



USACM

U.S. Public Policy Committee of the ACM

February 25, 2004

The Honorable Sam Brownback
303 Hart Senate Office Building
Washington, DC 20510

Dear Senator Brownback:

USACM is the U.S. Public Policy Committee of the Association for Computing Machinery. Our members include leading computer scientists, engineers and other professionals from industry, academia and government. We are pleased to take this opportunity to provide our input on the access control technology and redistribution control technology provisions of S. 1621, the Consumers, Schools, and Libraries Digital Rights Management Awareness Act of 2003. We will provide comments on the provisions of S. 1621 related to privacy issues in a subsequent communication.

S. 1621 is timely and important legislation as future innovations in computing may be shaped by today's policy decisions involving Digital Rights Management (DRM). DRM provides content owners with powerful new tools to protect digital content from unauthorized use. However, DRM regulations built into personal computers, operating software, and other digital devices would interfere with many legal, non-infringing uses of digital computing. USACM is concerned that such interference threatens the overall security of our nation's information infrastructure, competitiveness of the U.S. IT industry, and continued innovations in software and digital computing.

In deliberations over DRM legislative and regulatory proposals, policymakers should consider that:

- * Technology based on a single DRM mandate or standard might be compromised, making systems and works more vulnerable to unauthorized circumvention;
- * DRM could be used to prevent the understanding of engineering necessary for the purpose of developing new techniques to protect computer systems and networks against future attacks;
- * IT products designed for the U.S. market with DRM mandates would likely be inferior in price and performance to others produced elsewhere in the world that do not have similar requirements, reducing the usefulness of IT products for U.S. consumers and threatening overall economic growth; and,

* Interjecting government as regulators or gatekeepers of new technologies will politicize the standard-setting process, retard innovation, and could sacrifice our technological advantages and future advances in software and digital computing.

S.1621 includes a number of important provisions that recognize the legitimate expectations and needs of computing researchers and general users of computing technologies and digital devices. First, the legislation takes steps to ensure that there is public transparency when digital media manufacturers use DRM technology in e-books, music, images, movies, and other forms digital content. Next, it prohibits the US government from mandating that manufactures include specific copy-protection technology in general purpose computers or other digital devices. Finally, it requires the creation of an advisory committee and report that will describe "the ways in which access control technology and redistribution control technology may affect consumer, educational institution and library use of digital media products based on their legal and customary uses of such products." These provisions of S. 1621 are essential to understanding the impact of DRM on legitimate research, education and communication activities and to sustaining innovation and the economic growth of our information industries.

In conclusion, we look forward to working with you and your colleagues to advance policies that support future innovations in computing. USACM's mission is to provide non-partisan scientific data, educational materials, and technical analysis to policymakers. Please contact the ACM Office of Public Policy Office at (202) 659-9711 if we can provide input on any computing-related issue.

Sincerely,

Barbara Simons, Ph.D.
Eugene H. Spafford, Ph.D

Co-Chairs
U.S. Public Policy Committee of the ACM
Association for Computing Machinery

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