

Why Libraries Matter Now More than Ever to Democracy: *Legal Issues Affecting the Future of Public Knowledge*

2025 Symposium Background Information (September 29, 2025)¹

I. The Institute of Museum and Library Services (IMLS)²

A. Executive Order 14238, Continuing the Reduction of the Federal Bureaucracy

The Institute of Museum and Library Services (IMLS) was founded in 1996 to support libraries, archives, and public museums across the country. IMLS is the sole federal agency that distributes federal appropriations for libraries through grants and services. The Museum and Library Services Act (MLSA) reauthorized IMLS through 2025, affirming the need for congressional appropriations to support library services.³ The current Acting Director is Keith Sonderling; Sonderling was appointed by Trump and sworn in on March 20, 2025. Prior to Sonderling's appointment, the President issued Executive Order 14238, "Continuing the Reduction of the Federal Bureaucracy" Executive Order (March 14, 2025).⁴

Executive Order 14238 orders the elimination of "non-statutory components and functions" of IMLS. Section 2(a)(iv). The head of the agency was ordered to submit a report within seven days "explaining which components or functions of the governmental agency, if any, are statutorily required and to what extent." Section 2(b).

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² Well Sourced by Kelly Jensen, *A Timeline and Update on the Institute for Museum and Library Services* (May 24, 2025), <https://buttondown.com/wellsourced/archive/imls-timeline/>

³ Kathi Kromer, *Museum and Library Services Act Passes*, American Libraries Magazine (December 20, 2018), https://americanlibrariesmagazine.org/blogs/the-scoop/museum-and-library-services-act-passes/?utm_source=wellsourced&utm_medium=email&utm_campaign=imls-timeline

⁴ Executive Order No 14,238, §2, 90 Fed. Reg. 13043 (Mar. 14, 2025), <https://www.federalregister.gov/documents/2025/03/20/2025-04868/continuing-the-reduction-of-the-federal-bureaucracy>

Further, the Order stipulates that the Office of Management and Budget will reject funding requests inconsistent with the Order.

In the immediate aftermath of the Executive Order, the union representing IMLS staff reported that the entire IMLS staff were notified that they were placed on administrative leave.⁵ Without adequate staff to administer the program, there was serious concern that most grants would be terminated. As of now, many grants have been halted or eliminated but the future of IMLS is still up in the air.

B. Litigation

Two key lawsuits seek IMLS return to its operations before the March 14 Executive Order: 1) *Rhode Island vs. Trump* (1st Cir. 2025) and 2) *ALA v. Sonderling* (D.D.C 2025).

1. *Rhode Island et al. v. Trump et al.* ⁶

A coalition of 21 state attorneys general filed a lawsuit against the Trump Administration on April 4, 2025 challenging the constitutionality of Executive Order 14238 as an arbitrary and capricious dismantling of seven statutorily mandated agencies. In the complaint, IMLS indicates that 85% of its staff was placed on administrative leave and “full compliance” with the order “has meant gutting every one of their operations—statutorily mandated or not.”⁷ On May 13, the judge issued an injunction in favor of the state attorneys general. The Trump Administration has appealed. The May 20 appeal includes a declaration from Director Sonderling in which he raises concerns about whether employees “assisting the plaintiffs in related litigation...will be fully prepared to support the administration's priorities for IMLS's grant programs.”⁸ On September 3, library and museum organizations (e.g. ALA, Association of Rural & Small Libraries, Association of Tribal Archive) and the AFSCME labor union filed an amicus brief.⁹ The amicus brief emphasizes how these organizations rely on

⁵ Press Release, A Statement from the American Federal of Government Employees Local 3404 on the Gutting of the Institute of Museum and Library Services (March 31, 2025), <https://federalnewsnetwork.com/wp-content/uploads/2025/03/OFFICIAL20STATEMENT20from20Local203403.pdf>

⁶ *Rhode Island et al. v. Trump et al.*, No. 25- 1477, 2025 WL 2621593 (1st Cir. Sept. 11, 2025) (Chief Judge McConnell, Jr. denied the government's motion for a stay of the preliminary injunction pending their appeal).

⁷ *Rhode Island v. Trump*, 781 F.Supp.3d 25 (D.R.I., 2025), Complaint ¶ 3: <https://www.rid.uscourts.gov/sites/rid/files/jjmcomplaint.pdf>

⁸ *Rhode Island v. Trump*, 781 F.Supp.3d 25 (D.R.I., 2025), Declaration of Keith E. Sonderling ¶ 13, <https://storage.courtlistener.com/recap/gov.uscourts.rid.59257/gov.uscourts.rid.59257.63.1.pdf>

⁹ *Rhode Island. v. Trump et al.*, (1st Cir. Sept. 11, 2025) Brief of Library and Museum Organizations and a Labor Union as Amici Curia in Support of Plaintiff-Appelles, <https://democracyforward.org/wp-content/uploads/2025/09/2025.09.03-amicus-brief.pdf>

IMLS for information, coordination, funding, and assistance with their program development.

2. *American Library Association (ALA) v. Sonderling*¹⁰

The American Library Association (ALA) and the American Federation of State, County, and Municipal Employees (AFSCME) filed a lawsuit against the government on April 7, 2025 to challenge the unconstitutional dismantling of IMLS. ALA and AFSCME are represented by Democracy Forward. On May 1, the judge issued a TRO which halted the IMLS job eliminations set for May 4. On June 6, 2025, the judge denied Plaintiff's preliminary injunction motion. However, the *Rhode Island* injunction survived attempts to stay so that injunction remains in place.¹¹ Plaintiffs moved for summary judgment on September 5, 2025 and the motion is pending before the court.

C. Challenges to Libraries from the Reductions in IMLS Funding.

1. Reductions in library staffing and services due to loss of grant funding

Andrew K. Pace, Executive Director of the Association of Research Libraries, reminds that "IMLS doesn't just fund libraries; it amplifies their impact, turning limited resources into expansive community benefits."¹² IMLS's strategic priorities through 2026 highlight important library services that impact library patrons and communities across the country: 1) conducting research projects to determine how libraries can advance child reading literacy, 2) improving access to museums, and 3) advancing racial equity and support for underserved communities by improving its grantmaking and contracting processes.¹³ Reductions in staffing and funding—at the IMLS and state library levels—undermine these priorities and public knowledge generally.

2. Reductions in IMLS Staff

¹⁰ Am. Libr. Ass'n v. Sonderling, 783 F. Supp. 3d 57 (D.D.C. 2025), reconsideration denied, No. CV 25-1050 (RJL), 2025 WL 1615771 (D.D.C. June 6, 2025)

¹¹ Press Release, Federal Court Halts Dismantling of Federal Library Agency in ALA Lawsuit, American Library Association (May 1, 2025), <https://www.ala.org/news/2025/05/federal-court-halts-dismantling-federal-library-agency-ala-lawsuit>

¹² Press Release, ALA Leads Libraries, Museums, Cultural Institutes, and Nation's Largest Cultural Worker Union Urging Federal Court to Block Administration's Efforts to Dismantle the Nation's Cultural and Education Infrastructure, American Library Association, (Sep. 3, 2025), <https://www.ala.org/news/2025/09/ala-leads-libraries-museums-cultural-institutes-and-nations-largest-cultural-worker>

¹³ Institute of Museum and Library Services, *Learning Agenda: Research Questions to Guide IMLS Priorities (FY 2023-2026)*, 5-7, <https://www.ims.gov/sites/default/files/2023-11/learning-agenda.pdf>

After the March 14 Executive Order, IMLS's full-time staff was reduced from about 75 to 12; after the *Rhode Island* injunction halting some of the terminations, IMLS staff is about 35.¹⁴ Many states have in-turn reduced their library staff due to loss of grant funding. For example, Washington State Library (WSL) delivered letters to 47 library employees informing them of the risk of lay-off due to loss of grant funding, with federal-funded positions expected to be eliminated by September 30.¹⁵ WSL is now seeking relief from the State Legislature to fill gaps in their operating budget to keep programs, resources, and staff accessible to the public.

3. Reductions in Grant Funding

- Within weeks of the Executive Order, IMLS grant recipients were notified of funding termination. Recipients remain uncertain about the implications. States receiving federal funds from IMLS through the Grants to States Program were notified of reductions in funding. The Grants to States Program provides funds to State Library Administrative Agencies (SLAAs), proportional to the state population, in order to support library service provision.¹⁶ Many states were immediately harmed by the cut to the Grants to States Programs due to existing, enforceable contracts with third-parties that are based on federal fund allocations.
- At the bottom of this article is a very helpful list of the potential impacts of IMLS funding cuts to specific state libraries, as described by that state/local library system: https://bookriot.com/imls-gutted/?utm_source=well sourced&utm_medium=email&utm_campaign=imls-timeline
 - For example, the Seattle Public Library is at risk of losing funding for Washington Talking Book and Braille, a statewide initiative to provide materials and services for blind, visually impaired, and disabled patrons.¹⁷

¹⁴ Nathalie op de Beeck, *IMLS Staffers Cry Foul as New Leadership Continues to 'Slash and Burn'*, Publisher's Weekly (Apr. 16, 2025), <https://www.publishersweekly.com/pw/by-topic/industry-news/libraries/article/97563-imls-staffers-cry-foul-as-new-leadership-continues-to-slash-and-burn.html>; *ALA v. Sonderling* Amicus Brief (Sept. 3, 2025), p. 10, <https://democracyforward.org/wp-content/uploads/2025/09/2025.09.03-amicus-brief.pdf>.

¹⁵ *Anticipated Layoffs to hit Washington State Library After Budget Request Rejected*, Washington Secretary of State (May 12, 2025), <https://www.sos.wa.gov/about-office/news/2025/anticipated-layoffs-hit-washington-state-library-after-budget-request-rejected>

¹⁶ Museum and Library Services Act of 2018, Pub. L. 115-410, codified at 20 U.S.C. § 9101 et seq. This Act incorporates the Library Services and Technology Act of 1996 (LSTA), ch 407, Pub. L. No. 84-597. For an in-depth overview of the Grants to States Program, Institute of Museum and Library Services: <https://www.imls.gov/find-funding/funding-opportunities/grants-to-states/grants-to-states-manual>.

¹⁷ Shelf Talk The Seattle Public Library Blog, *IMLS provides invaluable support to libraries in Washington state and throughout the U.S.* (March 24, 2025), <https://blog.spl.org/2025/03/24/imls-provides-invaluable-support-to-libraries-in-washington-state-and-throughout-the-u-s/>

- One critical reduction in service across the board, particularly to rural areas and small library systems, is the disruption to IMLS's facilitation of interlibrary sharing programs.¹⁸

4. Potential Additional Funding Cuts and Risks to IMLS

- Historically, library funding draws about 0.003% of the annual federal budget.¹⁹ The IMLS budget for FY 2023 and FY 2024 was \$294,800,000 per year.²⁰ Still, the Trump Administration's 2026 Fiscal Budget proposal (presented in May 2025) sought to reduce funding for IMLS to \$6 million, with the ultimate goal of eliminating the agency. This \$6 million would be used to “conduct an orderly close out of IMLS beginning in 2026” to “move the Nation towards fiscal responsibility and to redefine the proper role of the Federal Government.”²¹ Simultaneously, the Administration signed Executive Order 14189, “Celebrating America’s 250th Birthday”, that created a planning Task Force for a July 4, 2026 event.²² The Task Force includes the Director of IMLS and illustrates the Trump Administration’s efforts (and Director Sonderling’s desire) to get IMLS “in lockstep”²³ with the Trump Administration.
- As of September 11, 2025, the Senate and House Appropriations Committees approved a \$291,800,000 IMLS budget, disregarding the administration’s proposal.²⁴ The proposed budget will be submitted to the full Senate and House for

¹⁸ Andrew Limbong, *Small and rural libraries are feeling the cuts from President Trump’s executive order*, NPR All Things Considered (Apr. 22, 2025), <https://www.npr.org/2025/04/22/nx-s1-5364825/small-and-rural-libraries-are-feeling-the-cuts-from-president-trumps-executive-order>

¹⁹ FAQ:Executive Order Targeting IMLS, American Library Association (September 11, 2025), <https://www.ala.org/faq-executive-order-targeting-impls> ; Kelly Jensen, *The 2026 Federal Budget Proposal Shatters the Institute for Museum and Library Services*, Book Riot (June 2, 2025), <https://bookriot.com/the-2026-federal-budget-proposal-shatters-the-institute-for-museum-and-library-services/>

²⁰ Institute of Museum and Library Services FY 2023-FY 2025 Budget Appropriations Table, <https://www.ims.gov/sites/default/files/2024-05/impls-budget-table-fy-2023-2025.pdf>

²¹ Technical Supplement to the President’s Fiscal Year 2026 Discretionary Budget Request Appendix, Office of Management and Budget, at p. 1099, https://www.whitehouse.gov/wp-content/uploads/2025/05/appendix_fy2026.pdf?utm_source=wellsource&utm_medium=email&utm_campaign=impls-timeline.

²² Executive Order No 14,189, 90 Fed. Reg. 8849 (Feb. 3, 2025), <https://www.federalregister.gov/documents/2025/02/03/2025-02231/celebrating-americas-250th-birthday>

²³ Press Release, Keith E. Sonderling Sworn in as Acting Director of Institute of Museum and Library Services, Institute of Museum and Library Services (Mar 20, 2025), <https://www.prnewswire.com/news-releases/keith-e-sonderling-sworn-in-as-acting-director-of-institute-of-museum-and-library-services-302407432.html>

²⁴ Nathalie op de Beeck, *Proposed IMLS Budget Passes Appropriations Committees*, Publishers Weekly (Sept. 22, 2025), https://www.publishersweekly.com/pw/by-topic/industry-news/libraries/article/98570-proposed-impls-budget-passes-appropriations-committees.html?oly_enc_id=2671D4139745G9W

consideration and a vote. Library service providers, IMLS, lawmakers²⁵, and advocates continue to monitor and advocate for congressional funding for FY 2026. Supporters can remain engaged through the Show Up for Our Libraries campaign: <https://www.ala.org/advocacy/show-up-for-our-libraries>.

5. Potential Cuts to Internet Availability for Library Patrons

- Library patrons rely on libraries for internet access for educational learning, job seeking activities, and professional development among other important activities. The Schools and Libraries Programs, also known as the E-Rate program, is a federal program to provide subsidies to public libraries and public and private schools to defray the cost of internet access.²⁶ Throughout the pandemic, the E-Rate program was expanded to allow children and library patrons to access wi-fi hotspots outside of schools and public libraries. By July 2024, almost half of public libraries offered hotspots through the E-Rate program²⁷
- On September 3, 2025, FCC Chairman Brendan Carr announced reconsideration of the funding that allows library patrons to check out these hotspots for internet access at home.²⁸ This proposed reconsideration will be discussed and voted on at the FCC's September 30 meeting.²⁹
- The disruption of this program will harm the 1,762 public libraries who were already approved for this program and entered into contracts with E-Rate eligible service providers.³⁰ This and other potential cuts to internet availability for library patrons will undoubtedly hinder affordable access to broadband connection for marginalized communities, especially low-income students and workers.

6. Censorship of DEI-related Materials

- Library staff are enduring local and national campaigns to censor DEI-related materials. The Trump Administration executive orders purporting to address DEI

²⁵ Press Release, *ALA Applauds bipartisan opposition to attempt to eliminate IMLS*, American Library Association (Mar. 26, 2025), <https://www.ala.org/news/2025/03/ala-applauds-bipartisan-opposition-attempt-eliminate-impls>

²⁶ E-Rate and Universal Service, American Library Association, <https://www.ala.org/advocacy/federal-resources/broadband-policy/erate>

²⁷ Press Release, *ALA Praises FCC Vote to make Wi-Fi hot-spots eligible for e-rate funding*, ALA (July 18, 2024), <https://www.ala.org/news/2024/07/ala-praises-fcc-vote-make-wi-fi-hotspots-eligible-e-rate-funding>

²⁸ *Carr Proposal Would End FCC's Unlawful Biden-Era Expansion of COVID Spending Program*, Office of Chairman Brendan Carr (Sept. 3, 2025), <https://docs.fcc.gov/public/attachments/DOC-414268A1.pdf>

²⁹ The FCC September 30 meeting will be streamed live at [fcc.gov/live](https://www.fcc.gov/live)

³⁰ Press Release, *FCC plans to kill new federal hotspot lending rule 'one more way to limit access to information*, ALA (Sept. 24, 2025), <https://www.ala.org/news/2025/09/fcc-plans-kill-new-federal-hotspot-lending-rule-one-more-way-limit-access-information>

issues mandate the removal of “gender ideology and discriminatory equity ideology” materials from federal spaces, libraries, and schools.³¹ These orders and anti-DEI government policies have led to the physical removal of library materials and, perhaps more troubling, create “the culture of fear that results from censorship [that] may be more motivating than the censorship itself” (Donnelley citing Gallman, 2025).

- Tara Donnelly, a Chicago Public School librarian and a former Fellow of the UC National Center for Free Speech and Civil Engagement, published a report in August 2025 titled “Libraries and Censorship at the Onset of the Second Trump Administration”.³² The report discusses findings from a survey of 65 high school and college librarians completed between February and April 2025. The survey aimed to capture librarians’s experiences with censorship at their institutions and serve as a baseline for future reference.
- As of this survey, many of the libraries had not yet reported impacts due to the funding cuts but the chilling effects of anti-DEI policy were pervasive: librarians were instructed to remove materials from display, librarians were fielding complaints from parents, and students and scholars were requesting the removal of their written work on social issues from online repositories.³³

7. Removal of Previously Available Public Information

- Alteration and Deletion of Previously Available Public Information
 - Since January 2025, library and information service providers have worked to recoup and archive previously available public information removed from the internet and databases. Thousands of government websites have been taken down or altered since the beginning of the Trump Administration. The Data Rescue Project is a consortium of data organizations tracking and preserving altered or removed federal web pages that was started in February 2025 in response to the thousands of government websites taken down since January.³⁴ Many of these websites pertained to public health, early childhood education, foreign

³¹ Executive Order No 14,190, 90 Fed. Reg 02232 (Jan. 29, 2025), <https://www.federalregister.gov/documents/2025/02/03/2025-02232/ending-radical-indoctrination-in-k-12-schooling>

³² University of California National Center for Free Speech and Civic Engagement, 2024-2025 Class of Fellows, *Supporting Student Information Literacy in an Era of Library Censorship*, <https://freespeechcenter.universityofcalifornia.edu/fellows-24-25/supporting-student-information-literacy-in-an-era-of-library-censorship/>

³³ Tara Donnelley, *Libraries and Censorship at the Onset of the Second Trump Administration*, Aug. 2025 p. 13.

³⁴ About Data Rescue Project, <https://www.datarescueproject.org/about-data-rescue-project/>

policy, and diversity, equity, and inclusion programming.³⁵ Librarians are also contributing to the effort to document the removal of previously available public information.³⁶

- Risk to Publicly Available Data and Policymaking Recommendations Created by IMLS
 - Previously available information and resources developed by IMLS for the benefit of library and museum patrons are at risk. Notably, IMLS funding cuts have disrupted access to research information about the quality of library services and impact of the Executive Order on library and information services. For example, IMLS publishes an annual performance report that documents agency activities and the impact of IMLS grants in order to drive improvement of library services.³⁷ This report includes findings from IMLS's annual Public Library Survey, which collects data from more than 9,200 public libraries across the country to report trends in library services.³⁸ The most recent report, for fiscal year 2024, was delayed months and there is uncertainty if data from the Public Library Survey conducted in 2024 will be analyzed and released. This not only threatens the planning and effectiveness of library services but also undermines transparency and accountability for the executive action currently dismantling IMLS and all libraries it serves.

II. The Library of Congress

Perlmutter v. Blanche et al.³⁹

On Thursday, May 8, 2025, President Trump fired the Librarian of Congress, Carla Hayden, by e-mail before her ten year term⁴⁰ expired. Hayden, who has a Ph.D. in library science from the University of Chicago, was the first librarian (and the first

³⁵ Ethan Singer, *Thousands of U.S. Government Web Pages Have Been Taken Down Since Friday*, NYT (Feb. 3, 2025), <https://www.nytimes.com/2025/02/02/upshot/trump-government-websites-missing-pages.html>

³⁶ Data Rescue Project, *Libraries Supporting Data Rescue*, <https://www.datarescueproject.org/libraries-supporting-data-rescue/>

³⁷ IMLS, Annual Performance Report Fiscal Year 2024, IMLS (Feb. 2025), <https://www.ims.gov/sites/default/files/2025-02/2024apr.pdf>

³⁸ IMLS, Annual Performance Report Fiscal Year 2024, IMLS 22-23 (Feb. 2025), p. 22-23, <https://www.ims.gov/sites/default/files/2025-02/2024apr.pdf>

³⁹ Shira Perlmutter, Register of Copyrights and Director of the U.S. Copyright Office v. Todd Blanche, in his capacity as the person claiming to be acting Librarian of Congress, et al., 2025 WL 2627965 (D.C. Cir. Sept. 10, 2025).

⁴⁰ <https://www.loc.gov/about/about-the-librarian/>

African American woman) to be appointed by a president (President Obama) to be the Librarian of Congress.

The following day, Friday, May 9, the Copyright Office, which is housed within the Library of Congress, issued an unprecedented “pre-publication report” on AI and copyright fair use—the culmination of many months of study and summarizing the more than 10,000 comments that it had received in response to a request for public comments on AI.⁴¹ The next day, Saturday, May 10, the White House Presidential Personnel Office notified Shira Perlmutter, the Register of Copyright who had been appointed by Hayden, by email that she had been terminated from her position “effective immediately.”

The following Monday, May 12, Todd Blanche and Paul Perkins attempted entry into the Library of Congress, with documents indicating that they had been appointed by President Trump as Acting Librarian of Congress and Acting Register of Copyrights, respectively. Blanche and Perkins have no background in the areas in which they were purportedly appointed to manage. Library of Congress staffers refused to let Blanche and Perkins in when they arrived at the Library and called US Capitol Police. The library's General Counsel Meg Williams asked them to leave and told them they would be denied access to the Copyright Office.

Subsequently, Perlmutter sued Blanche and others, alleging that “only the Librarian of Congress — and not the President — has the authority to fire her. Second, she argued that Blanche was unlawfully appointed as Acting Librarian and therefore lacks authority to ratify the President’s actions, *i.e.*, to effectuate her termination.”⁴² In the words of the September 10 D.C. circuit court opinion that temporarily blocked this action, the “President . . . purported to install Executive Branch officials — Blanche and Perkins — as Acting Librarian of Congress and Acting Register of Copyrights. If those facts are proven true, that would be a grave intrusion by the President into the constitutional powers of a coordinate branch of government.”⁴³ By a 2-1 vote, the Court reinstated *Perlmutter* in her position of Register of Copyright pending appeal.

Robert Randolph Newlen who was principal deputy librarian of the United States Library of Congress, became the acting librarian of Congress following the dismissal of Carla Hayden.

⁴¹ U.S Copyright Office, Copyright and Artificial Intelligence, Part 3: Generative AI Training Pre-Publication Version (May 2025), <https://www.copyright.gov/ai/Copyright-and-Artificial-Intelligence-Part-3-Generative-AI-Training-Report-Pre-Publication-Version.pdf>

⁴² *Perlmutter*, *supra*, at *3.

⁴³ *Id.* at *7.

III. Legal Challenge to the Copyright Deposit Requirement

Valancourt Books v. Garland⁴⁴

Section 407 of the Copyright Act, *Deposit of copies or phonorecords for Library of Congress*, requires copyright owners to deposit physical copies of published works in the Copyright Office for the use or disposition of the Library of Congress. §407(b). Otherwise, owners may be fined for each work. §407(d). In August 2018, Valancourt Books LLC, a small independent publisher, brought suit against the U.S. Attorney General and the Register of Copyrights to challenge the deposit requirement as an unconstitutional taking of property in violation of the Fifth Amendment and a burden on speech in violation of the First Amendment. The lower court ruled in favor of the government; Plaintiffs appealed. On August 29, 2023, the D.C. Circuit reversed and remanded. In its ruling in favor of Valancourt Books, the court held that the Copyright Office’s demand for the deposit of physical copies of the works, which is not a condition of attaining copyright protection, is an uncompensated taking of private property prohibited under the Fifth Amendment Takings Clause.

IV. State Legislative Responses to Library eBook Pricing

Lawmakers and scholars recognize the need for legislation to address restrictive and expensive ebook contracts offered by publishers to libraries under the threat of copyright and federal preemption lawsuits. Several states have pursued e-book pricing legislation, to varying levels of success.

Association of American Publishers v. Frosh⁴⁵

In 2021, the Maryland state legislature unanimously passed a bill that required publishers that sell e-book licenses to Maryland consumers to offer e-book licenses to Maryland public libraries on “reasonable terms”.⁴⁶ The Governor announced enactment of this bill in May 2021 and the bill took effect in January 2022. However, the Association of American Publishers (AAP), a national trade association for the U.S. publishing industry, brought suit in December 2021 against Maryland Attorney General Brian Frosh to challenge the state law as impeding on federal copyright law. APA argued that the Maryland law is expressly preempted by and in conflict with the Copyright Act, as well as an unconstitutional violation of the Dormant Commerce Clause

⁴⁴ Valancourt Books v. Garland, 82 F.4th 1222 (D.C. Cir. 2023).

⁴⁵ Association of American Publishers v. Frosh, 607 F.Supp.3d 614 (D. Md. 2022).

⁴⁶ Md. Code Ann., Educ. § 23-701 – 23-702. SB0432 in the Senate and HB 0518 in the House of Delegates.

and Due Process Clauses of the Fifth and Fourteenth Amendments. The Author's Guild, a professional organization for public writers with more than 16,000 members, opposed the Maryland bill's approach.⁴⁷ In February 2022, the federal district court found that the Maryland law as "conflicted with the Copyright Act because it forced publishers to forgo their exclusive rights to decide when, to whom, and on what terms to distribute their copyrighted works"⁴⁸ and enjoined enforcement of the Act.

Connecticut Law⁴⁹

After the *APA v. Frosh* decision, Library Futures, a project of the NYU Law Engelberg Center on Innovation Law & Policy, published a policy paper in June 2022 advocating for more legislative action at the state level to address harmful e-book contract restrictions.⁵⁰ Library Futures developed model legislation that can be tailored based on state contract law, state consumer protection law, and state procurement law.⁵¹

On May 29, 2025, the Connecticut State Governor signed SB 1234, *An Act Prohibiting Libraries from Agreeing to Certain Terms in Electronic Book and Digital Audiobook License Agreements or Contracts*.⁵² This bill draws upon Library Futures's model legislation.⁵³ This law includes clauses that prohibit libraries from entering agreements that bar loaning electronic literary materials through an interlibrary loan or restrict the number of times the library may loan electronic literary materials over the course of the agreement if it also restricts the library's loan period for the material. Unlike the struck down Maryland law that regulated publishers and thus raised copyright law, this Connecticut law regulates libraries by prohibiting them from entering restrictive contracts. The bill was effective July 1, 2025 *but is only triggered after other states with a population of 7 million enact similar legislation*, signaling a multi-state effort to pass e-book pricing legislation.

⁴⁷ The Author's Guild SB 342 Testimony (March 22, 2021), https://mgaleg.maryland.gov/cmte_testimony/2021/wam/4236_03232021_92848-346.pdf

⁴⁸ *Frosh*, *supra*, at *617

⁴⁹ sSB 1234, Conn. Gen. Assem., January Session. (Conn. 2025), <https://www.cga.ct.gov/2025/BA/PDF/2025SB-01234-R01-BA.PDF>

⁵⁰ Library Futures, ebooks Policy Paper: Mitigating the Library eBook Conundrum Through Legislative Action in the States (June 2022), https://cdn.prod.website-files.com/5f308d0beb0dcb479f2d2b7c/62bdc37c22d65383b406cd7d_eBooks%20Policy%20Paper.pdf

⁵¹ Library Futures Draft Legislation (Access to E-Books), https://cdn.prod.website-files.com/5f308d0beb0dcb479f2d2b7c/62bdb7b930ce3f2975ac8495_LFF%20Model%20eBook%20Legislation.pdf

⁵² sSB 1234, <https://www.cga.ct.gov/2025/BA/PDF/2025SB-01234-R01-BA.PDF>

⁵³ Jennie Rose Halperin, *Connecticut Passes Landmark eBook Bill Based on Library Futures Model Legislation*, Library Futures (May 20, 2025), <https://www.libraryfutures.net/post/connecticut-ebook-bill/>