

for databases, just as for other kinds of works. Copying factual material from a database, and rearranging it to form a competing information product—just the kind of behavior that copyright protection may not effectively prevent—is cheaper and easier than ever, through digital technology that is now in widespread use.

When all these factors are added together, the bottom line is clear: it is time to consider new federal legislation to protect database developers against piracy and unfair competition, and thus encourage continued investment in the production and distribution of valuable commercial databases. Such legislation could improve the market climate for databases in the United States; ensure protection for U.S. databases abroad on an equitable basis; place the United States on the leading edge of an emerging international consensus; and provide a balanced and measured response to the new challenges of cyberspace. The bill I introduce today aims to advance these goals.

While copyright, on the Federal level, and the State contract law underlying licensing agreements, remain essential tools for protecting the enormous investment in databases from the threat of unfair competition, there are gaps in the protection that can best be filled by a new Federal statute. The Database Investment and Intellectual Property Antipiracy Act would prohibit the misappropriation of valuable commercial databases by unscrupulous competitors who grab data collected by others, repackaging it, and market a product that threatens competitive injury to the original database. This new Federal protection is modeled in part on the Lanham Act, which already makes similar kinds of unfair competition a civil wrong under Federal law. It also draws on some of the positive elements of the European directive, and is intended to be fully consistent with the draft international treaty language being put forward by our negotiators in Geneva. Importantly, this bill maintains existing protections for databases afforded by copyright and contract rights. It is intended to supplement these legal rights, not replace them.

The Database Investment and Intellectual Property Antipiracy Act is a balanced proposal. It is aimed at actual or threatened competitive injury from misappropriation of databases or their contents, not at non-competitive uses. The bill contains specific exemptions for use of insubstantial portions of databases for any purpose. The bill specifically allows innovators to create their own databases independently, as a result of their own work and investment, as opposed to "free riding" on the work and investment of others. Our goal is to stimulate the creation of even more databases, and to encourage even more competition among them. The bill avoids conferring any monopoly on facts, or taking any other steps that might be inconsistent with these goals.

Some sections of this bill are modeled closely on the non-copyright provisions of H.R. 2441, the NII Copyright Protection Act of 1995, as introduced last fall. As these provisions in the NII legislation are refined and improved in the legislative process, I anticipate that conforming changes would be made to the corresponding provisions of the Database Investment and Intellectual Property Antipiracy Act as well.

This legislation provides the starting point for legislative activity on an important and complex subject. I look forward to hearing the

suggestions and reactions for interested parties, and of my colleagues, in the near future, and to working with the Administration to strengthen protections for U.S. databases both at home and around the world.

TRIBUTE TO RUTH NUSSBAUM

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 1996

Mr. BERMAN. Mr. Speaker, I am honored today to pay tribute to my good friend Ruth Nussbaum, who was a fervent supporter of Israel even before the founding of the country in 1948. She has worked tirelessly and dedicated much of her life to Israel and the Jewish people. Ruth is a dear friend of my uncle, Jack Shapiro and I have often heard him speak of her with great affection and respect. Jack and his late wife, my aunt Dora had tremendous admiration for the work done by Ruth and her late husband, Rabbi Max Nussbaum.

Born in Berlin, Ruth and her family emigrated to the United States from Germany in 1940, as Hitler's plans for the Jews became clear. They settled first in Oklahoma, where Max was rabbi at Temple Beth Ahava, and then moved to Los Angeles in September 1942. Soon after arriving in Los Angeles Max became rabbi at Temple Israel of Hollywood, and Ruth settled into a lifetime of activism.

From her first year in America, she enlisted in efforts to save European Jews from the Nazis. Her goal was getting the Jews to Palestine. After World War II, she became involved in the movement to lift immigration limitations in Palestine, and the establishment of Israel as an independent nation.

Following the death of Rabbi Nussbaum in 1974, Ruth increased her activities on behalf of Israel. She served for many years as Zionist affairs and program chair for the Los Angeles Chapter of Hadassah, and was chair of Israel Bonds' Women's Division and Advisory Council. In 1977 she was a founding member of the Association of Reform Zionists of America [ARZA], the Zionist affiliate of the Union of American Hebrew Congregations.

Ruth has visited Israel at least 20 times, attending missions, serving as a delegate to the World Zionist Congress and visiting her nieces and nephews. In this way she combines love for her family with love for her people.

I ask my colleagues to join me today in honoring Ruth Nussbaum, a woman whose selflessness and dedication is a shining example for us all. I am proud to be her friend.

THE HONORABLE SID YATES AT THE DAYS OF REMEMBRANCE CEREMONY

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 1996

Mr. LANTOS. Mr. Speaker, on April 16, Members of Congress, members of the Diplomatic Corps and hundreds of survivors of the Holocaust and their friends gathered here in the Capitol Rotunda for the National Days of Remembrance commemoration. The United

States Holocaust Memorial Council was established by Congress to preserve the memory of the victims of the Holocaust. I commend the Council and the members of the Days of Remembrance Committee, chaired by my good friend Benjamin Meed, for their vigilant and genuine adherence to their extraordinarily important task.

One of the first acts of the Council was to establish the annual Days of Remembrance commemoration to mirror similar observances held in Israel and throughout our nation and elsewhere in the world. This year, the commemoration centered on the 50th anniversary of the Nuremberg trials. The observance was a reminder of the difficult process of first coping and then healing that all survivors and their families and loved ones had to endure.

Our senior colleague, SID YATES, who himself served with distinction in the Navy in World War II, delivered a very poignant speech at the ceremony. I was so moved by his powerful speech that I invite my colleagues to take a moment to read his remarks.

THE DAYS OF REMEMBRANCE CANDLE LIGHTING CEREMONY

(By Sidney R. Yates)

"The first to perish were the children," said poet Yitzshak Katzenelson, himself a victim of the Nazis, and a witness to their destruction.

French author, Francois Mauriac who lived in occupied France said: "Nothing I have seen during these somber years left so deep a mark upon me as those hundreds, of Jewish children standing in Austerlitz station."

15,000 children were sent to Terezin concentration camp. Only 100 survived. Jiri Weil writes of these children: "Only the drawings and the poems—that is all that is left of these children, for their ashes have long since sifted across the fields around Auschwitz."

How could any person—kill innocent children—not 1 or 20 or 100—but 1.5 million children were exterminated by the Nazis.

We cannot forget the insane butchery of our young. We mourn for them—for their mothers and fathers and brothers and sisters—and we mourn for ourselves, for having lost them.

Today as we light the candles we will honor members of the staff who prosecuted the German leaders at The Nuremberg Trials for crimes unprecedented in human history. Unprecedented, yes, and also unspeakable.

As these candles are lighted we remember the victims of Nazi viciousness.

As we light these candles we will be remembering the children whose lives were snuffed out.

There is no punishment adequate for the crimes against the children. There is only our memory to keep them alive—forever.

We will Remember the Children.

ABERCROMBIE GUILD OF CHRIST HOSPITAL HONORED FOR 120 YEARS OF CONTINUOUS SERVICE

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 1996

Mr. MENENDEZ. Mr. Speaker, I rise today to pay tribute to the Abercrombie Guild of Christ Hospital for 120 years of service to the residents of Jersey City. A special ceremony to celebrate the guild's accomplishments will be held at the Liberty Science Center on May 23, 1996.