

January 15, 2004

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
AT&T
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
Securities Industry Association
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