

Freedom of religion is the first part of the first amendment. The United States was founded for religious freedom. The Pilgrims came here in 1607 for that purpose, as did my father Harry Specter, who literally walked across Europe with barely a ruble in his pocket in 1911 seeking a new life for himself and a family which he hoped to have, and religious freedom, because the Cossacks rode up and down the streets of Batchkurina, a small village in Ukraine, in Russia, where my father's brother, Mordechai Spectorski, had fought with the Cossacks, and they were looking for Mordechai Spectorski, who had fled the city. And, the Cossacks continued to look for members of the Specter family. My father immigrated to the United States, as did my mother Lillie Shanin, leaving a small town on the Russian-Polish border at the age of 5, coming to the United States in 1905.

The legislation which has passed the House of Representatives has some sanctions in it. It provides that there be no weapons of torture sold, and provides limitations as to what U.S. taxpayer money can be given for, other than humanitarian purposes. And, it seems to me that if the legislation is to have any effect, there have to be sanctions, there have to be weapons in the bill—teeth—in order to promote compliance.

I visited this past January in Saudi Arabia and talked to Saudi officials about concerns which I have and which others have had where Christians cannot display a Christmas tree in a window if it is visible from the outside, where Jewish soldiers are reluctant to wear their dog tags identifying themselves as being Jewish, a situation which is intolerable, where we have some 5,000 young men and women who are in Saudi Arabia to protect the Saudis.

The situation in Egypt is very serious where there are Evangelical Christians who are being persecuted, where they land in jail if there is a conversion from Islam to Christianity. I was unable to visit the Sudan because of difficulties there, but visiting in nearby Eritrea, I heard stories about the persecution of Christians in Sudan.

It is my hope that this legislation will be considered by the Senate in short order so that a firm stand will be taken to deal with the very serious issue of religious persecution worldwide.

Again, I compliment the House and chief sponsor, FRANK WOLF, and look forward to enactment of this legislation in the Senate. The bill passed by a vote of 375-41, which is well beyond the number necessary to be veto proof. The administration has been opposed to having sanctions in legislation, sanctions such as some of the ones proposed in the bill which I have offered and is pending in the U.S. Senate.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THURMOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

PRIVILEGE OF THE FLOOR

Mr. THURMOND. Mr. President, I ask unanimous consent that James Bynum, a Capitol Hill fellow, and Kurt Volker, a State Department fellow serving on Senator MCCAIN's staff, be granted privileges of the floor during the debate and any votes concerning S. 2057, the fiscal year 1999 National Defense Authorization bill, as well as any related amendments.

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

Mr. THURMOND. Mr. President, 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. INHOFE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. INHOFE. Mr. President, what is the current order?

The PRESIDING OFFICER. The current order is the Brownback amendment, No. 2407, to the Feinstein amendment, No. 2405.

Mr. INHOFE. Mr. President, I ask unanimous consent that be set aside and that I be allowed to send an amendment to the desk.

Mr. LEVIN. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. LEVIN. Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. COATS). Without objection, it is so ordered.

UNANIMOUS CONSENT REQUEST— S. 1415

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now proceed to Calendar No. 370, which is S. 1415, the tobacco bill, just reported from the Finance Committee.

The PRESIDING OFFICER. Is there objection?

Mr. ASHCROFT. I object.

The PRESIDING OFFICER. Objection is heard.

ADJOURNMENT

Mr. LOTT. I now move that the Senate stand in adjournment for 1 minute.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to, and at 5:07 p.m., on Thursday, May 14, 1998, the Senate adjourned until 5:08 p.m. the same day.

AFTER ADJOURNMENT

The Senate met at 5:08 p.m., pursuant to adjournment, and was called to order by the Hon. DAN COATS, a Senator from the State of Indiana.

The PRESIDING OFFICER. The majority leader is recognized.

ORDER OF PROCEDURE

Mr. LOTT. I now ask that the routine requests through the morning hour be granted.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

UNIVERSAL TOBACCO SETTLEMENT ACT—MOTION TO PROCEED

CLOTURE MOTION

Mr. LOTT. Mr. President, I now move to proceed to Calendar No. 370, S. 1415, and send a cloture motion to the desk.

The PRESIDING OFFICER. The clerk will read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to calendar No. 370, S. 1415, regarding tobacco reform:

Trent Lott, John McCain, Ben Nighthorse Campbell, James Inhofe, Christopher Bond, Gordon Smith, Robert Bennett, Harry Reid, Ted Stevens, Richard Shelby, Mike DeWine, Susan Collins, Slade Gorton, Jay Rockefeller, John Kerry, Christopher Dodd.

Mr. LOTT. Mr. President, I want to announce, for the information of all Senators, that the vote will occur on this cloture motion Monday, May 18, at a time to be determined by the majority leader after consultation with the Democratic leader, and the mandatory quorum under rule XXII be waived.

It is anticipated this vote will occur at 5:30 Monday afternoon. We have, in the past, over the past month, tried to make Senators aware of Mondays and Fridays, that we would not be having votes. This Friday we will not be having any votes. We notified the Members of that, I think at least 3 weeks ago. But we have been saying all along on Monday, the 18th, they should expect a vote. But we will try to have it late in the afternoon, so we could conduct some business during the morning and afternoon, so Senators will have time to get back here from their respective States. We do expect that vote probably around 5:30, but we want to check with all the Senators to see if that is the best possible time. We may need to move it a little bit one way or the other.

Mr. LOTT. I now withdraw the motion I made.

The PRESIDING OFFICER. The motion is withdrawn.

DIGITAL MILLENNIUM COPYRIGHT ACT OF 1998

Mr. LOTT. Mr. President, I ask the Senate turn to Calendar No. 358, S. 2037, regarding the WIPO treaty, which is the treaty dealing with digital copyright.

The PRESIDING OFFICER. Under the previous order, the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2037) to amend title 17, United States Code, to implement the WIPO Copyright Treaty and the WIPO Performances and Phonograms Treaty, to provide limitations on copyright liability relating to material online, and for other purposes.

The Senate proceeded to consider the bill.

Mr. LOTT. Mr. President, the Senate is now considering the WIPO Copyright Treaty which has up to 1 hour under the consent agreement that was reached on May 12. Therefore, the next vote will occur shortly—hopefully in less than an hour—on passage of the WIPO copyright bill, and that will be the last vote of the day.

I know there are some Senators here who have worked on this issue who do want to be heard briefly—the Senator from Missouri, and, of course, the Senator from Utah has been working on this assiduously. We had a little problem we ran into yesterday, but we are going forward with this and we will try to work it out with the House, and I will certainly try to be helpful with that.

This is important legislation. A lot of effort has been put into it. Some of the problems have been resolved, thanks to the courtesy and leadership of Senator HATCH, working with Senator ASHCROFT. So I think we need to go ahead and do it today and we will have had, really, an incredible week on these high-tech bills.

Again, the next vote will occur on Monday—there will be no further votes after the WIPO vote tonight—and I will notify all Members as to the time of that vote.

With regard to the DOD authorization matter, I will be talking with the managers of this legislation to see what their wishes are, and we will have some further announcements of when that legislation will be brought up again.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the time allocated for this debate is 60 minutes, equally divided and controlled between the Senator from Utah, Mr. HATCH, and the Senator from Vermont, Mr. LEAHY, with 15 minutes of the time of Mr. HATCH controlled by the Senator from Missouri, Mr. ASHCROFT.

The Senate will be in order.

Mr. ASHCROFT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. HATCH. I would like to yield to the distinguished Senator from Arizona for an amendment that he has to take care of.

Mr. MCCAIN. Mr. President, I ask unanimous consent to send to the desk an amendment that is on the DOD bill.

The PRESIDING OFFICER. The Presiding Officer will advise the Senator the DOD bill is not the pending business.

Mr. MCCAIN. Can I, by unanimous consent, send up that amendment?

Mr. LEVIN. I object. Reserving the right to object.

Mr. MCCAIN. It is an amendment that has been accepted by both sides.

Mr. LEVIN. On the DOD bill? I have to object. There are too many pending amendments. I am sorry, if the Senator can clear that—

The PRESIDING OFFICER. Objection is heard. The Senator from Utah.

Mr. HATCH. Mr. President, I ask this time not be charged.

The PRESIDING OFFICER. The amendments are submitted and will be numbered. The Senator from Utah.

Mr. HATCH. I ask that time not be charged to the present act.

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

Mr. HATCH. Mr. President, I rise to speak in support of the Digital Millennium Copyright Act of 1998, S. 2037. The DMCA is the most comprehensive bill that has come before the Senate regarding the Internet and the digital world in general.

The DMCA in Title I implements the World Intellectual Property (WIPO) treaties on copyright and on performers and phonograms, and in Title II limits the copyright infringement liability of on-line and Internet service providers (OSPs and ISPs) under certain circumstances. The DMCA also provides in Title III a minor but important clarification of copyright law that the lawful owner or lessee of a computer may authorize someone to turn on their computer for the purposes of maintenance or repair. Title IV addresses the issues of ephemeral recordings, distance education, and digital preservation for libraries and archives.

Due to the ease with which digital works can be copied and distributed worldwide virtually instantaneously, copyright owners will hesitate to make their works readily available on the Internet without reasonable assurance that they will be protected against massive piracy. Legislation implementing the treaties provides this protection and creates the legal platform for launching the global digital on-line

marketplace for copyrighted works. It will facilitate making available quickly and conveniently via the Internet the movies, music, software, and literary works that are the fruit of American creative genius. It will also encourage the continued growth of the existing off-line global marketplace for copyrighted works in digital format by setting strong international copyright standards.

The copyright industries are one of America's largest and fastest growing economic assets. According to International Intellectual Property Alliance statistics, in 1996 (when the last full set of figures was available), the U.S. creative industries accounted for 3.65% of the U.S. gross domestic product (GDP)—\$278.4 billion. In the last 20 years in which comprehensive statistics are available—1977–1996—the U.S. copyright industries' share of GDP grew more than twice as fast as the remainder of the economy—5.5 percent versus 2.6 percent.

Between 1997 and 1996, employment in the U.S. copyright industries more than doubled to 3.5 million workers—2.8 percent of total U.S. employment. Between 1977 and 1996 U.S. copyright industry employment grew nearly three times as fast as the annual rate of the economy as a whole—4.6 percent versus 1.6 percent. In fact, the copyright industries contribute more to the U.S. economy and employ more workers than any single manufacturing sector, including chemicals, industrial equipment, electronics, food processing, textiles and apparel, and aircraft.

More significantly for the WIPO treaties, in 1996 U.S. copyright industries achieved foreign sales and exports of \$60.18 billion, for the first time leading all major industry sectors, including agriculture, automobiles and auto parts, and the aircraft industry. There can be no doubt that copyright is of supreme importance to the American economy. Yet, American companies are losing \$18 to \$20 billion annually due to the international piracy of copyrighted works.

But the potential of the Internet, both as information highway and marketplace, depends on its speed and capacity. Without clarification of their liability, service providers may hesitate to make the necessary investment to fulfill that potential. In the ordinary course of their operations service providers must engage in all kinds of acts that expose them to potential copyright infringement liability.

For example, service providers must make innumerable electronic copies in order simply to transmit information over the Internet. Certain electronic copies are made to speed up the delivery of information to users. Other electronic copies are made in order to host World Wide Web sites. Many service providers engage in directing users to sites in response to inquiries by users or they volunteer sites that users may find attractive. Some of these sites might contain infringing material. In