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Citation: 5 William H. Manz Federal Copyright Law The Histories of the Major Enactments of the 105th S6726 1999

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No nationwide key recovery system, or a new licensing requirement for certificate authorities should be brought to the floor without thorough examination, analysis and understanding. We must further study the impact of these provisions well before this bill is brought to the Senate floor.

Mr. LOTT. Mr. President, I too would like to work with my colleagues to improve the McCain-Kerrey bill before it is brought to the floor. I would like to ask my good friend from Missouri to pay special attention to this bill while it is under consideration by the Judiciary Committee. I know that I can count on him to work hard to improve this important legislation.

Mr. ASHCROFT. Mr President: I want to indicate my willingness to continue to work on this issue. As the majority leader well knows, I am privileged to serve on the Senate Judiciary Committee where we will address this issue after the July recess. I pledge to work with members on that Committee and with other interested Senators and the leader to try to move a bill in that committee that will capture the essence of Burns substitute.

Mr. LOTT. It remains my hope that we can work with Chairman MCCAIN and other members of the Committee to produce a bill that more of us can support. We need to recognize that American industry will have increased difficulty of competing in the international marketplace unless we provide some real reform. It is as if we erected a 30-foot wall between the United States and the rest of the world. The problem is that in today marketplace, American industry only has a 10-foot ladder while their foreign competition has a 35-foot ladder. Foreign firms are able to climb the wall while our American industry faces an insurmountable obstacle. This is both short-sighted and wrong.

If we follow our current path, we will rue the day when we allowed our policies drive world leadership of the important information security business to shift to Germany, Russia, Japan or China. I fully intend to work toward a legislative solution that will help solve the problem while protecting American security interests. We need to create the mechanisms that will allow American companies to have the same sized ladders that the rest of the world can use.

Mr. President, we all appreciate the legitimate law enforcement and national security issues involved in this debate. Our national security and law enforcement agencies need to work with industry to ensure that our interests are protected. I remain convinced that we can do this in a way that insures that our national security and sovereignty remains protected.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Thursday, June 26, 1997, the Federal debt, stood at $5,338,210,524,473.68. (Five trillion, three hundred thirty-eight billion, two hundred ten million, five hundred twenty-four thousand, four hundred seventy-three dollars and sixty-eight cents)

One year ago, June 26, 1996, the Federal debt, stood at $5,118,104,000,000. (Five trillion, one hundred eighteen billion, one hundred four million)

Five years ago, June 26, 1992, the Federal debt, stood at $3,946,126,000,000. (Three trillion, nine hundred forty-six billion, one hundred twenty-six million)

Ten years ago, June 26, 1987, the Federal debt, stood at $2,292,475,000,000. (Two trillion, two hundred ninety-two billion, four hundred seventy-five million)

Twenty-five years ago, June 25, 1972, the Federal debt, stood at $425,367,000,000 (Four hundred twenty-five billion, three hundred sixty-seven million) which reflects a debt increase of nearly $5 trillion—$4,912,843,524,473.68 (Four trillion, nine hundred twelve billion, eight hundred forty-three million, five hundred twenty-four thousand, four hundred seventy-three dollars and sixty-eight cents) during the past 25 years.

WHERE ARE THE WIPO TREATIES

Mr. HATCH. Mr. President, for some time now the Judiciary Committee has been working on issues dealing with copyright protection on the Internet and the copyright rights of performers and sound recordings. The Digital Performance Right in Sound Recordings Act that I introduced was passed in 1995, and my National Information Infrastructure Copyright Protection Act was the subject of two hearings in the last Congress. The NII Copyright Protection Act was superseded by the Clinton administration's effort to deal with many of the same issues in the context of two new treaties, the World Intellectual Property Organization [WIPO] Copyright Treaty and the WIPO Performances and Phonograms Treaty.

These treaties were concluded successfully in Geneva in December 1996. Since then, I have been eagerly awaiting the administration's draft of implementation legislation. To date, I have not received such legislation, and the Foreign Relations Committee has not received the treaties. I know that the administration shares the respect that I have for copyright, and I commend Bruce Lehman, the Commissioner of Patents and Trademarks, for the splendid work that he did on negotiating the treaties, but I am concerned that 6 months have passed without draft legislation for the committee to work on.

Both WIPO treaties were completed in record time, because there was a sense of urgency about the vulnerability of U.S. copyrighted works to massive infringement by means of Internet access and about insufficient international copyright protection for sound recordings. Where is this sense of urgency now? Nothing has changed. Our copyright industries are still threatened.

In 1994, copyright-related industries contributed more than $385 billion to the American economy, or more than 5 percent of the total gross domestic product. This represents more than $50 billion in foreign sales, which exceeds every other leading industry sector except automotive and agriculture in contributions to a favorable trade balance. From 1977 to 1994, these same industries grew at a rate that was twice the rate of growth of the national economy, and the rate of job growth in these industries since 1987 has outpaced that of the overall economy by more than 100 percent.

Yet these same industries lost an estimated $18 to $22 billion to foreign piracy in 1995. The film industry alone estimates that its losses due to counterfeiting were in excess of $2.3 billion for that year, even though full-length motion pictures are not yet available on the Internet. The recording industry estimates its annual piracy losses in excess of $1.2 billion, with seizures of bootleg CDS up some 1,300 percent in 1995. These figures promise to grow exponentially as technology provides for quicker, more perfect digital reproduction, which is exactly why timely ratification of the WIPO treaties is so important..

I urge the administration to complete its work and to send the treaties to the Senate. I would like to get the treaties ratified and implementation legislation passed during this session of Congress. That goal may already be unachievable because of administration delay. I hope not. I'll try my best.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2382. A communication from the General Counsel, Office of the Secretary, Department of Transportation, transmitting, pursuant to law, thirteen rules relative to the establishment of class E airspace (RIN2120-AA66), received on June 26, 1997; to the Committee on Commerce, Science, and Transportation.

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