

pass this bill expeditiously so that it will make it to the White House and be signed into law.

My only regret is that this bill has taken so long to pass the Senate. Fulfilling this commitment to the Colorado Ute Indian Tribes and the Colorado water users never should have taken this long. The settlement agreement was signed in 1986 and now—finally—after 15 years of foot dragging and outright obstruction by outside groups, a bill to implement the agreement passes the Senate. The history of this unfulfilled promise is not a good one. For the past 15 years, numerous, and duplicative studies have been required, each of which resulted in substantial reductions in water to be diverted and stored in the Animas-La Plata project. The tribes, in order to get a project, have agreed to substantial modification of their rights under the 1986 agreement and 1988 Settlement Act to make this proposal work. The cost of the project has been cut by almost two thirds, yet opponents of the project are still unhappy. I wonder what would make them happy—complete and total derogation of the Federal Government's obligation to the tribes? I know Senator CAMPBELL would not let that happen and I would certainly support him in his efforts.

This bill, as passed today, represents the best hope for the United States to do right by the Colorado Ute Indian Tribes at this point and I am pleased to vote for it. I again congratulate Senator CAMPBELL.

#### MAKING CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2001

The PRESIDING OFFICER. The clerk will state the joint resolution by title.

The assistant legislative clerk read as follows:

A joint resolution (H.J. Res. 115) making continuing appropriations for fiscal year 2001, and for other purposes.

The PRESIDING OFFICER. Without objection, the joint resolution is read the third time.

The joint resolution having been read the third time, the question is, Shall the joint resolution pass?

Mr. HATCH. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Missouri (Mr. ASHCROFT) the Senator from Montana (Mr. BURNS), the Senator from Tennessee (Mr. FRIST), the Senator from Washington (Mr. GORTON), the Senator from Minnesota (Mr. GRAMS), the Senator from North Carolina (Mr. HELMS), the Senator from Vermont (Mr. JEFFORDS), and the Senator from Delaware (Mr. ROTH) are necessarily absent.

I further announce that, if present and voting, the Senator from Wash-

ington (Mr. GORTON) and the Senator from Montana (Mr. BURNS) would each vote "yea."

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA), the Senator from California (Mrs. FEINSTEIN), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 87, nays 2, as follows:

[Rollcall Vote No. 283 Leg.]

#### YEAS—87

Abraham	Feingold	Mikulski
Allard	Fitzgerald	Miller
Bayh	Graham	Moynihan
Bennett	Gramm	Murkowski
Biden	Grassley	Murray
Bingaman	Gregg	Nickles
Bond	Hagel	Reed
Boxer	Harkin	Reid
Breaux	Hatch	Robb
Brownback	Hollings	Roberts
Bryan	Hutchinson	Rockefeller
Bunning	Hutchison	Santorum
Byrd	Inhofe	Sarbanes
Campbell	Inouye	Schumer
Chafee, L.	Johnson	Sessions
Cleland	Kennedy	Shelby
Cochran	Kerrey	Smith (NH)
Collins	Kerry	Smith (OR)
Conrad	Kohl	Snowe
Craig	Kyl	Specter
Crapo	Landrieu	Stevens
Daschle	Lautenberg	Thomas
DeWine	Levin	Thompson
Dodd	Lincoln	Thurmond
Domenici	Lott	Torricelli
Dorgan	Lugar	Voinovich
Durbin	Mack	Warner
Edwards	McCain	Wellstone
Enzi	McConnell	Wyden

#### NAYS—2

Baucus Leahy

#### NOT VOTING—11

Akaka	Frist	Jeffords
Ashcroft	Gorton	Lieberman
Burns	Grams	Roth
Feinstein	Helms	

The joint resolution (H.J. Res. 115) was passed.

#### MORNING BUSINESS

Mrs. HUTCHISON. Mr. President, I ask unanimous consent the Senate now be in a period of morning business with Senators speaking for up to 10 minutes each.

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

#### INTERPARLIAMENTARY CONFERENCES

Mr. LOTT. Mr. President, for the information of the affected members of the Senate, I would like to state for the record that if a Member who is precluded from travel by the provisions of rule 39 is appointed as a delegate to an official conference to be attended by Members of the Senate, then the appointment of that individual constitutes an authorization by the Senate and the Member will not be deemed in violation of rule 39.

#### ACKNOWLEDGMENT OF SENATOR JEFF SESSIONS' 100TH PRESIDING HOUR

Mr. LOTT. Mr. President, today, I have the pleasure to announce that Senator JEFF SESSIONS has achieved the 100 hour mark as presiding officer. In doing so, Senator SESSIONS has earned his second Golden Gavel Award.

Since the 1960's, the Senate has recognized those dedicated Members who preside over the Senate for 100 hours with the golden gavel. This award continues to represent our appreciation for the time these dedicated Senators contribute to presiding over the U.S. Senate—a privileged and important duty.

On behalf of the Senate, I extend our sincere appreciation to Senator SESSIONS and his staff for their efforts and commitment to presiding duties during the 106th Congress.

#### VICTIMS OF GUN VIOLENCE

Mr. SCHUMER. Mr. President, it has been more than a year since the Columbine tragedy, but still this Republican Congress refuses to act on sensible gun legislation.

Since Columbine, thousands of Americans have been killed by gunfire. Until we act, Democrats in the Senate will read the names of some of those who have lost their lives to gun violence in the past year, and we will continue to do so every day that the Senate is in session.

In the name of those who died, we will continue this fight. Following are the names of some of the people who were killed by gunfire one year ago today.

October 25, 1999:

Haeng Eom, 57, Seattle, WA;

Jeong Eom, 60, Seattle, WA;

Jamal Johnson, 18, New Orleans, LA;

Joe Leavitt, 65, Kansas City, MO;

Lanette Macias, 34, Kansas City, MO;

Solomon McGruder, 30, New Orleans, LA;

Irving E. Varon, 51, Seattle, WA;

Alfonso Vilmil, 53, El Paso, TX;

Walter Williams, 35, Nashville, TN; and

Unidentified Male, 16, Chicago, IL.

We cannot sit back and allow such senseless gun violence to continue. The deaths of these people are a reminder to all of us that we need to enact sensible gun legislation now.

#### STATUS OF INTELLECTUAL PROPERTY LAW AND THE INTERNET

Mr. DEWINE. Mr. President, I rise today to discuss the impact the Internet is having on database producers and the lack of Intellectual Property protection we provide to creators of databases, in particular. This is an issue that deserves the Senate's attention, and I will be encouraging the Chairman of the Judiciary Committee, Senator HATCH, to hold hearings early next year to examine this issue in detail.

Intellectual Property laws are about striking a balance between our need to encourage invention and creativity with a public policy that discourages the use of monopoly power. Our founding fathers recognized the importance of national patent and copyright laws in Article 1, Section 8 of the United States Constitution. Similarly, we have a long tradition of protecting the public from monopolistic abuses through our Antitrust laws, starting with the Sherman Antitrust Act of 1890.

Through our copyright and patent laws, we allow artists and inventors to have monopolies of limited duration on their creations and inventions, which can have the short-term effect of limiting access by consumers. However, these exclusive rights give artists and inventors incentive to create more—ultimately to the benefit of the public at large. Our thriving economy and the success of our country's technology sector is evidence that we have reached an appropriate balance between exclusive rights and consumer access.

However, the balance has shifted with the emergence of new technology. Digital technology, for example, allows an individual to copy huge volumes of data from anonymous sources and then distribute it almost immediately all over the world through the Internet.

I am very concerned about the utter lack of protection for individuals and companies who invest substantial resources in gathering and organizing large volumes of data or information. These databases were, at one time, protected by our copyright laws under a legal theory known as "sweat-of-the-brow." This policy protected collections of information from theft and recognized that significant resources often were spent in collecting and organizing information. In 1991, the Supreme Court overturned the sweat-of-the-brow protection and said that only "original" works are covered by copyright law. This ruling, coupled with the ease of copying and distributing databases over the Internet, have created a significant problem with theft or "piracy" of databases. The creators of stolen databases are usually left with only piece-meal protections and often have no recourse whatsoever.

I share the concerns of those who believe that database protection legislation could limit the access of consumers to information, and I certainly will not support legislation that harms consumers. However, Mr. President, I believe that this is a case where our policies are out of balance.

Information is a resource that becomes much more valuable when it is organized in a coherent way. Database companies devote substantial resources to collecting, organizing, and maintaining information for users. Without such investments, vast quantities of data would be incomprehensible and almost unusable. We must give the companies that create these databases some sort of exclusive right to enjoy

the benefits of their hard work and investment.

Without granting some exclusive right to database producers, investment in databases will diminish over time, as more and more databases are copied and distributed by pirates. Ultimately, the reliability of information available to consumers over the Internet would be undermined.

This potential for unreliability has serious real-life implications. For example, emergency room staff and parents use databases to identify poisons and their remedies; doctors use them to find specifics about a medical procedure; farmers use them for weather and soil information; lawyers use them to find cases and precedents; pharmacists use them to detect dangerous drug interactions; chemists use them to test new compounds; workers use them to find new jobs; and home buyers use them to find the right house. If these databases are not available or are inaccurate, it is the consumer who loses. As with all of our intellectual property rights, some small limitations on consumer access in the short-term will produce significant long-term advantages and increased access to accurate information.

This is not a new issue for the Senate. Two years ago, in the 105th Congress, a serious effort was made to pass legislation that would limit database piracy. Judiciary Committee Chairman HATCH hosted extensive negotiations between all interested parties. Unfortunately, a compromise on database protection could not be reached. At the last minute, the database provisions were dropped from the conference report for the Digital Millennium Copyright Act (DMCA).

When we passed the DMCA, I came to the Floor and expressed my disappointment that we could not reach a consensus on a database provision. Judiciary Committee Chairman HATCH and the Ranking Member LEAHY also expressed their disappointment. I asked, and Senator HATCH agreed, that the Judiciary Committee address the database bill early in the 106th Congress. Unfortunately, despite efforts particularly in the House of Representatives to reach an agreement, conflicts in the industry remain. We have not been able to consider such a bill during this Congress. Now, with only a few days left, it appears that we will not consider database protection at all this year.

I believe that we should start fresh on database legislation early next year. I ask Chairman HATCH for his commitment that the Judiciary Committee will hold a hearing on this important matter in the Spring. For my part, I will do everything I can to draw attention to this matter. I will continue working toward a solution that protects databases from piracy while protecting the rights of consumers.

## INTERNATIONAL BROADCASTING EMPLOYEES

Mr. KENNEDY. Mr. President, it is a privilege to join my colleague, Senator HELMS, in expressing my strong support for this legislation to benefit international broadcasting employees.

The bill is important for several reasons. A new special immigrant visa class will be established to cover individuals working in the United States for the International Broadcasting Bureau or one of the grantee organizations affiliated with the Broadcasting Board of Governors. Included among the grantee organizations are the well-respected Radio Free Asia, the Voice of America and Radio Free Europe.

In creating a special immigrant visa category, we are making a concerted effort to address the recruitment shortages plaguing these worthwhile broadcasting organizations. This legislation will help to attract qualified foreign employees for available positions with the international broadcasting industry here in the United States.

The mission of the United States with respect to international broadcasting makes it important for us to be able to attract and retain a large number of foreign language broadcasters. They must have a unique combination of journalistic skills, including fluency in various languages and an in-depth knowledge of the people, history and cultures of other nations. To carry out its mission, the Broadcasting Board of Governors and its grantees must employ a minimum of 3,400 broadcasters and support staff, such as reporters, writers, translators, editors, producers, announcers, and news analysts.

Historically, the Broadcasting Board of Governors has been unable to obtain sufficient numbers of U.S. workers with the rare combination of skills needed for this mission. As a result, we have had to look to other nations to attract the necessary talent.

No current visa category exists which properly suits the needs of the international broadcasting industry. Neither the H-1B nor J-1 non-immigrant visas are appropriate for the Broadcasting Board of Governors to use as a means to recruit foreign broadcasters and support personnel. Each of these categories has restrictions which make it difficult to recruit qualified applicants.

This legislation overcomes these problems by adding a special immigrant category under the Immigration and Nationality Act. Up to one hundred immigrant visas will be available each fiscal year for foreign nationals employed by the Broadcasting Board of Governors. Spouses and dependent children will also be able to benefit from this legislation.

This proposal will provide significant assistance for the international broadcasting industry in meeting its goals and recruitment needs in providing essential news coverage for many of the most dangerous regions of the world. The people employed by organizations