Your letter states that the Committee on Commerce has two specific interests in H.R. 2652. It states that ''[f]irst, proposed section 1204(a)(2) would . . . [a]s our staffs have discussed, . . . result in effective changes to existing laws and regulations administrated by the Securities and Exchange Commission, which would undermine the ability of the Commission to regulate and oversee the collection and dissemination of information about the securities markets, including information about stock quotations and transactions, and could create questions as to the public nature of that market data.'' I must take exception to this statement. You will recall that my staff communicated to your staff the opposite assertion. The language to which you refer the opposite effect of that which you claim. Paragraph 1204(a)(2) was drafted to avoid the interference you suggest.

As you know, the dissemination of stock and commodities information based on the public interest in such information is regulated by the Securities Exchange Act and the Commodity Exchange Act, and regulated by the Securities and Exchange Commission and the Commodity Futures Trading Commission. Currently, by regulation, exchanges are allowed to be compensated for certain market information for a short time after its creation. While the regulatory bodies to which exchanges are subject are governmental entities, the exchanges themselves are not. Subsection 1204(a) provides that government information is not protected under the bill in order to preserve free access by taxpayers to collections of information funded by them. In order to avoid any confusion, and to avoid interfering with the ability of exchanges to be compensated according to applicable regulations, paragraph 1204(a)(2) states that an exchange is not to be considered a governmental entity under 1204(a). In other words, to prevent any misconception that exchanges are governmental entities and therefore must give out information for free under the bill, which would undermine current regulations, and to avoid interference with the jurisdiction of the Committee on Commerce, the clarifying language contained in 1204(a)2) was inserted. The provision you cite therefore averts, and does not create, jurisdiction in the Committee on Commerce.

Your letter states as your second specific interest in H.R. 2652, that ''notwithstanding the savings clause in proposed section 1205(f) for provisions of the Communications Act of 1934, the bill may have the unintended effect of restricting the Federal Communications Commission's (FCC's) ability to administer telecommunications laws that require carriers make available to the FCC and other carriers certain information,'' and that 'if interpreted narrowly, the savings clause will not preclude carriers from limiting access to, or dissemination of, certain information that is critical to promoting competition in telecommunications markets.'' Again, I must take exception to this statement. The savings clause to which you refer states that nothing in the bill shall affect ''the operation of the provisions of the Communications Act of 1934.'' This language has been drafted in the broadest possible terms so as to prevent any narrow reading. Further, just in case any court could possibly interpret any situation regarding the dissemination of subscriber information as somehow not falling under the scope of the ''operation of the provisions of the Communications Act,'' an additional clause was added to provide excessive and abundant assurance that the circumstance you foresee could not occur.

Despite the careful drafting done by the Committee on the Judiciary to assure no repercussions on important issues and governmental bodies falling under the jurisdiction of the Committee on Commerce, I agreed to recommend a delay in floor consideration of H.R. 2652 for one week, so that you and your staff might be able to review the provisions of this important bill. Based upon your review, Chairman Coble was equally pleased to include in a manager's amendment additional clarifying language suggested by you to reaffirm and reassure that the provisions contained in H.R. 2652 do not affect any matter or entity within the jurisdiction of the Committee on Commerce.

Per your suggestion, I will include your letter of May 19, along with this letter, in the record. Thank you for expressing your views, and for your cooperation.

Sincerely,

HENERY J. HYDE,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON COMMERCE,
Washington, DC, May 19, 1998.

Hon. HENRY J. HYDE,
Chairman,
Committee on the Judiciary, U.S. House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: On May 12, 1998, the Committee on the Judiciary reported H.R. 2652, the Collection of Information Antipiracy Act. As you know, H.R. 2652 would establish a prohibition, with certain exceptions and exclusions, against the misappropriation of information gathered, organized or maintained by another person in a collection through the investment of substantial monetary or other resources.

The Committee on Commerce has a strong interest in legislation affecting the accessibility of information on the Internet, and other telecommunications and information networks that rely on electronic databases for the storage of information. The Committee is in the midst of a Committee-wide review of electronic commerce issues within its jurisdiction. Our review demonstrates that the Internet and other digital networks carry great potential for facilitating interstate and global commerce, and that the potential for global electronic commerce, among other things, presupposes that users and providers will have ready and affordable access to collections of information. By providing collections of information a new federal property right, H.R. 2652 would govern a key component of interstate and foreign electronic commerce.

In addition, the Committee on Commerce has two specific interests in H.R. 2652, as reported by the Committee on the Judiciary. First, proposed section 1204(a)(2) would except from the exclusion provided for government-owned collections any information required to be collected and disseminated by either a national securities exchange under the Securities Exchange Act of 1934 or a contract market under the Commodity Exchange Act. As our staffs have discussed, this exception would result in effective changes to existing laws and regulations administered by the Securities and Exchange Commission, which would undermine the ability of the Commission to regulate and oversee the collection and dissemination of information about the securities markets, including information about stock quotations and transactions, and could create questions as to the public nature of that market data.

Second, we have expressed a concern that, notwithstanding the savings clause in proposed section 1205(f) for provisions of the Communications Act of 1934, the bill may have the unintended effect of restricting the Federal Commission's (FCC's) ability to administer telecommunications laws that require carriers make available to the FCC and other carriers certain information. The Committee on Commerce is concerned that, if interpreted narrowly, the savings clause will not preclude carriers from limiting access to, or dissemination of, certain information that is critical to promoting competition in telecommunications markets. The Telecommunications Act of 1996 is intended to promote competition in all telecommunications markets, and the Committee on Commerce seeks to ensure that H.R. 2652, if enacted, does not supersede our national commitment to competition.

I understand your interest in moving this legislation expeditiously to the House Floor. In exchange for your agreement to include language in the bill to address the problems described above, I agree not to seek a sequential referral of the bill. By agreeing not to seek a sequential referral, the Committee on Commerce does not waive its jurisdictional interest in any matter within the scope of the bill. Furthermore, I reserve the right to seek appropriate representation on any House-Senate conference that may be convened on this legislation.

I want to thank you and your staff for your assistance in providing the Committee on Commerce with an opportunity to review it jurisdictional interests in H.R. 2652. I would appreciate your acknowledgement of our agreement and your including this letter in the record of the debate on H.R. 2652 on the House Floor.

Thank you again for your consideration.

Sincerely,

TOM BLILEY,
Chairman.

SMALL BUSINESS WEEK

HON. ALLEN BOYD

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 5, 1998

Mr. BOYD. Mr. Speaker, in honor of Small Business Week, I would like to commend a hard working group of dedicated men and women who own and operate the nearly 23 million small businesses in the United States. America's small busineses are the heart and soul of our Nation's marketplace and the lifeblood of our communities.

Small business owners constitute almost 98 percent of all employers and are the key to our economy's continued prosperity. Through their innovation and hard work, the United States has remained competitive in the world marketplace for the last 200 years. At the same time, the charity and civic leadership of America's small business owners have made our neighborhoods a better place to live.

During Small Business Week, and throughout the year, Congress should take time to consider the contributions of small business owners to our society. As Members of Congress, we must ensure that our nation's small business owners and their employees are not choked by unnecessary government regulation, but rather free to grow and provide new jobs and opportunities for our communities.