

This problem has been brewing for many years. It is, at least in part, the unintended consequence of a law passed by this Congress in 1980, a law requiring that reasonable efforts be made to reunify families. In practice, this law has resulted in unreasonable efforts, unreasonable efforts, Mr. President, being made to reunite families that are really families in name only, families that simply never should be reunited.

I have been working to change this for almost 3 years now. About 10 days ago, along with Senator CHAFFEE, Senator CRAIG and Senator ROCKEFELLER, I introduced a bill that I hope will represent the culmination of this effort. The PASS Act—the acronym we have given to it stands for the Promotion of Adoption Safety and Support for Abused and Neglected Children Act—would make a difference. It would, Mr. President, save young lives. It would put an end to a tragic policy that has put parents' interests above the health, the safety, and yes, even the survival of innocent children.

Mr. President, it would help child welfare agencies move faster to rescue these children. Every child deserves a better fate than being shuttled from foster home to foster home for years on end. That is why, Mr. President, we are working to pass this important bill.

Once this bill is passed, Mr. President, then let's work together on the next step in the continuing battle for our children's right to live in safe, stable, permanent and loving homes.

Mr. President, the tragedy of this little child who died in Washington, DC, a few days ago, this little 4-year-old girl, Monica Wheeler, should not be repeated. I think we have an obligation in this Congress to move as quickly as possible to change a 1980 law that has done a lot of good but that frankly had an unintended consequence. That unintended consequence is that children, even after there is evidence of abuse, even after there is not just evidence, even after there is overwhelming indication of abuse, children are placed back in homes time and time and time again. One of the reasons that occurs is because of the 1980 law.

We must act, Mr. President, to clarify that law, to clarify the reasonable efforts requirement of the law, so that the safety of children will always be paramount, and that these tragedies will be eliminated.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRAMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ROBERTS). Without objection, it is so ordered.

Mr. GRAMS. Mr. President, I ask unanimous consent to speak as in morning business for 5 minutes.

## LEGAL PROTECTION FOR DATA BASES

Mr. GRAMS. Mr. President, I rise today to make a few remarks about an important issue facing our Nation in the information era—the issue of legal protection of data bases. The U.S. Copyright Office recently released a comprehensive report on the issue of data base protection. I welcome this new information and look forward to both the prompt consideration of the report by Congress and to the introduction of much-needed legislation that will protect the enormous investments of data base producers, to assure scientists, educators, businesses, and other consumers that they will continue to have access to accurate, verifiable information.

The Copyright Office report provides the requisite legal and legislative analysis that Congress needs in order to act in an appropriate and timely manner to respond to the legitimate concerns of all parties.

It is an important step in the process of addressing recent technological and legal developments that have left valuable American data bases vulnerable to unauthorized copying and dissemination.

The report states that it is expected that all member countries of the European Union will implement the European Union's directive on data bases by January 1, 1998—a fact that underscores the international implications of this issue for American data base producers. The directive provides a new form of protection for data bases to supplement copyright law. The directive extends this new protection only to data base producers located in a European Union member state and will not protect data bases originating in the United States until we adopt our own data base protection legislation.

Mr. President, the United States, as the world's leading producer and exporter of data bases of all types, needs legal protection abroad far more than any other nation. Unless the United States adopts this protection, the data bases of U.S. companies will be at risk. Smaller U.S. firms without global operations will be the most vulnerable. The worst-case scenario is that this could potentially force U.S. companies to move their operations out of this country and into countries that offer data base protection. Such a move poses a serious threat to U.S. jobs.

After studying the report, I believe current U.S. law and precedent are insufficient to adequately protect the enormous investment of money and effort that typically goes into creating data bases, both print and electronic. This is especially true given the declining copyright protection afforded to data bases after the Supreme Court's 1990 decision in *Feist*, and the inherent vulnerability of data bases to piracy made easy in the new digital environment.

America's data base producers employ or represent thousands of editors,

researchers, and others who gather, verify, update, format, and distribute the information contained in their data base products. They also invest billions of dollars in hardware and software to manage these large bodies of information.

Mr. President, comprehensive data is indispensable to the successful operation of today's American economy, including information about communications, finance, medicine, law, news, travel, defense, and many other topics. As one of America's leading growth industries—one that generates jobs and supports American families—the information services industry creates a wealth of user-friendly, reliable, and up-to-date information critical to the lives of American citizens. Congress must provide the legal protection that ensures the future viability of the information services industry. Thank you, Mr. President.

I yield the floor.

## DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 1998

The Senate continued with the consideration of the bill.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas is recognized.

AMENDMENT NO. 1253

Mr. GRAMM. Mr. President, as I understand it, we have scheduled a tabling motion of the Mack amendment, and Senator MACK himself has moved to table the amendment. I thought it would be timely for me to come over and say a little bit about this amendment.

Let me make it clear that I intend to vote against tabling the amendment. I think this amendment should be debated, and I think it is important to try to outline why. That is the purpose that has brought me to the floor today.

First of all, we are talking about, in the Mack-Graham-Kennedy amendment, an amendment that changes the immigration laws of the country. I remind my colleagues that we are considering the D.C. appropriations bill and, therefore, this amendment has nothing to do with the subject matter of that bill.

Second, I believe that this is complicated legislation, dealing with very complex, very important, and, quite frankly, very emotional issues that ought to be dealt with by the Immigration Subcommittee, by the people who wrote the law that we just adopted last year, and by people who are experts in this area. I do not believe that an amendment that has the sweeping impact of this amendment should be dealt with as a rider to an appropriations bill when, by and large, other than three or four Members of the Senate, nobody has closely examined the pending amendment.

Now, let me outline very briefly what the amendment, in my opinion, seeks to do, and let me also say that I am not a member of the committee that has

jurisdiction. My concern about this amendment was generated by the chairman of the Immigration Subcommittee in the House, who is my colleague from Texas, who is very concerned about this amendment, and who is very much opposed to it. Basically, what this amendment seeks to do is to change the immigration bill that we wrote just last year. Now, our colleague from Florida argues that, well, it doesn't appear that maybe we wanted to do what we did. It is hard for me to judge that and, quite frankly, I don't know. But let me outline what the amendment will do and the concerns that I have.

First of all, one of the provisions in the immigration bill last year was a provision to try to end the practice of people coming into the country illegally and then using the system to stay here. I am very sensitive to this issue. We had an effort that was undertaken last year to cut back on legal immigration. I was a leader in killing that effort because I want people to have an opportunity to come to America legally. I am not one of these people who believes that America is full. I believe that we have a system for people to come here under existing law—to come to the country legally, to come to work, to build their dream, and to build the American dream.

I am a strong supporter of legal immigration, but I am a strong opponent of the illegal immigration of people who come to the country illegally and, in doing so, jump in line in front of 7 million people who are waiting to come legally. One of the things we did last year in the immigration bill was set a cap on the number of people who were in the country illegally but who were able to stay here by claiming extraordinary hardship if they were returned home. The cap was 4,000 people a year that we would allow to remain in the country under these extraordinary circumstances.

What the Mack amendment does is waive that cap for a huge number of people, certainly in the range of 300,000, and critics—I can't speak for whether they are right or wrong—who are concerned about it suggest perhaps a larger number. I think what this does is produce sort of a rolling amnesty. I remind my colleagues that in trying to gain control of our ability to have some say about who comes to our country, without limiting legal immigration, we took the extraordinary step of granting amnesty to people who had violated the law. But part of the deal was that it was a one-time agreement and that we weren't going to continue to do it. My concern here is that we are creating a rolling amnesty.

A second very real problem is that we are talking about people who came to this country, many of them from El Salvador, Guatemala, and Nicaragua, when there was a war going on. The war in El Salvador was a war where Communist insurgents were trying to overthrow the government and deny

democracy and capitalism to the people in El Salvador. The war in Nicaragua was a war against a Communist dictatorship. What happened during this period is that people came to this country illegally.

Now we are hearing the argument that there was a wink and a nod and there was an agreement. But I don't see anywhere in law that that was the case. Now, I can't today make a judgment about whether people who came here from Nicaragua fleeing communism should be granted the ability to stay. I would have to say that I am more sympathetic to them than I am to people who came here from El Salvador, because they were supporting a Communist insurgency, and now the El Salvadoran Government is saying, "Please keep those people in America, don't let them come back to El Salvador."

My point is this. I think we need to look at each one of these cases. But the war in each country from which these people were fleeing is over. We were successful in stopping Communist insurgency in El Salvador. We won in Nicaragua. Now people who were fleeing a conflict, now that the conflict is over, are saying, "We don't want to go back." Well, now, in some circumstances, they should not have to go back. But I don't think the Senate is ready today, without the benefit of hearings, without the benefit of consideration by the subcommittee and full committee, without an extensive debate, to make that determination. I don't know what we should do in each of these circumstances. If we could narrow the scope, if we could put the focus on those who came from Nicaragua, if we could find some middle ground, I might be willing to do that. But I don't see any effort to find a middle ground.

So this is one of these circumstances where we are trying to change a law that is just now going into effect—the first real test we have had in the new immigration bill—where we set a cap on the number of people who come to the country illegally and we subsequently allow to stay here. The first time we come up with a test based on, obviously, very real human drama—in many cases, strong cases by individual families—we are getting ready to set aside the bill that we so recently adopted and grant a rolling amnesty. Apparently, nobody else seems to care, but I care. That is why we have the rules of the Senate as we do, so that one person who cares can be heard, so that there can be a debate.

So I intend to vote against tabling. I hope the vote will be 100 to 0. But it won't change anything. We can vote not to table this amendment 100 times and it won't change anything, because I don't intend to step aside on this issue. Now, we have rules of the Senate. There can be cloture. We can file cloture and we are going to wait the several days that the Senate rules require it to mature.

We can have extensive and thorough debate. This amendment is amendable.

It is amendable with a motion to recommit with instructions. It will be amendable when the second-degree amendment is disposed of. It will be amendable when we vote to name conferees. It will be amendable when we vote to take up the House bill and insert the Senate language. It will be amendable in many different ways. And, until we find a solution, I intend to see that it is amended.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to vote on a motion to table amendment No. 1253 by the Senator from Florida. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

Mr. MACK. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MACK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under the previous order, the Senate will now proceed to vote on a motion to table amendment 1253 by the Senator from Florida. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Maryland [Mr. SARBANES] is necessarily absent.

The result was announced—yeas 2, nays 97, as follows:

[Rollcall Vote No. 265 Leg.]

#### YEAS—2

Byrd

Stevens

#### NAYS—97

Abraham	Feingold	Lott
Akaka	Feinstein	Lugar
Allard	Ford	Mack
Ashcroft	Frist	McCain
Baucus	Glenn	McConnell
Bennett	Gorton	Mikulski
Biden	Graham	Moseley-Braun
Bingaman	Gramm	Moynihan
Bond	Grams	Murkowski
Boxer	Grassley	Murray
Breaux	Gregg	Nickles
Brownback	Hagel	Reed
Bryan	Harkin	Reid
Bumpers	Hatch	Robb
Burns	Helms	Roberts
Campbell	Hollings	Rockefeller
Chafee	Hutchinson	Roth
Cleland	Hutchison	Santorum
Coats	Inhofe	Sessions
Cochran	Inouye	Shelby
Collins	Jeffords	Smith (NH)
Conrad	Johnson	Smith (OR)
Coverdell	Kempthorne	Snowe
Craig	Kennedy	Specter
D'Amato	Kerrey	Thomas
Daschle	Kerry	Thompson
DeWine	Kohl	Thurmond
Dodd	Kyl	Torricelli
Domenici	Landrieu	Warner
Dorgan	Lautenberg	Wellstone
Durbin	Leahy	Wyden
Enzi	Levin	
Faircloth	Lieberman	

#### NOT VOTING—1

Sarbanes

The motion was rejected.