

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