

ARL/ALA Letter to Mitch Glazier, Chief Counsel - Subcommittee on Courts and Intellectual Property

May 19, 1999

Mr. Mitch Glazier
Chief Counsel
Subcommittee on Courts and Intellectual Property
House Committee on the Judiciary
B-351A Rayburn House Office Building
Washington, D.C. 20515-6219

Re: Comments on Revisions to H.R. 354

Dear Mitch:

Thank you for sharing the proposed draft Amendment in the Nature of a Substitute to H.R. 354. We appreciate the opportunity to discuss the draft in advance of the mark-up and to provide some additional thoughts on the proposed changes.

The proposed draft includes some positive and constructive changes. We appreciate that members of the Subcommittee are trying to be responsive to some of the concerns that have been raised by the library community and others in the not-for-profit and commercial sectors. To that end, we enclose a letter that details some of the continuing concerns that we believe require additional consideration. We acknowledge that these are complex and difficult issues but to achieve balanced legislation that addresses the concerns of all sectors, we believe that more review of these suggested revisions is important.

In addition, we have continuing concerns about the degree of robustness of the exemption for nonprofit educational, scientific, or research uses. As we have noted in the past, most uses in the library and education communities would fall outside the scope of this exemption because many times, the library and education communities are the only market for these collections. We would appreciate the opportunity to work with you and others to further refine this crucially important provision in the bill.

We concur with the Administration that the Subcommittee examine definitions of government information. These definitions, included in OMB Circular A-130 for example, provide a more inclusive description of government-sponsored and government-mandated data collection than in the revised bill. The Administration's statement also addresses the issues of "data capture." We believe that additional focus and attention on government information issues, particularly data capture, are warranted.

Finally, in reviewing the proposed changes with the draft Hatch bill of last fall, we noted that provisions relating to library services were included in the Hatch draft. Included is language that was drafted by Arnold Lutzker on behalf of the library community that addresses several operational concerns. Again, we would appreciate the opportunity to work with you on how to best address these issues.

We look forward to working with you on this legislation as it moves through the legislative process. Please let us know if there is additional information that we can provide.

Sincerely,

Prudence S. Adler
Assistant Executive Director
Association of Research Libraries

Carol C. Henderson
Executive Director, Washington Office
American Library Association

Attachments: ITAA letter Permitted Uses for Library, Archival and Private Study Purposes

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