

December 4, 2020

The Honorable Mitch McConnell  
Majority Leader  
U.S. Senate  
317 Russell Senate Office Building  
Washington, D.C. 20510

The Honorable Nancy Pelosi  
Speaker of the House  
U.S. House of Representatives  
1236 Longworth House Office Building  
Washington, D.C. 20515

The Honorable Charles Schumer  
Minority Leader  
U.S. Senate  
322 Hart Senate Office Building  
Washington, D.C. 20510

The Honorable Kevin McCarthy  
Minority Leader  
U.S. House of Representatives  
2468 Rayburn House Office Building  
Washington, D.C. 20515

Dear Leader McConnell, Speaker Pelosi, Leader Schumer, and Leader McCarthy,

We write to you today regarding recently reported efforts to include a package of intellectual property bills in the year-end spending bill that includes S. 1273/H.R. 2426, the CASE Act; S. 3449/H.R. 6196, the Trademark Modernization Act; and a felony streaming proposal. We appreciate your ongoing efforts to ensure that the government receives the funding necessary to provide the services so many Americans rely upon during this challenging time, and we are committed to working with you to make this process a success. We ask that you decline to include this package of bills in the funding bill.

As creators, innovators, small businesses, online service providers, libraries, educators, and civil society organizations, we are concerned with including controversial copyright or trademark bills in a must-pass piece of legislation. We respect Congress's intent to improve our intellectual property system and protect the rights of creators and entrepreneurs. However, certain aspects of this package of bills will have negative impacts on small- and medium-sized businesses, creators, libraries and their patrons, students, teachers, educational institutions, religious institutions, fan communities, internet users, and free expression.

Accordingly, all signatories have serious concerns with at least some aspect of the bills slated to be included in their current state, and we stand ready to work with Congress to avoid their unintended consequences. In order to allow that process to take place, we ask that you decline to include this package of bills in any must-pass government funding bill, and instead allow these bills to be considered through the regular order process.

We appreciate your attention to this important matter. We look forward to working with Congress to improve the proposed package through the legislative process.

Thank you for your consideration.

American Library Association  
Association of College Research Libraries  
Association of Research Libraries  
Center for Democracy & Technology  
Computer & Communications Industry Association  
Consumer Technology Association  
Electronic Frontier Foundation  
International Health, Racquet & Sportsclub Association  
Internet Archive  
Internet Association  
Library Copyright Alliance  
Lincoln Network  
Medical Library Association  
NetChoice  
Niskanen Center  
Public Knowledge  
R Street Institute  
Re:Create

CC: The Honorable Richard Shelby, Chairman, Senate Appropriations Committee  
The Honorable Patrick Leahy, Ranking Member, Senate Appropriations Committee  
The Honorable Nita M. Lowey, Chairwoman, House Appropriations Committee  
The Honorable Kay Granger, Ranking Member, House Appropriations Committee  
The Honorable Lindsey Graham, Chairman, Senate Judiciary Committee  
The Honorable Dianne Feinstein, Ranking Member, Senate Judiciary Committee  
The Honorable Jerrold Nadler, Chairman, House Judiciary Committee  
The Honorable Jim Jordan, Ranking Member, House Judiciary Committee