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schools throughout the Detroit area, to a joint gathering of Arab and Jewish youth groups, and to an event that brought together leaders of Detroit's Jewish and Arab communities.

This project has special meaning for Michigan's large Jewish and Arab American communities, who have strong cultural, historical, religious, and family ties with the Middle East and follow developments there very closely. Seeds of Peace offers them an opportunity to work together, along with others who seek a Middle East free of war and hatred.

I applaud the efforts of Seeds of Peace and of other similar organizations that are building a foundation for future peace in the Middle East. I encourage Americans to lend their support to their fine initiatives as a way of signaling hope for a brighter future for generations to come.

## DIGITAL MILLENNIUM COPYRIGHT ACT

SPEECH OF

### HON. W.J. (BILLY) TAUZIN

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Monday, October 12, 1998*

Mr. TAUZIN. Mr. Speaker, today, we bring to the floor H.R. 2281, the Digital Millennium Copyright Act of 1998. I am pleased that the Conference Report reflects the joint efforts of the Commerce and Judiciary Committees. The House played an extremely important role in the development of this balanced bill. We addressed some of the very tough issues that had yet to be resolved despite passage of the bill by the Senate. The substance of our work resulted in amendments which were ultimately incorporated into the bill which we consider today.

Today, we take the final step toward passage of legislation which will implement the WIPO treaties. It is indeed an historic moment. By passing this legislation, the United States sets the standard for the rest of the world to meet. Our content industries are the world's finest, as well as one of this Nation's leading exporters. They must be protected from those pirates who in the blink of an eye—can steal these works and make hundreds if not thousands of copies to be sold around the world—leaving our own industries uncompensated. This theft cannot continue.

By implementing the WIPO treaties this year, we ensure that authors and their works will be protected from pirates who pillage their way through cyberspace. As we send a signal to the rest of the world, however, it is important that we not undermine our commitment to becoming an information-rich society—right here in the United States . . . inside our own borders.

The discussion generated by the House has been invaluable to finding the balance between copyright protection and the exchange of ideas in the free-market—two of the fundamental pillars upon which this nation was built. In drafting this legislation, we did not overlook the need to strike the correct balance between these two competing ideals. That is indeed the purpose of the legislative process—to debate, haggle, review and ultimately to hammer out what will be strong and lasting policy for the rest of the world to follow.

A free market place for ideas is critical to America. It means that any man, woman or child—free of charge!!—can wander into any public library and use the materials in those libraries for free. He or she—again, free of charge!!—can absorb the ideas and visions of mankind's greatest writers and thinkers.

In this regard, the most important contribution that we made to this bill is section 1201(a)(1). That section authorizes the Librarian of Congress to wave the prohibition against the act of circumvention to prevent a reduction in the availability to individuals and institutions of a particular category of copyrighted works. As originally proposed by the Senate, this section would have established a flat prohibition on the circumvention of technological measures to gain access to works for any purpose. This raised the possibility of our society becoming one in which pay-per-use access was the rule, a development profoundly antithetical to our long tradition of the exchange of free ideas and information. Under the compromise embodied in the Conference Report, the Librarian will have the authority to address the concerns of Libraries, educational institutions, and other information consumers threatened with a denial of access to work in circumstances that would be lawful today. I trust the Librarian, in consultation with the Assistant Secretary of Commerce for Communications and Information, will ensure that information consumers may continue to exercise their centuries-old fair use privilege.

We also sought to ensure that consumers could apply their centuries-old fair use rights in the digital age. Sections 1201(a)(2) and (b)(1) make it illegal to manufacture, import, offer to the public, provide, or to otherwise traffic in "black boxes." These provisions are not aimed at staple articles of commerce, such as video cassette recorders, telecommunications switches, and personal computers widely used today by businesses and consumers for legitimate purposes. As a result of the efforts of the Commerce Committee, legitimate concerns about how these provisions might be interpreted by a court to negatively affect consumers have been addressed to the satisfaction of consumer electronics and other product managers.

Section 1201(c)(3), the "no mandate" provision, makes clear that neither of these sections requires that the design of, or design and selection of parts and components for, a consumer electronics, telecommunications, or computer product provide for a response to any particular technological measure, so long as the device does not otherwise violate section 1201. Members of my Subcommittee included an unambiguous no mandate provision out of concern that someone might try to use this bill as a basis for filing a lawsuit to stop legitimate new products from coming to market. It was our strong belief that product manufacturers should remain free to design and produce digital consumer electronics, telecommunications, and computing products without the threat of incurring liability for their design decisions. Had the bill been read to require that new digital products respond to any technological protection measure that any copyright owners chose to deploy, manufacturers would have been confronted with difficult, perhaps even impossible, design choices. They could have been forced to choose, for example, between implementing one of two incompatible digital technological measures. It was the wrong thing to do for consumers and thus, we fixed the problem.

In our Committee report, we also sought to address the concerns of manufacturers and consumers about the potential for "playability" problems when new technological measures are introduced in the market. I was pleased to see that the conferees also recognized the seriousness of the problem and agreed to include explicit conference report language setting forth our shared respective on how the bill should be interpreted in this respect.

With regard to the issue of encryption research, the Commerce Committee again made an invaluable contribution to this important legislation. The amendment provided for an exception to the circumvention provisions contained in the bill for legal encryption research and reverse engineering. In particular, these exceptions would ensure that companies and individuals engaged in what is presently lawful encryption research and security testing and those who legally provide these services could continue to engage in these important and necessary activities which will strengthen our ability to keep our nation's computer systems, digital networks and systems applications private, protected and secure.

Finally, I want to commend my colleagues, DAN SCHAEFER and RICK WHITE for their efforts in reaching agreement on a provision which has been included in this bill to address the concerns of webcasters. Webcasting is a new use of the digital works this bill deals with. Under current law, it is difficult for webcasters and record companies to know their rights and responsibilities and to negotiate for licenses. This provision makes clear the rights of each party and sets up a statutory licensing program to make it as easy as possible to comply with. It is a worthy change to the bill and again, my thanks to Mr. WHITE and Mr. SCHAEFER and their staffs—Peter Schalestock and Luke Rose.

I can't emphasize enough to my colleagues the importance of not only this legislation, but also the timing of this legislation. An international copyright treaty convention is a rare and infrequent event. We thus stand on the brink of implementing this most recent treaty—the WIPO copyright treaty—knowing full well that it may be another 20 years before we can re-visit this subject. This bill strikes the right balance. Copyright protection is important and must be encouraged here. But in pursuing that goal we must remain faithful to our legacy, and our commitment to promoting the free exchange of ideas and thoughts. Digital technology should be embraced as a means to enrich and enlighten all of us.

Finally, I want to thank Chairman BLILEY and Ranking Member DINGELL as well as my colleagues Mr. MARKEY, Mr. KLUG, Mr. BOUCHER, and Mr. STEARNS. Also, I would like to thank Chairman HYDE, Ranking Member CONYERS, Chairman COBLE, Mr. GOODLATTE, and Mr. BERMAN, as well as Senators HATCH, LEAHY, and THURMOND for their excellent work on this legislation. And finally, a special thanks to the staffs of these Members—Justlin Lilley, Mike O'Reilly, Andy Levin, Colin Crowell, Kathy Hahn, Ann Morton, Peter Krug, Mitch Galzier, Debbie Laman, Robert Rabin, David Lehman, Bari Schwartz, Manus Cooney, Ed Damich, Troy Dow, Garry Malphrus, Maria Grossman, Bruce Cohen, and Beryl Howell.

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