

with the corresponding implementation legislation that would update current U.S. copyright laws. We will have accomplished that task.

On October 8, 1998, the Senate unanimously passed the conference report to H.R. 2281, the Digital Millennium Copyright Act. This legislation will allow for the full implementation of the WIPO Treaties, by modifying current U.S. law in a few areas to meet the obligations imposed by the treaties and to ensure that liability questions are clearly defined in the treaties. U.S. copyright laws are strong and are vigorously enforced. However, these changes were needed to bring them up to date so U.S. law fell into compliance with the WIPO Treaties.

American creativity is the key to our competitiveness in this global economy. With so many industries in the United States protected by copyright—such as the computer software, music, recording, audio-visual and publishing industries—being among the most dynamic and fastest-growing sectors of the U.S. economy, it is important to protect these industries. In 1996, in a study commissioned by the International Intellectual Property Alliance, it was estimated that the U.S. creative industries contributed almost \$280 billion to the Gross Domestic Product, and accounted for some 3.5 million jobs, surpassing any single manufacturing sector by both measures. Most important, the estimated \$60 billion of foreign sales and exports by the U.S. copyright industries in 1996 made them the leading export sector of the entire economy. Consequently, the strength of legal protection in other countries for U.S. copyrighted materials is a key factor in promoting our global competitiveness.

The growth of digital networks such as the Internet offers an exciting opportunity for enhanced access by U.S. creators to world markets, but also presents a threat in the form of increased digital piracy of American works of authorship. The same technology that enables rapid and efficient authorized dissemination of U.S. copyrighted materials around the world also enables pirates to make and distribute perfect copies of these materials without authorization, more rapidly and efficiently than ever before, and with less risk of detection. Network-based digital piracy threatens to inflict losses on American creators that dwarf the estimated \$18–20 billion which our creative industries now lose to overseas piracy every year. For these reasons, I plan to hold a hearing next year in my subcommittee on International Economic Policy, Export and Trade Promotion on the effects of software piracy on the U.S. economy as well as the global economy.

Given the leading role of the U.S. creative industries in the global trade in computer software, music and recordings, and published test materials, it is clearly in the U.S. national interest for the WIPO Treaties to come into

force as soon as possible. Prompt U.S. ratification of the treaties will send a clear message to other countries and will provide critical momentum to the drive to bring the treaties into force.

I urge my colleagues to approve the Resolution of Ratification, and thus complete the process of giving the Senate's advice and consent to these two important treaties.

Mr. DEWINE. Mr. President, also on behalf of the majority leader, Senator LOTT, I ask for a division vote on the resolutions of ratification.

The PRESIDING OFFICER. A division is requested.

Senators in favor of the ratification of the treaties please stand and be counted. (After a pause.) Those opposed to the ratification will please stand and be counted.

On this vote, with two-thirds of the Senators present having voted in the affirmative, the resolutions of ratification are agreed to.

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

#### EXTENSION OF FISCAL YEAR 1999 VISA PROCESSING PERIOD

Mr. DEWINE. Mr. President, on behalf of the majority leader, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 4821, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 4821) to extend into fiscal year 1999 the visa processing period for diversity applicants whose visa processing was suspended during fiscal year 1998 due to embassy bombings.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. DEWINE. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The bill (H.R. 4821) was considered read the third time and passed.

#### INTERNATIONAL ANTI-BRIBERY ACT OF 1998

Mr. DEWINE. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on the bill (S. 2375) to amend the Securities Exchange Act of 1934 and the Foreign Corrupt Practices Act of 1977, to strengthen prohibitions on international bribery and other corrupt practices, and for other purposes.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

*Resolved*, That the House disagree to the Senate amendments numbered 2 through 6 of the House amendment to the bill (S. 2375) entitled "An Act to amend the Securities Exchange Act of 1934 and the Foreign Corrupt Practices Act of 1977, to strengthen prohibitions on international bribery and other corrupt practices, and for other purposes", and agree the Senate amendment numbered 1 with the following amendment:

In lieu of the matter proposed to be stricken by such amendment strike line 8 on page 23 of the House engrossed amendments and all that follows through line 2 on page 25 and insert the following:

(c) *EXTENSION OF LEGAL PROCESS.*—

(1) *IN GENERAL.*—Except as required by international agreements to which the United States is a party, an international organization providing commercial communications services, its officials and employees, and its records shall not be accorded immunity from suit or legal process for any act or omission taken in connection with such organization's capacity as a provider, directly or indirectly, of commercial telecommunications services to, from, or within the United States.

(2) *NO EFFECT ON PERSONAL LIABILITY.*—Paragraph (1) shall not affect any immunity from personal liability of any individual who is an official or employee of an international organization providing commercial communications services.

(3) *EFFECTIVE DATE.*—This subsection shall take effect on May 1, 1999.

(d) *ELIMINATION OR LIMITATION OF EXCEPTIONS.*—

(1) *ACTION REQUIRED.*—The President shall, in a manner that is consistent with requirements in international agreements to which the United States is a party, expeditiously take all appropriate actions necessary to eliminate or to reduce substantially all privileges and immunities that are accorded to an international organization described in subparagraph (A) or (B) of subsection (a)(1), its officials, its employees, or its records, and that are not eliminated pursuant to subsection (c).

(2) *DESIGNATION OF AGREEMENTS.*—The President shall designate which agreements constitute international agreements to which the United States is a party for purposes of this section.

COLLOQUY ON S. 2375

Mr. D'AMATO. I am aware that the Senator from Montana has raised concerns regarding section 5 of the bill. Do the amendments considered by the Senate today satisfy your concerns?

Mr. SARBANES. If the Senator would yield, as the Ranking Democrat of the Senate Banking Committee, I would also like to know the views of the Senator from Montana.

Mr. BURNS. I thank my colleagues. Yes, the amendments do satisfy my concerns.

The amendments to the Foreign Corrupt Practices Act (FCPA) approved by the Senate today, to implement in the United States the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions, are an important achievement in ensuring fair play for American companies doing business overseas. The value of this legislation for U.S. business fully justifies the action we are taking today. However, there are provisions in this bill that are unrelated to implementation of the