

Our fourth bill, S. 4, is the Soldiers' Bill of Rights, to be introduced by Senator WARNER and his Republican colleagues on the Armed Services Committee. This bill represents the determination of Senate Republicans to rebuild America's national security by restoring the readiness and morale of our Armed Forces.

In other words, it is a small symbol of an enormous commitment.

At the end of the last Congress, the administration proposed to deal with military retirement by robbing the military's readiness funds. That was a terrible idea. It made no sense to offer our servicemen and women a little better retirement while depriving them of the wherewithal to defend themselves and their country. So we blocked that dishonest ploy, and we promised to address the problems of inadequate military pay and retirement early in 1999. Enactment of this bill, S. 4, will fulfill that commitment.

I caution, however, that this legislation must be only the beginning of a larger effort to reverse the decline our Armed Forces have suffered under the current administration. That's going to be a tough job, and a long one, both in the appropriations process and in authorizing legislation. But we owe it to our country—and we owe it to the men and women in uniform—to start that job now, in the 106th Congress, so that America can enter a new century with renewed strength and security.

Crucial to that effort will be the actual deployment of a missile defense system that will protect this country from attack.

President Clinton's opposition frustrated our efforts on this in the 105th Congress. This time around, I hope he will work with us to enact Senator COCHRAN's National Missile Defense Act.

The fifth bill on our agenda, S. 5, deals with the personal safety of the American people. But in this case, the threat to their security comes from within.

The danger is the plague of narcotics. It has become a clear and present danger to our families, our neighborhoods, and even to the security of our Nation.

To combat that danger, Senators DEWINE, ABRAHAM, ASHCROFT, GRASSLEY, and HATCH will introduce the Drug Free Century Act. That title says it all. Our goal is nothing less than laying the groundwork for the day when our country will be free of the curse of drugs. Some will think that is too high a goal, and that Senate Republicans are unrealistic in pursuing it. We are not unrealistic; we are undaunted.

For more years than I like to recall, the federal government has tried to reduce the drug plague. And indeed, there was some success, specifically during the Reagan and Bush presidencies.

But its one thing to trim the claws of the narcotics monster, and quite another thing to break its loathsome back.

That is what we propose to do, step by step, with a bill that deals with vir-

tually every aspect of both the domestic and the international fight against drugs. It will impact the operations of most of the federal government, from the Justice Department to the Pentagon, from the State Department to the Coast Guard. It addresses some of the most pressing questions on national drug policy, including the sentencing differential between powder cocaine and crack.

Drug traffickers and their allies in certain foreign countries will not like this bill, nor will the creeps who peddle drugs to school kids. But parents, teachers, and law enforcement officers will cheer it. For its passage will be a clear signal, throughout this country and around the world, that we are serious about winning the war on drugs.

Mr. President, these five pieces of legislation—four introduced today, and one awaiting a draft from President Clinton—lead the Republican agenda for the 106th Congress. But they are not the whole story.

They set the foundation I mentioned earlier—the foundation of opportunity, security, responsibility, and freedom—and we are going to build on that foundation in many ways.

Along with the Drug Free Century Act, we will be moving against juvenile crime, following the lead of Senator HATCH and his colleagues on the Judiciary Committee. And in tandem with the House, we should consider legislation that will prevent Federal judges from turning loose hardened criminals in violation of their own sentences.

On another front, we will soon—by March 1 at the latest—receive the recommendations of our Bipartisan Medicare Commission, and we hope to act on that report.

Even sooner, I will bring to the Senate floor the first major reform of the budget process since it was established in 1974. Our reform package will put an end to the threat of Government shut-downs and stop the abuses of what is dubiously called "emergency spending."

We hope to schedule early action on a vital piece of legislation, the Water Resources Development Act, under the leadership of Senator CHAFEE, chairing our Committee on Environment and Public Works.

We will move ahead with a Patients' Bill of Rights that will protect individuals without undermining the integrity and efficiency of our health care system.

And we will continue to uphold the right to life, by advancing again a ban on partial-birth abortions, as proposed by Senator SANTORUM and the Child Custody Protection Act, proposed by Senator ABRAHAM.

To the legislation I have already outlined must be added a score of other matters, from bankruptcy reform and financial services reform to export expansion and trade reform, especially with regard to agricultural products.

And we intend to build upon our landmark welfare reforms by strength-

ening families, communities, and religious institutions. We should undertake nothing less than the renewal of civil society.

It will take both compassion and common sense to revitalize those areas of our country where the American dream has been no more than a slogan. One approach is to foster the public-private partnerships that can best address the real needs of our communities and enable them to overcome crime, drug abuse, poverty, and educational decay.

That is an agenda of hope and dignity that acknowledges that the solutions to America's problems will ultimately come, not from the Congress or the White House, but from the people.

Granted, the renewal of civil society will be a heroic enterprise, but Americans are equal to it. Today, on behalf of the Republican Members of the Senate, I pledge that we will do our part to make the 106th Congress, not so much the finale to the troubles and trials of the 20th century, but the threshold to a new American era.

#### 1999—THE YEAR OF AVIATION CAN BE ACCOMPLISHED IN 3 MONTHS

Mr. LOTT. Mr. President, last year the Senate passed S. 2279, the Wendell H. Ford National Air Transportation System Improvement Act of 1998. The Ford Act promised to bring much needed air service to under served communities throughout the Nation through policy changes and market-based incentives. Unfortunately, the Ford Act was not passed into law by the last Congress. I believe that Congress has an obligation to enhance the development of America's smaller air service markets. That is a promise that this Congress can fulfill. It is a promise that this session of Congress will fulfill.

The First Session of the 106th Congress will prove to be critical for our Nation's air passengers. The top aviation policy priority remains a full FAA reauthorization—not just a quick extension of this important agency and the Airports Improvements Program (AIP). A full reauthorization—money plus policies. Commerce Committee Chairman MCCAIN's aviation legislation, submitted this morning, reflects the bipartisan, fundamental provisions for rural air service built in the Ford Act.

Last year, the FAA bill's informal conference was able to reach a consensus on almost all issues. I encourage my colleagues to continue the good work in addressing aviation policies by resuming where the 105th Congress left off. If the provisions that were agreed upon late last year are adopted, Congress will be able to clear this bill before the March 31 deadline and guarantee a smooth, clean continuation of AIP funds.

Mr. President, there is talk of an increase in airline user fees through the passenger facility charges (PFCs). I'm

not a fan of user fees and I hope this mechanism is not used for aviation services. These are taxes, period. The goal of this Congress is to cut taxes, not increase them.

Last year, tens of thousands of Mississippians used the skies to travel. Many of these passengers were new customers that chose air travel as a result of greater air service, options and lower fares from a new entrant. These changes allowed the Jackson Airport to make several upgrades. I believe that a PFC increase will force passengers to reconsider their travel plans. An increase in the cost of air service, shouldered by the customer, will only serve as a detriment to the commercial airlines, airports and passengers.

Mr. President, increasing regional jet competition and flight service to smaller markets is my focus. Most Americans do not live in hub cities and thus do not benefit from the range of choices through the concentration of air service options. I look forward to working with my colleagues, on both sides of the aisle, and especially on the Commerce Committee to insure that rural and under served communities receive improved flight service options and more affordable airline tickets.

Because Chairman MCCAIN understands the needs of under served markets, and fully appreciates that adequate and affordable air service is a vital economic development issue for smaller cities and rural areas he has been a tremendous help. I am pleased that the chairman has crafted this year's FAA bill according to the principles as set forth in the Ford Act. He too wants to improve the quality and quantity of flights going to and from small airports. He also understands the bipartisan and constructive efforts that went into last year's FAA bill and the need for a full reauthorization.

In addition to the leadership of Chairman MCCAIN, two more of my colleagues have played a vital role in the advancement of this policy. Senator SLADE GORTON of Washington, chairman of the Subcommittee on Aviation, has provided pivotal guidance and has been instrumental in bringing focus to the many aspects of aviation. Senator BILL FRIST proved to be a great asset and a very effective advocate for the rural aviation community during this past session. His hard work and passion brought small and under served communities closer to receiving much needed public policy changes for flight service improvements. I look forward to again working with them this year.

Aviation policy changes always affect the management and administration of our local airports, and this makes many of our airport executives nervous. I rely on their wisdom, because these are the managers who deal day-to-day, face-to-face with Mississippians. Mr. Dirk Vanderleest of Jackson's airport has counseled me on the needs of small and under served markets. His conference in 1998 was key to may aviation thinking, and his efforts

to push Mississippi's aviation priorities are appreciated.

I also rely on Mr. Gene Smith of the Golden Triangle Regional Airport in Columbus. He is a patriot who served our Nation during the Vietnam war and for more than 20 years has worked to ensure the east central pocket of Mississippi is involved in commercial aviation. He served as a member of the National Civil Aviation Review Commission where he again distinguished himself.

It is my hope that the recommendations from this commission are not overlooked by this Congress. I implore my colleagues to seek out their Dirk or Gene to find out what their states need.

Mr. President, this Congress does not need a year for aviation policy—it needs 3 months and the work left from the last Congress. Quality air service for all Americans must be the focus of any aviation legislation. Never forget that not everyone lives near a hub. Quality air service is essential for economic development. Quality air service will enable rural Americans to be competitive and spur economic development to under served communities in the 21st century.

#### DATABASE ANTIPIRACY LEGISLATION

Mr. HATCH. Mr. President, I rise today to speak on an issue of great and escalating importance: database piracy. While perhaps not an issue on the lips of most Americans' tongues, it is nevertheless an issue that has garnered considerable attention in recent years both in the United States and in international forums. The 106th Congress is now the third consecutive Congress in which database legislation will be considered. This is an appropriate reflection of the fact that while intellectual property has become the heart of our Nation's economy, information is its lifeblood.

Utahns are interested in an appropriate balance of interest here. Utah is a leader in the hi-tech and information industries, and is home to both producers and users of information and database collections. Utah is blessed with world class scientists and scholars, genealogists, and computer and hi-tech companies that create new information, organize information, and use information—often using information created by others in innovative ways to create new information or to make it more easily or inexpensively accessible. I would guess that most of my colleagues would find that similarly in their own home states that many of their constituents are interested in this issue at some level because so many are producers or users of information, and often both.

American database providers render an invaluable service by collecting, organizing, and disseminating billions of bits of information from myriad sources of every possible sector of our

economy. They give us such widely-used tools as phone books, directories, catalogs, almanacs, encyclopedias, and other reference guides. They provide specialized products like statistical abstracts, medical and pharmaceutical reference tools, stock quotes, pricing guides, genealogical data and countless other sources of information for businesses, researchers, scientists, educators, and consumers. Indeed, it is the information they collect that allows us to predict the weather, to treat disease, to preserve our national security, to use computers to communicate over global networks, like the Internet, to travel, to buy a home, and even to watch the evening news.

It is not surprising that the cost of creating and maintaining accurate, reliable, and user-friendly databases is significant. Yet, the commercial viability of these products has, for many years, served as an incentive to investment and spawned a thriving information industry in the United States. Nevertheless, events in the past several years have caused some to question the continued viability of these products, raising the question of whether current law is sufficient to maintain the same sort of incentives that have served to keep the United States on the cutting edge of the information age.

The most debated among these is perhaps the 1991 decision in *Feist Publications v. Rural Telephone Service Co.*, 499 U.S. 340, in which the Supreme Court rejected the so-called "sweat of the brow" theory as a basis for copyright protection for databases. Under *Feist*, the degree of labor and investment associated with producing a database is irrelevant to the question of copyrightability. Rather, a database may be protected by copyright only where it exhibits a minimum level of originality in the selection and arrangement of its contents. And, even then, the copyright in the database is said to be "thin" in that it extends only to the original selection and arrangement of the material but does not protect against the wholesale appropriation of the facts themselves. Thus, *Feist* made clear that a database owner who spends several years and a substantial amount of money to respond to an unmet market for data cannot look to copyright law for protection against a competitor who seeks "to reap where he has not sown" by reproducing and commercializing the same information in a different format, so long as the competing product does not copy the original selection or arrangement of the underlying information, if any. For example, in *Martindale-Hubbell, Inc. v. Dunhill Int'l List Co.*, No. 88-6767-CIV-ROETTGER (S.D. Fla. Dec. 30, 1994), the court held that wholesale copying of attorney's names, addresses, and other information from the *Martindale-Hubbell* directory for inclusion in a competing directory was not infringing.

Having no recourse to copyright law, such database producers must rely on