

During this contentious election year, Congress is not expected to complete much legislation. But while few bills are being passed, this is a very busy time for hearings, debates, and some other threatened actions on key library issues. The following are highlights of recent activities on key library issues.

Copyright and database

Get out a scorecard because keeping track of the “dueling database bills” and how the House Energy and Commerce and Judiciary Committees are respectively dealing with these two bills takes some attention to detail.

Rep. Cliff Stearns (R-FL) and 18 cosponsors introduced H.R. 3872, the Consumer Access to Information Act of 2004, a narrower alternative version of H.R. 3261, the Database and Collections of Information Misappropriation Act. Stearns worked closely with Rep. Janice Schakowsky (D-IL) to develop the bill. H.R. 3872 was introduced on March 2, in the House Energy and Commerce Committee, following on the heels of the House Judiciary Committee’s favorable referral of H.R. 3261 to Energy and Commerce. Although H.R. 3261 was the result of years of negotiation, it continued to be opposed by libraries because it would fundamentally allow database producers to lock up facts through copyright-like law.

Oversimplified, the Commerce Committee didn’t like the Judiciary Committee’s bill, H.R. 3261, so Energy and Commerce Committee member Stearns introduced another bill, H.R. 3872. Stearns stated at the March 2 hearing that he opposed H.R. 3261 because the bill could lead to costly litigation and “put a chill on the use of information because of the fear of litigation.”

New Energy and Commerce Chairman Joe Barton (R-TX) and ranking member John Dingell, (D-MI), supported the bill and opposed H.R. 3261. H.R. 3872 narrowly defines the definition of misappropriation of a database and calls for Federal Trade Commission oversight and enforcement while prohibiting private parties the right to sue. The Commerce Committee approved the

bill with no amendments. Moreover, the committee reported H.R. 3261 (the Judiciary Committee’s bill) with “an unfavorable recommendation.”

The introduction of H.R. 3872 is considered a positive political step by libraries and other opponents of database legislation because it continues to emphasize the fundamental rift between the stakeholders and will likely make it more difficult for any bill to pass this year. Libraries continue to maintain that any database legislation is unnecessary but are grateful to those representatives who, recognizing the deep flaws in H.R. 3261, proposed an alternative.

Action needed: Anyone in a state whose representative cosponsored H.R. 3872 should thank him or her for voting against a favorable recommendation of H.R. 3261 and for developing an alternative in H.R. 3872. For a list of the cosponsors and for the text of both bills, go to: thomas.loc.gov. To contact the cosponsors of H.R. 3872, go to Contact Congress at capwiz.com/ala.

Bills amending the USA PATRIOT Act

A renewed grassroots push is on to get more cosponsors for the SAFE (Security and Freedom Ensured) Act—H.R. 3352 and S. 1709. ALA, in conjunction with other coalition members, is seeking to increase the number of congressional cosponsors, particularly Republican members. ALA wants to target library supporters in key states.

It is particularly important to press this Congress to support the SAFE bills, to build a base for the next Congress and to “inoculate” any members against voting for any expansion of the PATRIOT Act. Seeking amendments to the USA PATRIOT Act is a long-term battle, and each step along the way is necessary.

National Library Legislative Day (NLLD)

With such a difficult year to get proposals passed, this is an extremely important grassroots lobbying opportunity to see our positions on bills prevail. We hope that you will come to NLLD on May 3 and 4. If you have not already contacted your respective state delegations, check out the NLLD Web page at <http://www.ala.org/ala/washoff/washingtonoffice.htm>. ■

Bernadette Murphy is communications specialist at ALA’s Washington Office, e-mail: bmurphy@alawash.org