

AMENDMENT TO RULES COMMITTEE PRINT

117-31

OFFERED BY MR. JONES OF NEW YORK

Add at the end of title I of division I the following new section:

1 **SEC. 80104. DIAGNOSIS, MAINTENANCE, AND REPAIR OF**
2 **CERTAIN DIGITAL ELECTRONIC EQUIPMENT .**

3 Section 1201 of title 17, United States Code, is
4 amended by adding at the end the following new sub-
5 section:

6 “(1) DIAGNOSIS, MAINTENANCE, AND REPAIR OF
7 DIGITAL ELECTRONIC EQUIPMENT.—(1) Notwith-
8 standing the provisions of subsection (a)(1)(A), it is not
9 a violation of that subsection for a person, for the purpose
10 of the diagnosis, maintenance, or repair of digital elec-
11 tronic equipment, to circumvent a technological measure
12 that effectively controls access to a work protected under
13 this title.

14 “(2) Notwithstanding the provisions of subsection
15 (a)(2), it is not a violation of that subsection for a person,
16 for the purpose of the diagnosis, maintenance, or repair
17 of digital electronic equipment, to manufacture, import,
18 offer to the public, provide, or otherwise traffic in any

1 technology, product, service, device, component, or part
2 thereof described in that subsection.

3 “(3) Notwithstanding the provisions of subsection
4 (b)(1), it is not a violation of that subsection for a person,
5 for the purpose of the diagnosis, maintenance, or repair
6 of digital electronic equipment, to manufacture, import,
7 offer to the public, provide, or otherwise traffic in any
8 technology, product, service, device, component, or part
9 thereof described in that subsection.

10 “(4) Nothing in this subsection applies to manufac-
11 turers or distributors of a medical device as defined in the
12 Federal Food, Drug, and Cosmetic Act (21 U.S.C. Sec.
13 321(h)) or a digital electronic product or embedded soft-
14 ware manufactured for use in a medical setting including
15 diagnostic, monitoring, or control equipment or any prod-
16 uct or service that they offer.

17 “(5) For the purposes of this subsection, the term
18 ‘digital electronic equipment’ means any product depend-
19 ent, in whole or in part, upon attached or embedded digital
20 electronics to function.”.

