

Report to Council
2021 ALA Virtual Council Meeting
Joe Thompson, Chair—ALA Committee on Legislation (COL)

January 25, 2021

COL committee members: Joe Thompson (Chair), Brandon Wright Adler, Robert Barr, Sara Dallas, Aaron Dobbs, Erin Huckabay Downey, Lori Fisher, Sarah Hammill, Lisa Jochelson, Charles Kratz, Kathleen Peiffer, Ella Mulford, Eric Suess, Bradley Wiles, Matt Matkowski.

COL Legislative Agenda

COL began its year with the development of a new Legislative Agenda for 2021 (attached to this report). The top priority issues include library funding, internet access and inclusion, copyright, licensing and competition, and government information and services. This agenda will annually highlight priorities for federal legislation, reflecting current opportunities with the greatest impact on libraries.

Advocacy

Advocacy efforts for increased funding for broadband and stimulus funding for COVID-19 relief have dominated the activities of COL and our library supporters. A number of bills introduced in the final weeks of the 116th Congress garnered wide support, paving the way for continued interest in the 117th Congress. Leveraging heightened awareness of the value of libraries has resonated with many members of Congress.

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

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.

COL 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 and COL 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 and COL 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. 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.

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.

Potential Copyright Legislation

COL will monitor the proposed legislation introduced by Senator Tillis (R-NC), chairman of the Senate Judiciary Intellectual Property subcommittee, the Digital Copyright Act of 2020. Now that Democrats narrowly hold the majority, it is unclear if new leadership will pursue this legislation. This legislation includes major revisions to the "notice and takedown" provision of the Digital Millennium Copyright Act, helpful but minor changes to the anti-circumvention provision, and re-location of the U.S Copyright Office from the Library of Congress, this time to the Department of Commerce.

**American Library Association (ALA)
Committee on Legislation
Legislative Agenda for 2021**

America's libraries are drivers for equity and inclusion during the COVID-19 pandemic, as they are every day. However, the pandemic has caused major financial losses and disrupted libraries' work to support small businesses, students, and jobseekers. In 2021, policymakers must ensure libraries are equipped to safely meet their communities' needs for technology access, learning, economic recovery, and wellbeing. Policies should support the contributions of school, public, and academic libraries, with emphasis on meeting the needs of underserved communities.

ALA's Committee on Legislation encourages ALA members and library supporters to advocate on the following library priorities in 2021. ALA will monitor and engage on these and other [federal issues](#) that affect libraries. We urge ALA members and library supporters to [sign up as advocates](#) and use [ALA's advocacy resources](#) to build strong 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 2021:

COVID-19 relief: Provide emergency funding so that libraries, which have suffered thousands of furloughs as a result of [COVID-19](#), can keep their communities connected, support online learning during the pandemic, and promote economic recovery.

Dedicated library programs: Increase and maintain funding for the:

- Institute of Museum and Library Services, which administers the Library Services and Technology Act;
- Innovative Approaches to Literacy program, which provides funding for [school libraries](#) through the Department of Education;
- Library of Congress, including the National Library Service for the Blind and Print Disabled;
- National Library of Medicine and its network of libraries; 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:

- K-12 education, including in reauthorization of the Every Student Succeeds Act;
- Higher education, including in reauthorization of the Higher Education Act, and preserving eligibility of library staff for Public Service Loan Forgiveness; and

- [Workforce development](#), including in reauthorization of the Workforce Innovation and Opportunity Act.

Library infrastructure and sustainability: Provide support to make library facilities more modern, healthy, safe, green, 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 2021:

E-rate: Preserve continued access for libraries to [E-rate](#) support. Improve outreach and technical assistance for applicants. Ensure eligibility of tribal libraries.

Technology access and training: Provide funding for libraries to strengthen internet and technology access and digital skills training.

Net neutrality: Restore [net neutrality](#) protections.

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 that protect library services. Additionally, libraries rely on fair licenses and market practices in order to provide access to digital content such as [e-books](#). Key issues for 2021:

E-books and digital content: Prevent unfair and anti-competitive practices that limit libraries' ability to meet their users' reading and information needs.

Copyright Office: Preserve the Librarian of Congress' authority to manage and oversee the Copyright Office. Continue modernizing the Library's and Office's information infrastructure.

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. Key issues for 2021:

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

Public access to research: Ensure public access to publicly-funded research and data.

Resolution in Support of Broadband as a Human Right

Whereas broadband networks and services drive robust, resilient, and effective societies and economies;

Whereas broadband is essential for life tasks including education, workforce, healthcare, and is a fundamental element of an inclusive and sustainable world;

Whereas the global pandemic has heightened the awareness of the problems that the lack of access to broadband and digital connectivity have on millions of Americans forced to work from home, connect to online schooling, connect to telehealth resources, access information and maintain a reasonable quality of life;

Whereas the inability to provide in-person library services during the pandemic magnifies inequities for people without the equipment, the capacity to access and the confidence/skills to effectively use broadband and acquire digital literacy;

Whereas access to information must be “predictable, sustainable, [and] location-independent” is a principle of the Networked World (B.4.6.1);

Whereas communities of color, low-income residents, rural, indigenous, older residents, people with disabilities, and people experiencing homelessness are more likely to be without a strong connection to the internet and without the equipment and skills to access reliable resources;

Whereas America's libraries provide no-fee broadband access in communities and are essential to communities with no broadband access;

Whereas an increasing number of information resources, including government resources and services, are available solely online;

Whereas ALA has endorsed legislation promoting broadband access, including for low-income and *Black, Indigenous and People of Color (BIPOC)* households and families with school-aged children who lack home internet access;

Whereas the American Library Association (ALA) states in “Access to Electronic Information Services, and Networks” (B.2.1.20) that “all individuals have a right to information”;

Whereas ALA signed the International Federation of Library Associations and Institutions’ (IFLA) *Library Pledge to Promote Digital Inclusion* (<https://www.ifla.org/node/93389>) recognizing that universal connectivity requires collective, collaborative efforts from all stakeholders across all levels of government (B.6.2.3); and

Whereas the Committee on Legislation (COL) identified broadband as a priority in its 2021 Legislative Agenda; (<http://www.ala.org/aboutala/sites/ala.org.aboutala/files/content/committees/ALA%20Legislative%20Agenda%202021.pdf>) now, therefore be it,

Resolved that the American Library Association (ALA), on behalf of its members:

1. affirms universal access to affordable high-capacity broadband is as essential as electricity and therefore a basic right for all; and,
2. advocates for legislative and regulatory policies through which libraries can affect positive change toward such universal access.

Mover: Jim Teliha (401-632-6616)

Seconder: Pat Ball (404-421-3250)

Tribute Resolution Honoring Civil Rights Pioneer and Librarian Barbara Johns

Whereas Barbara Rose Johns (1935 - 1991) was a pioneering leader in the American civil rights movement;

Whereas on April 23, 1951 and at the age of 16, Barbara Johns led all 450 of her classmates at Robert Russa Moton High School in Farmville, Virginia on a two-week strike to protest overcrowding, unequal conditions and lack of financial support of Black schools in comparison to white schools;

Whereas the student action got the attention of the Virginia chapter of the NAACP, who agreed to assist as long as the lawsuit would be for an integrated school system, and not just equal facilities;

Whereas in 1954, their case -- *Davis v. County School Board of Prince Edward County* -- was one of the five bundled with the 1954 Supreme Court case *Brown v. Board of Education*, which declared school segregation unconstitutional;

Whereas Johns received a degree in library science from Drexel University and became a librarian for the Philadelphia school system;

Whereas the Moton High School, now a national historic landmark and museum is described as "the birthplace of America's student-led civil rights revolution;"

Whereas, according to many historians, Johns' actions helped launch the desegregation movement in the United States;

Whereas in 2020, Johns was inducted into the National Women's Hall of Fame;

Whereas a statue of Barbara Johns will be memorialized in National Statuary Hall at the United States Capitol, replacing Virginia's statute of Confederate Gen. Robert E. Lee; now, therefore be it

Resolved, that the American Library Association, on behalf of its members:

1. honors the memory of Barbara Rose Johns, celebrates the placement of her statue in the National Statuary Hall in the United States Capitol, and remembers her service to the civil rights movement.

Mover: Committee on Legislation (202-440-6368)

Second: Committee on Diversity, Val Bell, Chair