

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

like Radio Free Asia, the Voice of America and Radio Free Europe are exceptionally talented and courageous. They and their families make substantial sacrifices, and they put themselves at great personal risk to carry out their important responsibilities. These dedicated men and women deserve our full support. I strongly urge my colleagues to pass this needed legislation.

GUN VIOLENCE IN AMERICA

Mr. LEVIN. Mr. President, the 106th Congress is about to adjourn without passing critical legislation to reduce the level of gun violence in this country.

Over the last years, the American people have been demanding that their schools, places of worship, and other public places be better protected from gun violence. Congress had an opportunity to address the gun violence problem in our country by passing sensible gun laws that would help ensure that young people or those with criminal backgrounds do not illegally gain access to firearms. In the end, Congress failed the American people.

It is very disappointing that Congress refused to act on the issue of gun violence. Too many senseless shootings have put our sense of safety in jeopardy. Here are just some of the high profile shootings that took place during this session of Congress, and the casualties that occurred as a result.

In the year 1999:

January 14, an office building, Salt Lake City, Utah, one dead, one injured;

March 18, a law office, Johnson City, Tennessee, two dead;

April 15, a library, Salt Lake City, Utah, three dead, four injured;

April 20, a high school, Littleton, Colorado, 15 dead, 23 injured;

May 20, a high school, Conyers, Georgia, six injured;

June 3, a grocery store, Las Vegas, Nevada, four dead;

June 11, a psychiatrist's office, Southfield, Michigan, three dead, four injured;

July 4, multiple locations, Illinois and Indiana, three dead, nine injured;

July 29, two day trading firms, Atlanta, Georgia, 13 dead, 13 injured;

August 5, two office buildings, Pelham, Alabama, three dead;

August 10, a Jewish Community Center, Los Angeles, California, five injured, and later in the same day, one dead;

September 14, a hospital, Anaheim, California, three dead;

September 15, a church, Fort Worth, Texas, eight dead, seven injured;

November 2 an office building, Honolulu, Hawaii, seven dead;

November 3, a shipyard, Seattle, Washington, two dead, two injured;

December 6, a middle school, Fort Gibson, Oklahoma, four injured; and

December 30, a hotel, Tampa, Florida, five killed, three injured.

In the year 2000:

January 23, a Sikh temple, El Sobrante, California, one dead, one injured;

February 14, a sandwich shop, Littleton, Colorado, two dead;

February 29, an elementary school, Flint, Michigan, one dead;

March 1, several locations, Wilkinsburg, Pennsylvania, three dead, two injured;

March 8, the scene of a fire, Memphis, Tennessee, four dead, two injured;

March 10, a high school dance, Savannah, Georgia, two dead, one injured;

March 24, a State office building, Effingham, Illinois, two dead;

April 18, a seniors home, Lincoln Park, Michigan, two dead, one injured;

April 24, a zoo, Washington, D.C., seven injured;

April 28, several locations, Pittsburgh, Pennsylvania, five killed, one injured;

April 28, a restaurant and hotel, Salt Lake City, Utah, two dead, three injured;

May 11, a middle school, Prairie Grove, Arkansas, two injured;

May 17, a ball park, Ozark, Alabama, two dead, one injured;

May 26, a middle school, Lake Worth, Florida, one dead;

June 25, a basketball court, Chicago, Illinois, seven injured;

August 28, a professor's office, Fayetteville, Arkansas, two dead;

September 7, a sewage lagoon, Bunker, Missouri, two dead, two injured;

September 24, a high school, outside Seattle, Washington, one injured;

September 26, a middle school, New Orleans Louisiana, two injured;

October 20, a courthouse, Yreka, California, one dead, two injured; and

October 23, a pizzeria in New Baltimore, Michigan, one dead.

Gun violence is a critical issue that the majority of Americans care about deeply. The will of the majority can be frustrated in the short run, but not in the long run. This issue will not go away. If this Congress will not pass legislation addressing gun violence in America, I am confident that another Congress will, and I will continue to work toward that objective.

UNITED STATES POLICY TOWARDS YUGOSLAVIA

Mr. BIDEN. Mr. President, I rise today to discuss the volatile situation in Yugoslavia. Slobodan Milosevic as Yugoslav dictator is history. The long nightmare is over. The Serbian people have spoken and, although Milosevic's ultimate fate is still uncertain, Kostunica's victory marks a sea change in Serbia's current history, a clear choice for democratic change over a stagnant and morally bankrupt dictatorship.

As Kostunica works hard to secure and stabilize his fledgling government, the final outcome is not yet certain. The United States must not fumble the opportunity to support the new Serbian government as it navigates a potentially treacherous transition. With Milosevic's party still controlling the Serb parliament and Milosevic himself

still lurking in the political shadows, we must engage in an open and constructive dialogue with Kostunica and his allies.

To this end, I welcome the recent move by the administration to lift some of the sanctions that specifically targeted the Milosevic regime, namely the flight ban and the oil embargo, while retaining the so-called "outer wall" of sanctions. I also commend the State Department's decision to send a delegation to Belgrade to discuss the Kostunica government's assistance needs.

Mr. President, extending a helping hand does not, however, mean giving Kostunica and his new government a free pass when it comes to accounting for the terrible crimes of the Milosevic regime. To unilaterally lift all sanctions, or to open up the aid spigot fully would be both premature and naive. Instead, the United States should adopt a more measured response, recognizing as well the fact that a too forward-leaning or heavy handed policy could risk undermining Kostunica before he is able to consolidate power. The following immediate steps would, I believe, help lay the correct groundwork for future cooperation.

First, the United States must maintain its insistence that Milosevic be delivered to the Hague to stand trial for war crimes. Anything less would fatally undermine the International Tribunal.

Second, even as we congratulate Mr. Kostunica and recognize him as an estimable improvement over his predecessor, we must emphasize to him that his democratic credentials alone will not be a sufficient qualification for Serbia to reenter the international community. A Kostunica government must fully respect the independence of Bosnia and Herzegovina and not undermine the Dayton Accords. Kostunica's recent meeting in Sarajevo with the three members of Bosnia's collective presidency gives some grounds for optimism. Serbia must also unequivocally renounce the use of force in Kosovo and take steps to implement policies that reflect a respect for minorities and rule of law.

The foreign operations bill for fiscal year 2001 will, in fact, condition U.S. assistance to Serbia on meeting the above benchmarks. I support this section of the bill because it is the right thing to do and the right message to send. But while we should remain firm in our policy, we must also be flexible in our evaluation, recognizing what Kostunica is able to do and what he is unable to do while pro-Milosevic forces still wield considerable power in the Serbian government.

Third, the Stability Pact for Southeast Europe must be given a jolt. Too much time has been wasted on conferences and working groups. Assistance must begin to flow in the next few months. A long-needed measure to help the front-line states would be a crash-effort to clear the Danube River of