

“(b) CONDUCT GOVERNED BY SEPARATE CHAPTER.—Notwithstanding subsection (a), this section shall not apply with respect to conduct or the offer or performance of a service governed by a separate chapter of this title.

“(c) DEFINITION OF EFFECTIVE TECHNOLOGICAL MEASURE.—As used in this section, the term ‘effective technological measure’ means information included with or an attribute applied to a transmission or a copy of a work in a digital format, or a portion thereof, so as to protect the rights of a copyright owner of such work or portion thereof under chapter one of this title and which—

“(1) encrypts or scrambles the work or a portion thereof in the absence of access information supplied by the copyright owner; or

“(2) includes attributes regarding access to or recording of the work that cannot be removed without degrading the work or a portion thereof.

“§ 1202. Integrity of copyright management information

“(a) FALSE COPYRIGHT MANAGEMENT INFORMATION.—No person shall knowingly provide copyright management information that is false, or knowingly publicly distribute or import for distribution copyright management information that is false, with intent to induce, facilitate, or conceal infringement.

“(b) REMOVAL OR ALTERATION OF COPYRIGHT MANAGEMENT INFORMATION.—No person shall, without authority of the copyright owner or other lawful authority, knowingly and with intent to mislead or to induce or facilitate infringement—

“(1) remove or alter any copyright management information;

“(2) publicly distribute or import for distribution a copy or phonorecord containing copyright management information that has been altered without authority of the copyright owner or other lawful authority; or

“(3) publicly distribute or import for distribution a copy or phonorecord from which copyright management information has been removed without authority of the copyright owner or other lawful authority: *Provided*, That the conduct governed by this subsection does not include the manufacturing, importing or distributing of a device.

“(c) DEFINITION OF COPYRIGHT MANAGEMENT INFORMATION.—As used in this chapter, the term ‘copyright management information’ means the following information in electronic form as carried in or as data accompanying a copy or phonorecord of a work, including in digital form:

“(1) The title and other information identifying the work, including the information set forth in a notice of copyright.

“(2) The name and other identifying information of the author of the work.

“(3) The name and other identifying information of the copyright owner of the work, including the information set forth in a notice of copyright.

“(4) Terms and conditions for uses of the work.

“(5) Identifying numbers or symbols referring to such information or links to such information.

“(6) Such other identifying information concerning the work as the Register of Copyrights may prescribe by regulations: *Provided*, That the term ‘copyright management information’ does not include the information described in section 1002, section 1201(c), or a chapter of this title other than chapters one through nine of this. *Provided further*, That, in order to assure privacy protection, the term ‘copyright management information’ does not include any personally identifiable information relating to the user of a work, including but not limited to the name,

account, address or other contact information or to pertaining to the user.

“§ 1203. Civil remedies

“(a) CIVIL ACTIONS.—Any person aggrieved by a violation of section 1201(a) or 1202 may bring a civil action in an appropriate United States district court against any person for such violation.

“(b) POWERS OF THE COURT.—In an action brought under subsection (a), the court—

“(1) may grant a temporary and a permanent injunction on such terms as it deems reasonable to prevent or restrain a violation;

“(2) may grant such other equitable relief as it deems appropriate;

“(3) may award damages pursuant to subsection (c);

“(4) may allow the recovery of costs by or against any party other than the United States or an officer thereof; and

“(5) may award a reasonable attorney’s fee to the prevailing party.

“(c) AWARD OF DAMAGES.—

“(1) IN GENERAL.—If the court finds that a violation of section 1201(a) or 1202 has occurred, the complaining party may elect either actual damages as computed under paragraph (2) or statutory damages as computed under paragraph (3).

“(2) ACTUAL DAMAGES.—The court may award to the complaining party the actual damages suffered by him or her as a result of the violation, and any profits of the violator that are attributable to the violation and are not taken into account in computing the actual damages, if the complaining party elects such damages instead of statutory damages at any time before final judgment is entered.

“(3) STATUTORY DAMAGES.—(A) The court may award to the complaining party statutory damages for each violation of section 1201(a) of not less than \$250 or more than \$2,500, as the court considers just, if the complaining party elects such damages instead of actual damages at any time before final judgment is entered.

“(B) The court may award to the complaining party statutory damages for each violation of section 1202 of not less than \$500 or more than \$20,000, as the court considers just, if the complaining party elects such damages instead of actual damages at any time before final judgment is entered.

“(4) REPEATED VIOLATIONS.—In any case in which the court finds that a person has violated section 1201(a) or 1202 within three years after a final judgment against that person for another such violation was entered, the court may increase the award of damages to not more than double the amount that would otherwise be awarded under paragraph (2) or (3), as the court considers just.

“(5) INNOCENT VIOLATION.—The court may reduce or remit altogether the total award of damages that otherwise would be awarded under paragraph (2) or (3) in any case in which the violator sustains the burden of proving, and the court finds, that the violator was not aware and had no reason to believe that its acts constituted a violation of section 1201(a) or 1202.”

SEC. 302. CONFORMING AMENDMENTS.

(a) TABLE OF SECTIONS.—The table of sections for chapter 1 of title 17, United States Code, is amended by—

(1) Revising the item relating to section 110 to read as follows:

“110. Limitations on exclusive rights: Exemption of certain activities”; and

(2) Revising the item relating to section 117 to read as follows:

“117. Limitations on exclusive rights: Computer programs and digital copies”.

(b) TABLE OF CHAPTERS.—The table of chapters for title 17, United States Code, is amended by adding at the end the following:

“12. Copyright Protection and Management Systems 1201”.

SEC. 303. EFFECTIVE DATES.

(a) IN GENERAL.—Sections one through seven and section 9(a) of this Act, and the amendments made by sections one through seven and section 9(a) of this Act, shall take effect on the date of enactment of this Act.

(b) WIPO TREATIES.—Section 8 and section 9(b) of this Act, and the amendments made by section 8 and section 9(b) of this Act, shall take effect on the date on which both the World Intellectual Property Organization Copyright Treaty and the World Intellectual Property Organization Performances and Phonograms Treaty have entered into force with respect to the United States.

ADDITIONAL COSPONSORS

S. 61

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 61, a bill to amend title 46, United States Code, to extend eligibility for veterans’ burial benefits, funeral benefits, and related benefits for veterans of certain service in the United States merchant marine during World War II.

S. 102

At the request of Mr. SPECTER, the name of the Senator from Connecticut [Mr. LIEBERMAN] was added as a cosponsor of S. 102, a bill to amend title XVIII of the Social Security Act to improve medicare treatment and education for beneficiaries with diabetes by providing coverage of diabetes outpatient self-management training services and uniform coverage of blood-testing strips for individuals with diabetes.

S. 230

At the request of Mr. THURMOND, the name of the Senator from Missouri [Mr. ASHCROFT] was added as a cosponsor of S. 230, a bill to amend section 1951 of title 18, United States Code (commonly known as the Hobbs Act), and for other purposes.

S. 364

At the request of Mr. LIEBERMAN, the names of the Senator from Connecticut [Mr. DODD] and the Senator from Florida [Mr. MACK] were added as cosponsors of S. 364, a bill to provide legal standards and procedures for suppliers of raw materials and component parts for medical devices.

S. 385

At the request of Mr. CONRAD, the name of the Senator from North Dakota [Mr. DORGAN] was added as a cosponsor of S. 385, a bill to provide reimbursement under the medicare program for telehealth services, and for other purposes.

S. 394

At the request of Mr. HATCH, the name of the Senator from South Dakota [Mr. JOHNSON] was added as a cosponsor of S. 394, a bill to partially restore compensation levels to their past equivalent in terms of real income and establish the procedure for adjusting

future compensation of justices and judges of the United States.

S. 532

At the request of Mr. BAUCUS, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of S. 532, a bill to authorize funds to further the strong Federal interest in the improvement of highways and transportation, and for other purposes.

S. 772

At the request of Mr. SPECTER, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 772, a bill to establish an Office of Religious Persecution Monitoring, to provide for the imposition of sanctions against countries engaged in a pattern of religious persecution, and for other purposes.

S. 803

At the request of Mr. THURMOND, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of S. 803, a bill to permit the transportation of passengers between United States ports by certain foreign-flag vessels and to encourage United States-flag vessels to participate in such transportation.

S. 852

At the request of Mr. LOTT, the names of the Senator from Kansas [Mr. BROWNBACK] and the Senator from Mississippi [Mr. COCHRAN] were added as cosponsors of S. 852, a bill to establish nationally uniform requirements regarding the titling and registration of salvage, nonrepairable, and rebuilt vehicles.

S. 863

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 863, a bill to authorize the Government of India to establish a memorial to honor Mahatma Gandhi in the District of Columbia.

S. 887

At the request of Ms. MOSELEY-BRAUN, the names of the Senator from Illinois [Mr. DURBIN], the Senator from Pennsylvania [Mr. SPECTER], the Senator from Washington [Mrs. MURRAY], and the Senator from Maryland [Mr. SARBANES] were added as cosponsors of S. 887, a bill to establish in the National Service the National Underground Railroad Network to Freedom program, and for other purposes.

S. 912

At the request of Mr. BOND, the name of the Senator from Arkansas [Mr. HUTCHINSON] was added as a cosponsor of S. 912, a bill to provide for certain military retirees and dependents a special medicare part B enrollment period during which the late enrollment penalty is waived and a special medigap open period during which no underwriting is permitted.

S. 927

At the request of Ms. SNOWE, the names of the Senator from Rhode Island [Mr. CHAFFEE], the Senator from Virginia [Mr. ROBB], the Senator from Washington [Mrs. MURRAY], the Senator from Hawaii [Mr. AKAKA], and the

Senator from Florida [Mr. MACK] were added as cosponsors of S. 927, a bill to reauthorize the Sea Grant Program.

S. 980

At the request of Mr. DURBIN, the name of the Senator from Iowa [Mr. HARKIN] was added as a cosponsor of S. 980, a bill to require the Secretary of the Army to close the United States Army School of the Americas.

S. 1051

At the request of Mr. CAMPBELL, the names of the Senator from Colorado [Mr. ALLARD], and the Senator from Arkansas [Mr. HUTCHINSON] were added as cosponsors of S. 1051, a bill to amend the Communications Act of 1934 to enhance protections against unauthorized changes of telephone service subscribers from one telecommunications carrier to another, and for other purposes.

S. 1062

At the request of Mr. D'AMATO, the names of the Senator from Ohio [Mr. DEWINE], the Senator from Pennsylvania [Mr. SPECTER], the Senator from Nevada [Mr. REID], the Senator from Maine [Ms. COLLINS], the Senator from Virginia [Mr. WARNER], and the Senator from New Hampshire [Mr. GREGG] were added as cosponsors of S. 1062, a bill to authorize the President to award a gold medal on behalf of the Congress to Ecumenical Patriarch Bartholomew in recognition of his outstanding and enduring contributions toward religious understanding and peace, and for other purposes.

S. 1100

At the request of Mr. HUTCHINSON, his name was withdrawn as a cosponsor of S. 1100, a bill to amend the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, the legislation approving such covenant, and for other purposes.

S. 1105

At the request of Mr. COCHRAN, the names of the Senator from Mississippi [Mr. LOTT], and the Senator from Tennessee [Mr. THOMPSON] were added as cosponsors of S. 1105, a bill to amend the Internal Revenue Code of 1986 to provide a sound budgetary mechanism for financing health and death benefits of retired coal miners while ensuring the long-term fiscal health and solvency of such benefits, and for other purposes.

S. 1133

At the request of Mr. COVERDELL, the names of the Senator from Mississippi [Mr. COCHRAN], the Senator from Arizona [Mr. KYL], and the Senator from Tennessee [Mr. THOMPSON] were added as cosponsors of S. 1133, a bill to amend the Internal Revenue Code of 1986 to allow tax-free expenditures from education individual retirement accounts for elementary and secondary school expenses and to increase the maximum annual amount of contributions to such accounts.

S. 1141

At the request of Mr. JOHNSON, the names of the Senator from South Da-

kota [Mr. DASCHLE], the Senator from Missouri [Mr. BOND], the Senator from Nebraska [Mr. KERREY], the Senator from Iowa [Mr. HARKIN], and the Senator from Kentucky [Mr. FORD] were added as cosponsors of S. 1141, a bill to amend the Energy Policy Act of 1992 to take into account newly developed renewable energy-based fuels and to equalize alternative fuel vehicle acquisition incentives to increase the flexibility of controlled fleet owners and operators, and for other purposes.

SENATE CONCURRENT RESOLUTION 32

At the request of Mrs. MURRAY, her name was added as a cosponsor of Senate Concurrent Resolution 32, a concurrent resolution recognizing and commending American airmen held as political prisoners at the Buchenwald concentration camp during World War II for their service, bravery, and fortitude.

SENATE CONCURRENT RESOLUTION 42

At the request of Mr. D'AMATO, the names of the Senator from Ohio [Mr. DEWINE], the Senator from Pennsylvania [Mr. SPECTER], the Senator from Nevada [Mr. REID], and the Senator from Maine [Ms. COLLINS] were added as cosponsors of Senate Concurrent Resolution 42, a concurrent resolution to authorize the use of the rotunda of the Capitol for a congressional ceremony honoring Ecumenical Patriarch Bartholomew.

SENATE RESOLUTION 94

At the request of Mr. WARNER, the names of the Senator from Georgia [Mr. CLELAND] and the Senator from Louisiana [Ms. LANDRIEU] were added as cosponsors of Senate Resolution 94, a resolution commending the American Medical Association on its 150th anniversary, its 150 years of caring for the United States, and its continuing effort to uphold the principles upon which Nathan Davis, M.D. and his colleagues founded the American Medical Association to "promote the science and art of medicine and the betterment of public health."

SENATE RESOLUTION 111

At the request of Mr. THURMOND, the names of the Senator from North Dakota [Mr. CONRAD] and the Senator from Illinois [Ms. MOSELEY-BRAUN] were added as cosponsors of Senate Resolution 111, a resolution designating the week beginning September 14, 1997, as "National Historically Black Colleges and Universities Week," and for other purposes.

AMENDMENTS SUBMITTED

THE DEPARTMENT OF LABOR APPROPRIATIONS ACT FOR FISCAL YEAR 1998

DORGAN AMENDMENT NO. 1060

(Ordered to lie on the table.)

Mr. DORGAN submitted an amendment intended to be proposed by him