

October 21, 2003

The Honorable Jim Sensenbrenner, Jr.  
Committee on the Judiciary  
2332 Rayburn House Office Building  
Washington, DC 20515-4909

The Honorable W.J. "Billy" Tauzin  
Committee on Energy and Commerce  
2183 Rayburn House Office Building  
Washington, DC 20515-1803

Dear Chairman Sensenbrenner and Chairman Tauzin:

We wish to express our opposition to the H.R. 3261, entitled "Database and Collections of Information Misappropriation Act," which was recently circulated by the staffs of the House Judiciary Committee and the House Energy and Commerce Committee. The private sector proponents of the bill have yet to offer a convincing case that existing federal and state laws, including federal copyright law, federal anti-hacking prohibitions, and a variety of state contract and tort laws, are insufficient to provide database producers with adequate protection. They have certainly failed to demonstrate a problem that would justify the fundamental and constitutionally suspect changes to our Nation's information policy called for in the legislation.

We represent a broad and diverse coalition of database producers and users consisting of research and educational institutions, consumer and public interest groups, libraries, Internet and communications companies, financial services providers, and large corporate users of information. We believe the open sharing of information has been fundamental to our nation's advancement in knowledge, technology, and culture. We fear that legislation like H.R. 3261 will lead to the growing monopolization of the marketplace for information, where the ability to use facts is increasingly controlled by a small number of international publishing houses.

Congress should not undermine the principle established by the United States Constitution that the best way "to promote the Progress of Science and useful Arts" is to encourage others to build on the ideas and information made available to the public when a work is published.

Respectfully,

Amazon.com  
American Association of Law Libraries  
American Civil Liberties Union  
American Historical Association  
American Library Association  
Association of Research Libraries  
Bloomberg, LP  
Charles Schwab & Co., Inc.  
CheckFree  
Comcast  
Computer & Communications Industry Association  
Consumer Project on Technology  
Digital Future Coalition  
Electronic Frontier Foundation  
Essential Information  
Google  
Information Technology Association of America  
Media Access Project  
Medical Library Association  
National Academy of Engineering  
National Academy of Sciences  
National Business Coalition on E-Commerce and Privacy  
NetCoalition  
Public Knowledge  
SBC Communications  
Special Library Association  
Society of American Archivists  
The River  
U.S. Chamber of Commerce  
Verizon  
Virginia ISP Association  
Washington ISP Association  
Worldnet Communications  
Wyoming ISP Association  
Yahoo! Inc.

Cc: Members of the Judiciary Committee  
Members of the Energy and Commerce Committee