

Legislation to start 2012

The New Year has brought with it a flurry of legislative activity on two key issues of interest to the ACRL community—copyright and open access.

PIPA, SOPA, and the OPEN Act

This trio of antipiracy, online infringing, copyright-related bills has picked up steam in Congress heading into 2012. The latest newcomer is the Online Protection and Enforcement of Digital Trade Act or OPEN Act (S. 2029). Introduced December 17, 2011, by Sen. Ron Wyden (D-OR), along with Senators Jerry Moran (R-KS) and Maria Cantwell (D-WA), the OPEN Act is considered an alternative to existing anti-piracy bills—the Preventing Real Online Threats to Economic Creativity and Theft of Intellectual Property Act of 2011 or PIPA (S. 968), and the Stop Online Piracy Act or SOPA (H.R. 3261).

All three bills share the common characteristic that they take aim at any Web site beyond U.S. borders that distribute counterfeit or copyright infringing products. Unlike PIPA or SOPA, the OPEN Act focuses solely on curbing online infringement by cutting off Web sites' payment processing and ad networks.


In contrast, PIPA and SOPA go further in that they also incentivize Internet companies to cut off access to Web sites. The tactics the latter two bills employ have a potential chilling effect on First Amendment free speech rights and intellectual freedom, as well as weaken cyber security, and threaten privacy. A "PIPA, SOPA and OPEN Act Quick Reference Guide," prepared by the ALA Washington Office, compares the three bills as of January 10, 2012, and is available at [\[patch.org/wp-content/uploads/2012/01/ALA_pipasopaopen_ref_guide.pdf\]\(http://patch.org/wp-content/uploads/2012/01/ALA_pipasopaopen_ref_guide.pdf\).](http://www.districtdis-</p></div><div data-bbox=)

Currently, the bills are in the midst of the legislative process and slated for additional congressional action. An updated status of these bills is available at ala.org/ala/issue-sadvocacy/copyright/copyrightlegislation/index.cfm. ALA will continue to voice strong opposition to PIPA and SOPA, while further analysis of the OPEN Act is underway.

Federal Research Works Act

In December 2011, Rep. Darrell Issa (R-CA) introduced the Research Works Act (H.R. 3699). Cosponsored by Rep. Carolyn Maloney (D-NY), the bill would effectively turn back the clock on the National Institutes of Health (NIH) Public Access policy put into place in 2008. The bill was referred to the U.S. House Committee on Oversight and Government Reform, of which Issa is chairman.

If you recall, the Federal Research Public Access Act (FRPAA), (H.R. 5037), introduced in April 2010 in the 111th Congress, was modeled after the NIH Public Access policy. ALA strongly supported FRPAA as it aimed to ensure free, timely, online access to the published results of federally funded (i.e., tax-payer funded) research by 11 U.S. federal agencies and departments. The bipartisan-supported bill mirrored a Senate version of FRPAA (S. 1373), and a brief history of these bills is available at ala.org/ala/issuesadvocacy/access/index.cfm.

ALA has been a long-time, ardent supporter of increasing access to information of all types, including federally funded research. This latest bill, the Research Works Act, would act in direct contradiction to such efforts. Therefore, ALA vehemently opposes the bill. ALA will be keeping close tabs on the Research Works Act and will track whether there is even a hint at it gaining traction. 

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