

**ALA Committee on Legislation
Report to Council
2012 Midwinter Meeting – Dallas, TX**

**Eva Poole
Chair, ALA Committee on Legislation
January 24, 2012**

The Committee on Legislation (COL) collaborated with many ALA committees on three resolutions. The resolutions address copyright, open access to information, and the loss of crucial access to government information.

In addition, on behalf of the ALA, the COL is exploring new methods to advance advocacy techniques, including such options as Mobile Commons, to help extend our voice and mobilize advocates to promote our legislative agenda. The COL has devoted considerable energy to discussing such, in response to extraordinary threats to library funding coupled with challenges in the legislative arena.

We refer you to the *ALA Washington Office Six-Month Report* that gives you more background information about ALA's federal legislative activities since Annual 2011.

The first of three resolutions is Council Document # 20.1:

RESOLUTION OPPOSING THE RESEARCH WORKS ACT

RESOLVED, That the American Library Association:

1. Urges the U.S. Congress to reject the Research Works Act, H.R. 3699, because it not only threatens future public access to federally funded research, but also nullifies the public access already provided to peer-reviewed journal manuscripts resulting from NIH funding.
2. Reaffirms its support for the expansion of the NIH public-access policy to other federal agencies and departments.

Endorsed in principle by the Intellectual Freedom Roundtable (IFRT) and Government Documents Roundtable (GODORT)

The second of three resolutions is Council Document # 20.2:

RESOLUTION OPPOSING THE PREVENTING REAL ONLINE THREATS TO ECONOMIC CREATIVITY
AND THEFT OF INTELLECTUAL PROPERTY ACT OF 2011 (PIPA)
AND THE STOP ONLINE PIRACY ACT (SOPA)

RESOLVED, That the American Library Association:

1. Urges Congress to reject both the S. 968, PIPA bill in the U.S. Senate and H.R. 3261, SOPA bill in the U.S. House of Representatives because they compromise such fundamental rights as free speech, intellectual freedom, and privacy in an attempt to target foreign websites and combat online infringement overseas.
2. Opposes any legislation that compromises ALA's core principles and stifles the dynamic, innovative potential of the global Internet.

Endorsed in principle by the Intellectual Freedom Roundtable (IFRT) and Government Documents Roundtable (GODORT)

The third of three resolutions is Council Document # 20.3:

RESOLUTION ON THE LOSS OF CRUCIAL GOVERNMENT INFORMATION

RESOLVED, That the American Library Association (ALA):

1. Urges U.S. Congress to restore funding to ensure permanent no-fee public access to aggregated sources of government information.
2. Urges the establishment of a mandated process with adequate notification to include the opportunity for public notice and comment with consultation by librarians, researchers, small businesses and other appropriate stakeholders before decisions are made to discontinue access to current or historical information resources when the federal government initiates, significantly modifies, or terminates information products.
3. Urges Congress to require that agencies discontinuing access to current or historical information resources transfer the content and related functionality to the U.S. Government Printing Office or other public institutions that can ensure continued no-fee digital access to this information.
4. Urges Congress to improve the federal government's policies and capabilities for making government information available to the public in an open, timely, participatory, and transparent manner.

Endorsed by the Government Document Round Table (GODORT)

Endorsed in principle by the Social Responsibilities Round Table (SRRT)

Additionally, COL brings to you the following information items:

Grassroots Subcommittee

At the Grassroots Subcommittee meeting, members discussed ways to move forward with a statement from the Grassroots Subcommittee ALA Advocacy Tools working group concerning the availability of advocacy tools on the ALA Website. After discussion, the subcommittee directed the chair to contact Marci Merola, Director of the Office for Library Advocacy, and Pat Tumulty, Chair of the Committee on Advocacy, to attend the COL Grassroots Subcommittee meeting at the 2012 ALA Annual Conference for further discussion. Additionally, details of the 2012 National Library Legislative Day on April 23-24, 2012 in Washington, DC, were made available.

Broadband and Telecommunications

The COL Subcommittee on Telecommunications continues to meet jointly with the OITP Subcommittee on Telecommunications. The joint meeting included an overview and discussion of network (net) neutrality, updates on the E-rate program and the ongoing reform of the Universal Service Fund, ongoing activities on Digital Literacy initiatives and coalition activities (as a member of the Schools, Health & Libraries Broadband Coalition, EdLiNC, and others). In addition, the subcommittees discussed ideas for future joint activities including developing education and communication (i.e. webinars, etc.) on emerging policy and legislative issues.

Copyright

After a brief legislative update, the COL Copyright Subcommittee worked extensively on two resolutions. The first resolution addressed current copyright legislation on U.S. Senate bill S. 968 (PROTECT IP ACT or PIPA), and U.S. House of Representatives bill H.R. 3261 (SOPA). The second resolution the subcommittee addressed was anti-open access legislation recently introduced as House bill H.R. 3699 (Research Works Act). After amending the resolutions, the subcommittee forwarded them to COL with the recommendation that they be endorsed. The subcommittee will continue to hold monthly conference calls to continue its committee work.

Government Information

The Government Information Subcommittee (GIS) hosted two meetings at ALA Midwinter 2012. The first meeting was held jointly with the Government Documents Round Table's (GODORT) Legislation Committee. During this meeting members held a high level discussion on the future of government information. The subcommittee also received an update from representatives of the Government Printing Office (GPO), including Superintendent of Documents Mary Alice Baish.

During the subcommittee's second meeting the members reviewed and edited three resolutions. The first resolution considered was on the Research Works Act that came from the Committee on Legislation's Copyright Subcommittee, and was ultimately endorsed by GIS. The second resolution considered, the Resolution on the Loss of Crucial Government Information, was sent to GIS by the GODORT Legislation Committee and was also passed after amendments were made. GIS considered a third resolution on supporting access to Federal Information Resources and Services; however, it was tabled at COL. COL expressed gratitude for the collaborative work by GIS members on the draft resolution. Moving forward, COL and GIS will continue to work collaboratively on these and related issues.

E-Government Services

The Subcommittee on E-Government Services met during the ALA Midwinter 2012 conference. The subcommittee members discussed updates needed for the E-Government Toolkit and then spent the majority of the meeting planning a program for ALA Annual 2012. The program will be co-sponsored by the Government Documents Roundtable (GODORT) and will focus on the topic of e-government and workforce development. The subcommittee will continue to hold monthly calls to continue their work.

This ends our report at this Midwinter conference. Thank you for your time and consideration.

RESOLUTION OPPOSING THE RESEARCH WORKS ACT

- WHEREAS,** Research sponsored by the United States government is funded by public tax dollars and conducted for the public interest; and
- WHEREAS,** Free public access to federally funded research is necessary for the advancement of knowledge in the United States and throughout the world and is essential to maintaining an informed public; and
- WHEREAS,** The American Library Association supports equitable public access to and preservation of information collected, compiled, produced, sponsored, archived, and disseminated by the Federal government; and
- WHEREAS,** The National Institutes of Health (NIH) Public Access Policy ensures the public has access to the published results of NIH-funded research by requiring scientists who receive NIH funds to submit final peer-reviewed journal manuscripts to the digital archive PubMed Central no later than 12 months after publication; and
- WHEREAS,** Faculty, researchers, students, medical practitioners, and the public now have no-fee access to PubMed Central, which contains more than two million full text articles accessed by nearly half a million users every day; and
- WHEREAS,** The NIH Public Access Policy serves as a model for public dissemination of federally funded, peer-reviewed journal manuscripts for other U.S. agencies and departments; and
- WHEREAS,** U.S. Representative Darrell Issa and Representative Carolyn Maloney have introduced H.R. 3699, the Research Works Act; and
- WHEREAS,** The bill, if enacted, would nullify the National Institutes of Health (NIH) Public Access policy implemented in 2008; and
- WHEREAS,** The bill, if enacted, would prohibit the NIH Public Access Policy model of no-fee dissemination of federally funded research after an embargo period to be emulated by any other federal agency or department; and
- WHEREAS,** The bill, if enacted, would result in U.S. taxpayers having to pay twice for access to peer-reviewed research already funded by their tax dollars; and now, therefore, be it

RESOLVED, That the American Library Association (ALA):

1. Urges the U.S. Congress to reject the Research Works Act, H.R. 3699, because it not only threatens future public access to federally funded research, but also nullifies the public access already provided to NIH peer-reviewed journal manuscripts.
2. Reaffirms its support for the expansion of the NIH public-access policy to other federal agencies and departments.

Adopted by the Council of the American Library Association

Keith Michael Fiels
ALA Executive Director and Secretary of the ALA Council
Tuesday, January 24, 2012
In Dallas, Texas

**RESOLUTION OPPOSING THE PREVENTING REAL ONLINE THREATS TO ECONOMIC
CREATIVITY AND THEFT OF INTELLECTUAL PROPERTY ACT OF 2011 (PIPA)
AND THE STOP ONLINE PIRACY ACT (SOPA)**

- WHEREAS,** The open exchange of information is a guiding principle of the Internet, as well as essential to First Amendment free speech, democratic discourse, innovation, and economic growth; and
- WHEREAS,** The Internet has been instrumental in advancing the ideal of universal access to information, including the open exchange of knowledge, scientific advancement, cultural understanding, education, creativity, innovation, democratic governance, political participation, and economic growth; and
- WHEREAS,** The American Library Association (ALA) is committed to preserving unrestricted access and open exchange of knowledge and information, intellectual freedom, and privacy rights of library users, librarians, library employees, and the general public; and
- WHEREAS,** The ALA opposes censorship and the suppression of unrestricted access; and
- WHEREAS,** The ALA supports the open exchange of, and access to, information in all formats, including via the Internet; and
- WHEREAS,** Article I, Section 8, Clause 8 of the U.S. Constitution, known as the Copyright Clause, empowers the U.S. Congress “To promote the Progress of Science and the useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries;” and
- WHEREAS,** The ALA Code of Ethics states, “We respect intellectual property rights and advocate balance between the interests of information users and rights holders;” and
- WHEREAS,** U.S. Senator Patrick Leahy introduced S. 968, the Preventing Real Online Threats to Economic Creativity and Theft of Intellectual Property Act of 2011 or PIPA; and
- WHEREAS,** U.S. Representative Lamar Smith introduced H.R. 3261, the Stop Online Piracy Act or SOPA; and
- WHEREAS,** These bills, if enacted, would increase library exposure to civil and criminal liability; and

WHEREAS, These bills, if enacted, would erode First Amendment free speech rights, threaten intellectual freedom, and cast a chilling effect on online activity and speech by forcing the U.S. to join other Internet censoring countries by requiring government sanctioned blocking of websites via the Internet; and

WHEREAS, These bills, if enacted, would weaken cybersecurity; and

WHEREAS, These bills, if enacted, would undermine privacy rights of Internet users by significantly increasing Internet companies' incentive for surveillance of online activity and speech of users; and

WHEREAS, These bills, if enacted, would threaten legitimate activities of U.S. websites with user-generated content by encouraging advertising networks and payment processors to cut off service to those websites; and

WHEREAS, These bills, if enacted, would fail to guarantee due process, thereby undermining free speech rights, and exposing individuals to arbitrary, capricious, or wrongful takedowns of websites; and

WHEREAS, Millions of Americans have expressed their opposition to provisions of these bills that threaten free speech, intellectual freedom, privacy, and cybersecurity; and now, therefore, be it

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RESOLUTION ON THE LOSS OF CRUCIAL GOVERNMENT INFORMATION

- WHEREAS,** Public access to information by and about the government is a basic tenet of a democratic society and crucial to the public's ability to hold the government accountable for its actions; and
- WHEREAS,** American taxpayers provide funding for the creation, aggregation, and dissemination of government information and are entitled to permanent no-fee access to this information; and
- WHEREAS,** The loss of previously published or freely accessible electronic government information negatively impacts business, science, research, and the American public's right to know; and
- WHEREAS,** The loss of critical government information resources such as the *Statistical Abstract of the United States* and the National Biological Information Infrastructure (NBII) result from inadequate Congressional funding and the lack of consideration of stakeholder input; and
- WHEREAS,** Aggregated sources of government information make sense of a disorganized mass of data and save researchers, small-business owners, and the public untold hours each year by making data easily accessible; and
- WHEREAS,** The American Library Association (ALA) is on record as supporting no-fee access to government information; and
- WHEREAS,** Libraries are essential to the free flow of ideas and to ensuring the public's right to know; and
- WHEREAS,** America's libraries have had a strong commitment for over a century to provide equitable access to U.S. government information; now, therefore, be it
- RESOLVED,** That the American Library Association (ALA):
1. Urges U.S. Congress to restore funding to ensure permanent no-fee public access to aggregated sources of government information.
 2. Urges the establishment of a mandated process with adequate notification to include the opportunity for public notice and comment with consultation by librarians, researchers, small businesses and other appropriate stakeholders before decisions are made to discontinue access to current or historical information resources when the federal government initiates, significantly modifies, or terminates information products.

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