

PERSONAL EXPLANATION

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 5, 1998

Mr. ENGEL. Mr. Speaker, I was necessarily absent during roll call votes 203, 204, and 205. If present, I would have voted 'yes' on roll call vote 203, 'yes' on roll call vote 204, and 'no' on roll call vote 205.

IMPACT OF MINIMUM WAGE INCREASE

HON. JAY DICKEY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 5, 1998

Mr. DICKEY. Mr. Speaker, I rise today to bring to the attention of my colleagues the wise remarks of Mr. Leo Collins in the following article which appeared in the Pine Bluff Commercial. As a former small business owner myself, I understand and believe the comments made by Mr. Collins. Another increase in the minimum wage will have a negative impact on jobs, especially jobs for teenagers. Increases in the minimum wage lead employers to cut back on work hours and training. Unfortunately, low-skilled teenage workers will be the first to be affected. Combining the cutback of hours and training with the loss of job opportunities, this means that many youths are prevented from reaching the first rung on the ladder of success.

[From the Pine Bluff Commercial]
TO OVERCOME MEANS ACCEPTING REALITY
(By Leo Collins)

I became acquainted with a young Nigerian male some years ago who was fortunate to be one of a few chosen by his government to be given the opportunity to study and attend school in America.

He thought himself special and could not understand why so many Americans, particularly young blacks, did not pursue an education in an aggressive way since education was so accessible.

This young man was my roommate one summer while I was in graduate school. He asked me one day, "Why is it that blacks in America who will not take full advantage of an education, continue to blame other racial groups for their own personal failures?" I had no concrete answer.

He said, since he had been in America, it seems that every other race of people tend to overcome poverty except blacks. Other groups, he said, tend to take full and complete advantage of public schools, educational grants and low interest college student loans.

Every other group, other than American blacks—he implied—tend to develop a bond between themselves not too much unlike a mother and a new born child. He added that American blacks either do not like each other or they do not trust each other.

I had to tell him at that point that even though he is a Nigerian, his ancestors have never been enslaved. I told him that all of the other racial groups he sees came to America on their own accord. They didn't come, I told him, in the belly of slave ships and once here, sold on an auction block as chattel to the highest bidder.

I did not want him to go back to his native Nigeria with his knowledge bucket half full

and half empty. I insisted that he fully understand that the black experience was unique only to blacks in America. He needs to fully understand that there is nothing in the annals of world history to compare that experience with; therefore, he shouldn't try to make a simple analogy when he returns to his native homeland.

Even today, blacks have not gotten completely away from the yoke of suppression. Too many are still seeking a solution to their economic, social and political woes outside of their own ranks. Many seemingly seek ways to generate failure. They do so by dropping out of school, defying authoritative symbols, joining street gangs, resisting parental guidance, etc.

Blacks tend to keep the memory of slavery alive by doing to themselves exactly what the old slave masters of a bygone era did to them; that being, denying themselves the opportunity to develop the most important human organ: their minds.

Today, there is a great demand for all kinds of workers. Employers cannot find enough workers. But do you know who still cannot find work? I'll tell you: 9.6 percent of current unemployed Americans are black. Out of nearly 6 million unemployed, 600,000 are black. Is this because of racism? Some of it may be, but the bulk of it isn't.

Blacks are not getting the technical training needed in today's job market. Dropping out of school in the ninth grade doesn't prepare you for much other than membership in a street gang and a short life span.

Blacks must learn to bond with each other and stay in school. Being dumb is not being cool; it's being stupid. Minimum wage, as benevolent as it is, is only another crutch aimed at pacifying black Americans that there is no need to rush to help yourself. Uncle Sugar will guarantee you a marginal lifestyle.

Blacks should develop their skills. Minimum wage laws do nothing but pacify the conscience of whites who support it and sedate the minds of blacks who accept it. Minimum wage is not a panacea for high school dropouts.

H.R. 2652 "COLLECTIONS OF INFORMATION ANTIPIRACY ACT"

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 5, 1998

Mr. HYDE. Mr. Speaker, I would like to place in the RECORD the correspondence between Chairman BLILEY and myself on this legislation.

HOUSE OF REPRESENTATIONS,
COMMITTEE ON THE JUDICIARY,
Washington, DC, June 3, 1998.

Hon. TOM BLILEY,
Chairman,
Committee on Commerce, House of Representatives,
Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter of May 19, 1998, expressing your interest in H.R. 2652, the "Collections of Information Antipiracy Act."

As you know, H.R. 2652 was introduced on October 9, 1997. Its predecessor in the 104th Congress, H.R. 3531, authorized by then-Chairman of the Subcommittee on Courts and Intellectual Property, Carlos Moorhead, was introduced on May 23, 1996. H.R. 3531 was introduced in anticipation of a Diplomatic Conference on Intellectual Property in Databases held by the World Intellectual Property Organization in Geneva, Switzerland in

December, 1996, and on a Directive issued by the European Union under which member countries must enact laws to protect collections of information and pursuant to which American collections would not receive reciprocal protection without offering comparable protection to foreign collections in the U.S. Both bills were referred to the Committee on the Judiciary.

H.R. 2652 was the subject of two days of hearings held by the Subcommittee on Courts and Intellectual Property on October 23, 1997 and on February 12, 1998. The Subcommittee held a markup on H.R. 2652 on March 18, 1998. The full Committee held a markup on the bill on March 24, 1998. The bill was reported to the House on May 12, 1998 (H. Rept. 105-525) and placed on the Union Calendar (Calendar No. 297) on that same date. I first learned of your interest in this important legislation on May 12, the date it was reported and placed on the Union Calendar, as the manager of the bill was preparing to call it up for consideration under suspension of the Rules on the House floor. After you expressed initial concerns, I agreed to recommend a one week delay in the consideration of the bill so that you might review it. It passed the House under suspension of the Rules on May 19, and was received in the Senate on May 20, 1998. It has been referred to the Senate Committee on the Judiciary for consideration by the other body.

There are several statements and assertions contained in your letter to me in need of clarification. The "Collections of Information Antipiracy Act" is legislation necessary to serve as a complement to copyright protection of collections in which there has been substantial investment. It does not, as your letter indicates, create a new federal property right; rather, like the Lanham Act for trademark protection, it prohibits misappropriation of another's collection under certain circumstances. The general prohibition and other specific provisions guarantee that a use of a collection similar to a "fair use" under copyright law is permitted.

The bill was developed in the aftermath of the Supreme Court's 1991 decision in *Feist Publications v. Rural Telephone Service Co.*, which, in denying copyright protection for certain collections, highlighted the need for Congress to establish a separate complementary federal remedy for the unauthorized copying of collections of information in order to guarantee complete protection. The bill is based on United States "sweat of the brow" case law predating the application by courts of copyright protection to collections of information, and was suggested as one viable way of "filling in" the "Feist gap" in a Report issued by the Copyright Office of the United States on Database Protection in September, 1997.

While, like almost every piece of legislation, H.R. 2652 affects commerce generally, it does not discriminate between environments in which collections may appear, such as print or digital, nor does it "govern a key component of interstate and foreign electronic commerce," as you assert. Rather, it establishes a legal right to bring a cause of action in federal district court for the unauthorized taking of another's collection of information organized, gathered, or maintained through the investment of substantial monetary or other resources. The bill specifically denies protection to any product or service incorporating a collection of information which is gathered, maintained or organized to address, route, forward, transmit, or store digital online communications or provide or receive access to connections for digital online communications. Thus, the bill provides a new legal cause of action in federal courts, rather than regulating any element or function relating to digital communications or electronic commerce.