

(6) the extent to which claims have been made that this Act prevented access to valuable information for research, competition or innovation purposes and an evaluation of these claims;

(7) the extent to which enactment of this Act resulted in the creation of databases that otherwise would not exist; and

(8) such other matters necessary to accomplish the purpose of the report.

**SEC. 5. CONFORMING AMENDMENT.**

The table of chapters for title 17, United States Code, is amended by adding at the end the following:

"13 Misappropriation of Databases .... 1301".

**SEC. 6. CONFORMING AMENDMENTS TO TITLE 28, UNITED STATES CODE.**

(a) **DISTRICT COURT JURISDICTION.**—Section 1338 of title 28, United States Code, is amended—

(1) in the section heading by inserting "misappropriations of databases," after "trade-marks,"; and

(2) by adding at the end the following:

"(d) The district courts shall have original jurisdiction of any civil action arising under chapter 13 of title 17, relating to misappropriation of databases. Such jurisdiction shall be exclusive of the courts of the States, except that any action against a State governmental entity may be brought in any court that has jurisdiction over claims against such entity."

(b) **CONFORMING AMENDMENT.**—The item relating to section 1338 in the table of sections for chapter 85 of title 28, United States Code, is amended by inserting "misappropriations of database," after "trade-marks."

(c) **COURT OF FEDERAL CLAIMS JURISDICTION.**—Section 1498(e) of title 28, United States Code, is amended by inserting "and to protections afforded databases under chapter 13 of title 17" after "chapter 9 of title 17".

**SEC. 7. EFFECTIVE DATE.**

(a) **IN GENERAL.**—This Act and the amendments made by this Act shall take effect on the date of the enactment of this Act, and shall apply to acts committed on or after that date.

(b) **PRIOR ACTS NOT AFFECTED.**—No person shall be liable under chapter 13 of title 17, United States Code, as added by section 2 of this Act, for the extraction or use of all or a substantial part of a collection of information for which the investment of resources which qualified the collection of information for protection under this chapter occurred prior to the effective date of this Act.

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**REAUTHORIZATION OF THE  
DEPARTMENT OF JUSTICE**

Mr. HATCH. Mr. President, I rise to discuss for the benefit of my colleagues a matter of great importance—consideration this Congress of legislation to reauthorize the Department of Justice.

It has been nearly two decades since Congress has passed a general authorization bill for the Department of Justice. It is in my view a matter of significant concern when any major cabinet department goes for such a long period of time without congressional reauthorization. Such lack of reauthorization encourages administrative drift, and permits important policy decisions to be made ad hoc through the adoption of appropriations bills or special purpose legislation.

However, these concerns are amplified when the department in question is of such central importance to our national life as is the Department of Justice. The Department is entrusted critical duty of primary responsibility for the enforcement of our Nation's

laws. Through its divisions and agencies including the FBI and DEA, it investigates and prosecutes violations of federal criminal laws protects the civil rights of our citizens, enforces the antitrust laws, and represents every department and agency of the United States Government in litigation. Increasingly, its mission is international as well, protecting the interests of the United States and its people from growing threats of trans-national crime and international terrorism. And, among the Department's key duties is providing assistance and advice to state and local law enforcement.

The growing importance of the Department's role is demonstrated by the growth of its budget in the last two decades. In fiscal year 1979, the Department of Justice's budget was just \$2.538 billion, and represented one half of one percent of the federal government's \$559 billion budget. In fiscal year 1999, the Department of Justice's budget is more than seven times greater—an estimated \$18.2 billion, representing about 1 percent of the \$1.75 trillion federal budget.

As Chairman of the Judiciary Committee, I would like to advise my colleagues that a major priority of the committee this year will be the reauthorization of the Department of Justice. Last Congress, the Judiciary Committee reported a bipartisan, 3-year Justice Department reauthorization bill which was sponsored by myself and the distinguished ranking member, Senator LEAHY. Unfortunately, this legislation, which was similar to a bill passed by the House of Representatives, never received consideration by the full Senate.

In the next several weeks, I will reintroduce legislation to reauthorize the Department of justice. The Judiciary Committee will redouble its efforts to address this important issue.

I look forward to continuing reports to my colleagues on the important issue of Department of Justice reauthorization, and to working with each of my colleagues on this matter.

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**WASHINGTON AND LEE  
UNIVERSITY—250TH ANNIVERSARY**

Mr. WARNER. Mr. President I rise today to commemorate the 250th anniversary of Washington and Lee, an institution revered in Virginia and rooted in American history.

My first association with Washington and Lee came at the knee of my father, a 1903 alumnus. His deep sense of honor and integrity was indelibly linked to his days at Washington and Lee. Indeed, still today, Washington and Lee's strong honor system is the foundation of the moral standard that is the guiding principle at the university for its alumni.

As a student at Washington and Lee and even after my graduation in 1949, I have had a keen interest and fascination with the history of the university. In 1749, Scottish-Irish pioneers founded Augusta Academy in the vicinity of what is now known as Lexington, Vir-

ginia. Fueled by a budding Revolution and a sense of patriotism, trustees of the academy changed its name to Liberty Hall in 1776.

In 1796, George Washington saved the struggling institution from possible demise with a gift of stock shares in the James River Company. At the time, this gift, which was valued at \$20,000, was the largest gift ever made to a private educational institution in America. Moreover, as part of the University's endowment, George Washington's gift has generated over \$500,000 of income and, to this day, helps pay part of the cost of every student's education.

In appreciation of Washington's gift, the trustees changed the school's name to Washington Academy in 1798. Washington responded: "To promote the Literature in this rising Empire, and to encourage the Arts, have ever been amongst the warmest wishes of my heart."

Following the Civil War, the Board of Trustees unanimously elected Confederate General Robert E. Lee as president in 1865. Initially, Lee was very hesitant about accepting the position. He feared his name would be forever linked to the Confederate cause, bringing embarrassment and hostility toward the school. However, after repeated urging by the trustees, Lee accepted and on September 18, he rode Traveler into Lexington to assume the presidency of Washington college.

During his tenure, Lee affiliated Lexington Law School with the college and institutionalized the school's unique honor system. He greatly emphasized the sciences and created courses in business and journalism that were among the first by any school in the United States. In appreciation for Lee's lasting contribution to the growth of the college, the trustees changed the school's name from Washington College to Washington and Lee University in 1870.

Mr. President, I ask that my colleagues join with me today, on Washington and Lee University Founder's Day, in tribute to the ninth oldest institution of higher learning in America.

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**BUDGET PROCESS REFORM**

Mr. McCAIN. Mr. President, today, I am pleased to sponsor three bills designed to improve the way Congress spends Americans' hard-earned dollars.

First, Senator DOMENICI and I and others are co-sponsoring legislation requiring Congress to adopt a biennial budget process. Second, Senator KYL and I are introducing a resolution to establish a 60-vote point of order against any item in any appropriations measure that provides more than \$1 million for any program, project, or activity which is not specifically authorized in a law other than an appropriations act. Third, Senator KYL and I are

introducing a resolution to establish a privileged, non-debatable motion to proceed to any appropriations measure after June 30 of any year.

As anyone who has followed Congress over the years knows, budget process reform is not new. It is often the subject of heated political debate. It has spawned numerous vigorous floor debates and been the subject of much controversy. Unfortunately, little in the way of substantive reform has ever been accomplished. Surely, after our experience with the fiscal year 1999 budget process, most in Congress would agree that budget process reform is an idea whose time has finally come. The time for rhetoric has passed, and the time for overall substantive reforms is here.

The power of the purse is vested in the Congress. However, the obligation to control the purse does not mean Congress do so with impunity or with disregard for the greater good of the Nation.

Since I came to Congress, I have spent a great deal of my time considering matters related to the budget. As critical as I have been of the Congressional budget process over the past 16 years, the monstrosity of a spending bill we passed last year took my outrage to new heights. This bill clearly illustrates that our budget process is flawed. If we had adequate controls on the budget process, the fiscal year 1999 omnibus appropriations bill would never have occurred.

The second session of the 105th Congress convened on January 27 and adjourned on October 21, 1998—a total of 266 calendar days in which Congress completed work on only 4 of the 13 regular appropriations bills that keep the federal government open and functioning. Yet it took us just 24 hours to debate and pass a 4,000-page, 40-pound, non-amendable, budget-busting omnibus appropriations bill that provided more than half-a trillion dollars to fund 10 Cabinet-level federal departments for the fiscal year that started 21 days prior.

The bill exceeded the budget ceiling by \$20 billion for what is euphemistically called emergency spending, much of which is really everyday, garden-variety, special interest, pork-barrel spending projects. Sadly, these projects are paid for by robbing billions from the budget surplus. This bill made a mockery of the Congress' role in fiscal matters. It was and still is a betrayal of our responsibility to spend the taxpayers' dollars wisely and enact laws and policies that reflect the best interests of all Americans, rather than the special interests of a few.

I voted against the omnibus appropriations bill, as did many of our colleagues. But the bill passed, and is now law. This bill became law because Congress was forced to either adopt this bill, or face another government shutdown. In a sense, Congress was once again held hostage by the prospect of

experiencing another government shutdown.

Sadly, for most years, the Federal budget is passed in one fell swoop through one monster bill. Appropriations committees, charged with passing separate legislation to pay for each portion of the Government, disregard their deadlines and lump all Government spending in one mammoth bill. Failure to pass such a behemoth would result in a complete shutdown of all Government agencies and chaos among recipients of Government benefits. We have been held hostage in this manner, in the past, and will be again in the future if meaningful comprehensive budget process reforms are not adopted promptly.

We cannot mortgage away our future generations' prosperity by spending wastefully today. Budget process is key to maintaining fiscal responsibility. Our more than ever increasing \$5 trillion national debt and the fiscal nightmare of the fiscal year 1999 omnibus appropriations bill indicate that Congress must change the way it conducts the budget process.

We can ill afford to permit an inadequate budget process to squander away our first budget surplus in decades. According to the U.S. Department of the Treasury, our national debt is now \$5.52 trillion. The Congressional Budget Office estimates that in fiscal year 1998, the federal government paid more than \$244 billion in net interest, or some \$668 million every day. These numbers are facts. The facts are scary—\$668 million every day to pay for the interest on our national debt. The more we spend on interest, the less we have to spend for other vital goods and services.

This must stop. The only way to stop wasting almost a quarter of a trillion dollars a year is to pay down our national debt and ensure we do not squander this opportunity by instituting budget process reforms.

Our founding fathers saw the importance of avoiding debt and wasteful spending. The framers assumed that each generation would pay its own bills, and Thomas Jefferson stated:

I place economy among the first and most important of republican virtues, and public debt as the greatest of dangers to be feared.

Yet we are content to burden every child born in this century with a \$5.5 trillion debt.

The Congressional Budget Office estimates that we will have an \$80 billion surplus for fiscal year 1999. But we are not protecting the budget surplus to save social security. We are not protecting the budget surplus to pay down our debt. Nor are we spending tax dollars cautiously to insure that funds are available to allow Congress to pass broad-based middle-class tax relief. Why? Because our current budget process is flawed. It is easily manipulated to appropriate funds for locality-specific parochial interests, as opposed to the national interests. Paying down the debt, saving social security, and

broad-based middle-class tax relief would benefit all Americans. Yet we continue to ignore these priority needs when we approve monstrosities like the fiscal year 1999 omnibus appropriations bill.

The problem is the current budget process. It allows the politics of the moment to take precedence over larger long-term issues which impact the Nation as a whole. The legislation I am co-sponsoring, and the reforms I am introducing will address the ills in the current budget process.

First, the biennial budgeting legislation drafted by Senator DOMENICI will radically change the way Congress passes a Federal budget. This legislation will require the President to submit and the Congress to enact two-year authorization and appropriations bills. Biennial budgeting would allow us to focus attention on fiscal matters during the first full year of a Congress, then turn to other pressing matters of national policy the second year. Two-year budgets would also provide needed predictability and stability for government agencies and programs.

Biennial budgeting will not solve all our budget process woes, and it will not automatically solve the serious problems posed by the increased demand on entitlement programs as the next generation begins to retire. However, what a biennial budget can do is to give us time for the important tasks that often get short shrift these days, such as conducting oversight and long-range planning. The legislation that we are introducing today will ensure that time for oversight and long-range planning is set aside.

I am also sponsoring 3 procedural changes governing the Senate's budget process. I am introducing a resolution in the Senate to amend our procedures to establish a 60-vote point of order against any item in an appropriations measure that provides more than \$1 million for any program, project, or activity which is not already specifically authorized in a law other than an appropriations act. This is the system of checks and balances that is envisioned in the law, and I believe the Senate should adhere to this necessary fiscal restraint. To do anything less makes a mockery of the authorization process. If we do not do this, and we continue to use appropriations bills to do all our authorizing business, why even have authorizing committees?

I am also introducing a resolution in the Senate to make a motion to proceed to any appropriations measure after June 30 a privileged motion. The Budget Act establishes June 30 as the date by which the House is expected to complete action on all the appropriations measures. By eliminating the need to debate, file cloture, and vote on a motion to proceed to appropriations measures after that date, the Senate could save a full week's time, and could instead spend that time working on the bill itself.

Also, I am sponsor of Senate Resolution 4, introduced on January 6, 1999,

which restores the point of order preventing Senators from attaching legislative "riders" to appropriations measures.

This measure will go a long way toward preventing gridlock over policy matters in spending bills.

These procedural changes would, in my view, go a long way toward restoring openness, fairness, and public input in the process of spending the taxpayers' dollars. We would be able to pass budgets in the normal process, rather than budget by brinkmanship.

These budget reform proposals are not a political exercise. These reforms are long-overdue and real. It is my intention to work with the leadership to move this legislation quickly. It is very important we act before the appropriations season begins in earnest.

To do nothing to reform our budget process is far more dangerous than to try and not succeed. Budget process reform must be adopted to insure that we do not waste the opportunity to start shaving away at our massive national debt. The system is set up to have checks and balances. Lately, we have drifted from this process. Congress must adopt meaningful budget process reform this year, or risk further fiscal monstrosities like the fiscal year 1999 omnibus appropriations bill.

Clearly, the process by which we spend Americans' hard-earned dollars is flawed and needs to be changed. I hope my colleagues will acknowledge the obvious, and push for comprehensive budget process reform at the earliest opportunity.

#### THE "ED-FLEX" PROGRAM

Mr. ABRAHAM. Mr. President, I rise today to urge my colleagues' support for important legislation introduced by Senator FRIST and WYDEN, the Education Flexibility Act. This legislation would expand the popular "Ed-Flex" program to all 50 states. Currently, 12 states, including Michigan, participate in the program.

Through the "Ed-Flex" program, the Department of Education delegates to the states its power to grant individual school districts temporary waivers from certain federal requirements if those requirements interfere with state and local efforts to improve education. To be eligible, a State must be able to waive its own regulations on schools. The State must hold schools accountable for results by setting academic standards and measuring student performance, requiring schools to publish school report cards, and intervening in low performance schools. This program does a great deal to reduce the regulatory burden for states trying to improve the education it provides to its citizens.

This program has been a tremendous success in Michigan. The first benefit came to Michigan in simply applying for the program. It was during this process that the Governor's office realized it did not meet the two criteria

necessary to apply for the waiver because the state could not waive its own regulations. As a result, the Governor's office worked with the State legislature and State Board of Education to prepare and obtain this authority. Another benefit of the "Ed-Flex" program came when the state put in place the Waiver Referent Group. This group is made up of representatives from the Department, local and intermediate school districts, private schools, parent organizations, advisory and professional groups, and business/community members. Through this collaboration, the State will receive input on potential regulations that may help reduce barriers to reform from the people most closely associated with the regulations that are hindering their ability to achieve real and lasting reform.

I am proud to be an original cosponsor of this important legislation. I am confident that the "Ed-Flex" program will be as valuable of a tool to education reform for other states as it has been to Michigan's education reform efforts.

#### THE TRADE FAIRNESS ACT OF 1999

Mr. ROCKEFELLER. Mr. President, I rise today to introduce legislation which will help the President deal with the flood of dirt-cheap steel imports from our trading partners. I introduce this legislation with the full knowledge that there are many actions required to respond to the steel import crisis that is corroding the United States' steel industry's ability to compete. This crisis is hurting our steelworkers and our companies. It must be dealt with as a top priority in the 106th Congress.

The bill I am introducing today deals with two important aspects of this crisis: monitoring imports and remedying injury to domestic industries under our trade laws. The bill has two main parts. The first section reforms Section 201 of the Trade Act of 1974 to conform its standard of injury to that of our world trading partners. This reform will affect all products which are covered by Section 201 by revising the U.S. standard for injury to the standard used in the World Trade Organization's Safeguards Code. The second section of the bill will help us better track steel imports by requiring an import permit for steel and establishing a monitoring program. This will allow us to track steel imports, as many of our trading partners currently have the ability to do. It will provide import data in a more timely fashion and help us better anticipate future import problems. I am proposing the "Trade Fairness Act of 1999" along with my colleague and Senate Steel Caucus co-chair, Senator SPECTER, in order to strengthen the President's ability to help domestic industries receive the relief they need and deserve when imports are a cause of serious injury, and so we know what when significant amounts of foreign steel are entering our country.

Import relief is what the U.S. steel industry desperately needs right now. This bill contains provisions that will help us more effectively deal with future import problems, but it will not provide the immediate assistance that our steel industry needs to survive this crisis. Within a matter of days, we will have the steel import data from the end of last quarter. I fully expect it will show that the United States is still enduring an unprecedented level of steel imports. I also strongly believe that most of those imports continue to be sold at historically low prices; prices which are below the cost of actual production in many instances. American steel manufacturers cannot fight this unfair trade practice without help. West Virginia and other major steel makers deserve help now, before it is too late. This measure addresses some of the structural reforms needed to deal with import surges in the future, but, again, I have to admit it won't do what's needed to stop the flood of steel imports. I firmly believe that a 201 action is what is required, now, to stop the imports. I have strenuously made that case to the Administration, and will continue to make that case to the President and his advisors, as well as my colleagues on the Finance Committee, and in the Congress. I am also likely to submit other legislative remedies to deal with the emergency which faces the United States' steel industry and its workers.

This legislation I am introducing today includes reforms we need to improve the way U.S. trade laws function in a crisis. The import licensing will help the steel industry specifically, but the Section 201 reforms will ultimately benefit all products where foreign competitors have dumped their product on the American market. I intend to push these provisions during the Finance Committee's consideration of trade legislation in the 106th Congress. The 201 reforms will improve our ability to remedy harm against domestic industries and at the same time remain consistent with rules we expect our world trading partners to live by. We can be tough and fair on trade at the same time and the bill I am introducing today proves it.

In my state of West Virginia, our two largest steel manufacturers, Weirton Steel and Wheeling Pittsburgh Steel, have been hit hard by the steel import crisis. Weirton alone has laid off over 900 workers and there is the possibility that their fourth quarter earnings and order book could force these two companies to consider additional lay offs in the near future. Wheeling-Pittsburgh is also worried about the effect of the crisis on their bottom-line. Laying off workers is never easy, but this crisis is forcing hard decisions. West Virginia steel makers are producing world-class products as efficiently as any foreign competitor, but when foreign competitors are blatantly dumping their product at prices which are sometimes actually below the cost of production,