ideas to ACRL members with teaching responsibilities while legislative efforts continue to unfold.

*Special Note:* The revolution in artificial intelligence has implications for accessible instructional materials. Recent articles by [McMurtie \(2023\)](#) and [Onufur \(2024\)](#) list examples of how AI can increase accessibility: translating text-to-speech, brainstorming research ideas, generating images of text in class notes or textbooks, offering social scripts to students unsure of how to interact with classmates about group work, and helping students organize study materials. The [National Conference of State Legislatures website](#) offers a tracker for AI legislation at the state level. Even though AI legislation will more likely apply to information literacy for librarians, accessibility AI is also relevant to ACRL. [Massachusetts H 560](#) is an example of general AI legislation, which includes "a person's ability to access."

## f. Pending Cases

These are pending cases and important information that ACRL will continue to monitor due to their potential effects on libraries:

- *UPDATE:* [Hachette v. Internet Archive](#): In response to the March 2023 ruling in favor of Hachette et. al., on December 23, 2023, [an appellate brief on behalf of the Internet Archive](#) was filed in the U.S. Court of Appeal for the Second Circuit. The [brief](#) explains that the Archive's Controlled Digital Lending (CDL) program is a lawful fair use that preserves traditional library lending in the digital world.
- *UPDATE:* [Department of Education v. Brown](#) and [Biden v. Nebraska](#): SCOTUS heard two cases in 2023 regarding student loan forgiveness that focus on two key questions -

1) Do the petitioners meet the requirements for standing or injury from the policy? and 2) Does the Department of Education have the legal authority to grant student loan forgiveness? Ultimately the Supreme Court ruled the following for these cases: 1) the petitioner does not have the ability to challenge the student debt forgiveness program. 2) Ultimately, SCOTUS ruled that the Secretary of Education does not have the legal authority under the Higher Education Relief Opportunities for Students Act to grant student loan forgiveness. Therefore, the Biden-Harris Administration is currently looking into alternative ways to provide loan forgiveness for borrowers, including creating a new program, Saving on a Valuable Education or SAVE, to help lower the cost of monthly payments.

- **UPDATE:** [Students for Fair Admissions Inc. v. President & Fellows of Harvard College](#): In 2023, SCOTUS heard two cases addressing affirmative action. “Whether the Supreme Court should overrule *Grutter v. Bollinger* and hold that institutions of higher education cannot use race as a factor in admissions; and (2) whether Harvard College is violating Title VI of the Civil Rights Act by penalizing Asian American applicants, engaging in racial balancing, overemphasizing race and rejecting workable race-neutral alternatives.” SCOTUS ruled that the admissions programs violate the equal protection clause of the 14th Amendment, thus striking down affirmative action.
- **UPDATE:** On October 24, 2023, the [Biden-Harris Administration announced regulation](#) changes to enhance the Department of Education’s abilities to protect students from sudden college closures. These new regulations will also restrict colleges from withholding course credits paid with Federal money from students’ transcripts, and require colleges to clearly communicate to students how much financial aid they will receive. Additional changes relate to financial responsibility, ensuring that colleges have the administrative capacity to handle student loan programs, additional restrictions that the DOE can place on institutions that are exhibiting warning signs of closing, and allowing the DOE to ensure that institutions are following state regulations for entrance requirements. The regulations will go into effect on July 1, 2024.



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**Vivienne McClendon** – University of Houston, Clear Lake

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**Brett Spencer** – Pennsylvania State University, Berks

**Kevin Walker** – The University of Alabama

With generous support and direction provided by:

**Allison Payne** – ACRL Staff Liaison

**Kara Whatley** – California Institute of Technology (ACRL Division Councilor)

*Last update: April 19, 2024*