

Members of the House who may not, and I certainly could not blame them if they were not familiar with the ins and outs of all these programs, but I hope they will understand that these programs are important, that the committee does oversee them and that it is important that we move this legislation through to make all the different corrections that are in there.

So I would ask of the House, let us get this bill out and get it in conference. I pledge to continue working with the gentleman. It is a small part of the bill over which we have a disagreement. There is no question that the bill as a whole moves in the direction of pushing the portfolio gently towards smaller loans. I like that. We have worked for that under my chairmanship. He have worked for that with the ranking member. This is a modest inflationary update. I would hope that we would have the House's confidence in being able to make it and that we can move this bill through.

I would urge the House to support H.R. 2615.

Mr. MANZULLO. Mr. Speaker, will the gentleman yield?

Mr. TALENT. I yield to the gentleman from Illinois.

Mr. MANZULLO. Based upon the gentleman's assertions that he is willing to continue discussing this figure of \$750,000 increased to \$1 million, I would still be opposed to the bill, I will vote "no" on an oral vote but not call for a recorded vote.

Mr. TALENT. Reclaiming my time, I appreciate very much the gentleman's most gracious concession in that regard. I certainly will be glad to keep working with him. He and I disagree on this. My major concern is making sure that we have a proper balance in the portfolio so that we do not have the unintended impact of undermining the stability of the smaller loans that we do make by not allowing this minor inflationary update. But perhaps we can provide for that in some other context. I am happy to work with the gentleman in that regard.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MILLER of Florida). The question is on the motion offered by the gentleman from Missouri (Mr. TALENT) that the House suspend the rules and pass the bill, H.R. 2615.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. TALENT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on H.R. 2615.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

THOMAS S. FOLEY UNITED STATES COURTHOUSE AND WALTER F. HORAN PLAZA

Mr. COBLE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 211) to designate the Federal building and United States courthouse located at West 920 Riverside Avenue in Spokane, Washington, as the "Thomas S. Foley Federal Building and United States Courthouse", and the plaza at the south entrance of such building and courthouse as the "Walter F. Horan Plaza", as amended.

The Clerk read as follows:

H.R. 211

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF COURTHOUSE.

(a) DESIGNATION.—The Federal building and United States courthouse located at 920 West Riverside Avenue in Spokane, Washington, shall be known and designated as the "Thomas S. Foley United States Courthouse".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building and United States courthouse referred to in subsection (a) shall be deemed to be a reference to the "Thomas S. Foley United States Courthouse".

SEC. 2. DESIGNATION OF PLAZA.

(a) DESIGNATION.—The plaza located at the south entrance of the Federal building and United States courthouse referred to in section 1(a) shall be known and designated as the "Walter F. Horan Plaza".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the plaza referred to in subsection (a) shall be deemed to be a reference to the "Walter F. Horan Plaza".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. COBLE) and the gentleman from Washington (Mr. BAIRD) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. COBLE).

Mr. COBLE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 211, as amended, introduced by the gentleman from Washington (Mr. NETHERCUTT), honors two former Members of this body, former Speaker Tom Foley and Congressman Walter Horan. The amendment simply corrects the address and properly designates the facility as a United States courthouse, which the building is typically referred to as in Spokane.

This legislation will designate the United States courthouse and courthouse plaza in Spokane, Washington, as the "Thomas S. Foley United States Courthouse and Walter F. Horan Plaza". This designation is a most deserving one.

Ambassador Foley served in the Congress from January 1965 until December 1994. As most of the Members here are well aware, Ambassador Foley was our 49th Speaker of the House of Rep-

resentatives. Prior to his election as Speaker, Ambassador Foley was the majority leader, majority whip, chair of the Democratic Caucus and chairman of the Committee on Agriculture. Before being elected to the Congress, Ambassador Foley was special counsel to the Senate Committee on Interior and Insular Affairs. He also served as deputy prosecuting attorney in Spokane and assistant attorney general for the State of Washington.

After leaving this body, former Speaker Foley continues to distinguish himself in public service as the United States Ambassador to Japan. Naming the courthouse in Ambassador Foley's hometown is a reminder of his dedication and hard work in public service.

The plaza entrance to the courthouse will be designated as the "Walter F. Horan Plaza". This will be a reminder to all that are entering the courthouse through the main plaza of the many accomplishments by former Congressman Horan for his eastern Washington district.

If there ever was an example of the American dream, it is Walter Horan. He was born in a log cabin on the banks of the Wenatchee River in 1898. After attending the Wenatchee public schools, he was graduated from Washington State College in 1925. Prior to that, he entered World War I, serving for 2 years in the United States Navy as a gunner's mate third class. Upon graduation, he returned to his apple farm in Wenatchee, Washington where he engaged in fruit growing, packing, storing and shipping until he was elected to the 78th Congress in 1942. He went on to serve in the next 10 succeeding Congresses and rose to third in seniority on the Committee on Appropriations. He always gave close attention to agriculture and the conservation community. Former Congressman Horan passed away in 1966. Naming the Plaza on his behalf is a fitting designation.

This is a fitting tribute, Mr. Speaker, to two former Members of this body. I support the bill and urge my colleagues to join in support.

Mr. Speaker, I reserve the balance of my time.

Mr. BAIRD. Mr. Speaker, I yield myself such time as I may consume. Also, I want to thank the gentleman from North Carolina (Mr. COBLE) for introducing this bill and the gentleman from Pennsylvania (Mr. SHUSTER) for bringing this bill to the floor in such a timely manner.

I rise in strong support of H.R. 211, a bill to designate the Federal building and courthouse located at 920 West Riverside Avenue in Spokane, Washington as the Thomas S. Foley United States Courthouse, and the plaza located at the south entrance as the Walter F. Horan Plaza.

Mr. Speaker, as a new Member from Washington State, I know that we come here with big shoes to fill. We had Scoop Jackson, Warren Magnuson, and we had Speaker of the House Tom

Foley. Tom Foley had an outstanding and distinguished public career and it is a career that continues to this day. As we all know, for 30 years he ably represented the Fifth Congressional District in Washington. During that time he served as the majority leader, the majority whip, chairman of the House Committee on Agriculture and was, of course, the 49th Speaker of the House. Mr. Foley continues to serve today as our country's Ambassador to Japan.

During his time in Congress, Tom Foley's top legislative priorities included increasing the minimum wage, revising clean air standards and parental leave and child care measures.

Tom was a Washington native. He was born in Spokane in 1929. He attended local school, graduated from Gonzaga High School and went on to attend the University of Washington in Seattle. He later graduated from the University of Washington Law School in 1957.

Tom Foley's legacy is lasting and his reputation for fairness, for dignity and for openness is a model for all Members to follow. He is well respected, affable and a conciliatory person. Speaker Foley served to help make Congress the best forum for democracy in the entire world. It is with great pride that I support this bill.

Mr. Speaker, as was mentioned, H.R. 211 also honors Walt F. Horan by designating the plaza at the south entrance to the building as the Walter F. Horan Plaza.

As was mentioned earlier, Mr. Horan served his country in the House of Representatives for 22 years, from 1943 to 1965. He was proud of the fact, it was mentioned, that he was born in a log cabin on the banks of the Wenatchee River, truly a pioneer in our State and a pioneer in this legislative body. He attended local public schools. After graduating high school, he served in World War I as a gunner's mate third class. In 1925 he graduated from Washington State College in Pullman.

Walter Horan served with dignity and diligence for over 20 years. It is fitting and proper to honor him with this designation.

Mr. Speaker, I strongly support H.R. 211.

Mr. Speaker, I reserve the balance of my time.

Mr. COBLE. Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from Pennsylvania (Mr. SHUSTER) the chairman of the House Committee on Transportation and Infrastructure.

Mr. SHUSTER. I thank the gentleman for yielding me this time.

Mr. Speaker, I did not have the privilege of knowing Congressman Horan. I support this legislation strongly. But I did have the privilege and do have the privilege of knowing Ambassador Foley, of knowing him as a colleague, of knowing him as the distinguished Speaker of this House, of knowing him as the chairman of the Committee on

Agriculture, and I felt I had to be here today to express my enormous admiration for this distinguished American.

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He as a Speaker, a Democratic Speaker, but a Speaker of the Whole House, was always very, very fair. This distinguished American treated those of us in the minority, when indeed Republicans in the minority, with fairness, with consideration. In fact, one of my Democratic friends some years ago when Speaker Foley was indeed in the Chair leaned over with a smile on his face and whispered to me, "You know, one of the things, perhaps the only thing, that is wrong with Tom Foley is sometimes he is too bipartisan." Well, of course the Speaker is the Speaker of the Whole House, and he was fulfilling his duties and his obligations, and he was fulfilling them with dignity, with intelligence and in the best tradition of the great speakers of this august body.

Mr. Speaker, I certainly therefore want to very strongly support this legislation today as a tribute particularly to Ambassador Foley, and I want to note that indeed it is a Republican Member of Congress, the gentleman from Washington (Mr. NETHERCUTT) who has been the prime mover of this legislation, and I think that is very fitting because I believe it sends the very clear message that we on this side of the aisle have the same respect and love and affection for Speaker Foley that our good friends on the other side of the aisle certainly have indicated.

So I urge the passage of this legislation, and I trust and hope it will be unanimous.

Mr. BAIRD. Mr. Speaker, I have no more requests for time at this point, and I yield back the balance of my time.

Mr. COBLE. Mr. Speaker, I yield such time as he may consume to the gentleman from Washington (Mr. NETHERCUTT), the sponsor of the bill.

Mr. NETHERCUTT. Mr. Speaker, I thank the gentleman from North Carolina (Mr. COBLE) for the time and the gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from Washington (Mr. BAIRD) for their kind remarks. I am proud to be the sponsor of this legislation along with the other 8 members of the Washington State congressional delegation to name the Federal Court House in Spokane, Washington, my hometown, the Thomas S. Foley United States Courthouse and the plaza in front of that courthouse as the Walter F. Horan Plaza.

As the successor to Tom Foley, I came to know him very well in the 1994 elections, and I must say, as difficult as elections can be, the one that occurred in 1994 in my judgment and I think in the judgment of many other people was one that was carried on with great dignity and discussion and debate of the issues and the leadership that was proper for the future for our Fifth Congressional District.

I won that election with mixed emotions frankly. I felt terrible for my

predecessor who had served for 30 very long years and dignified years and years filled with great service, and I felt sorry that he ended his service with an election like that which occurred in 1994, but at the same time I was pleased to be able to represent the Fifth Congressional District and go forward in the years ahead, wanting to have good representation for the entire east side of the State of Washington.

So it was bitter sweet in many respects, but my respect for Mr. Foley certainly is not bitter sweet. It is undying, it is unyielding, it is constant, because I have had him as my representative before I came to public life for 30 years and Mr. Horan for the prior 22 years, virtually my entire adult life until I was elected in 1994. So I have known these two men and watched them represent eastern Washington and the State of Washington's interests with great dignity, with certainly unquestionable respect for the institution of Congress and respect for the people of eastern Washington.

During law school I happened to serve as a law clerk in the Spokane County Superior Court, and my prime judge for whom I was assigned was William F. Williams, a very close friend of Foley who was later a Supreme Court Justice in our State. But I also served as a law clerk for Thomas S. Foley's father, Judge Ralph Foley.

So Tom, the former Speaker, comes to this institution with a very distinguished background, a distinguished family. His mother and father were very highly recognized and respected in eastern Washington, as was Thomas S. Foley. He served, as was stated here, for 30 years representing our district as Speaker of the House, as majority leader, as chairman of the Committee on Agriculture, a chairmanship that was vitally important to eastern Washington and the agricultural community that exists there even to this day.

I saw Mr. Foley in Japan earlier this spring, and in characteristic conduct he conducted himself and has conducted himself as a representative of the United States of America in Japan with great respect and dignity, just as he did here in this House for so many years.

I just want the people of eastern Washington, the people of this country, to know that in designating this courthouse in the name sake of Tom Foley and Walt Horan we are paying tribute and respect to their work for all of us in eastern Washington and in our State of Washington, our beloved State of Washington. So it was with pleasure that all of the members of our delegation signed onto this bill that I introduced, most notably Democrats and Republicans alike who had worked with Mr. Foley and Mr. Horan in some respects and have enormous respect for those two men.

So I thank the House for considering this bill, I urge that it be adopted unanimously and that the respect and dignity that is due Mr. Horan and Mr.

Foley will continue under the name sake of the Thomas S. Foley United States Courthouse and the Walt F. Horan Plaza.

Mr. COBLE. I have no further requests for time, Mr. Speaker, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MILLER of Florida). The question is on the motion offered by the gentleman from North Carolina (Mr. COBLE) that the House suspend the rules and pass the bill, H.R. 211, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to designate the Federal building and United States courthouse located at 920 West Riverside Avenue in Spokane, Washington, as the 'Thomas S. Foley United States Courthouse', and the plaza at the south entrance of such building and courthouse as the 'Walter F. Horan Plaza'."

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. COBLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 211, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

COPYRIGHT DAMAGES IMPROVEMENT ACT OF 1999

Mr. COBLE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1761) to amend provisions of title 17, United States Code, relating to penalties, and for other purposes as amended.

The Clerk read as follows:

H.R. 1761

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Copyright Damages Improvement Act of 1999".

SEC. 2. STATUTORY DAMAGES ENHANCEMENT.

Section 504(c) of title 17, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking "\$500" and inserting "\$750"; and

(B) by striking "\$20,000" and inserting "\$30,000"; and

(2) in paragraph (2), by striking "\$100,000" and inserting "\$150,000".

SEC. 3. SENTENCING COMMISSION GUIDELINES.

Section 2(g) of the No Electronic Theft (NET) Act (28 U.S.C. 994 note) is amended by striking paragraph (2) and inserting the following:

"(2) In implementing paragraph (1), the Sentencing Commission shall amend the guideline applicable to criminal infringement of a copyright or trademark to provide an enhancement based upon the retail price

of the legitimate items that are infringed upon and the quantity of the infringing items. To the extent the conduct involves a violation of section 2319A of title 18, United States Code, the enhancement shall be based upon the retail price of the infringing items and the quantity of the infringing items.

"(3) Paragraph (1) shall be implemented not later than 3 months after the later of—

"(A) the first day occurring after May 20, 1999, or

"(B) the first day after the date of the enactment of this paragraph,

on which sufficient members of the Sentencing Commission have been confirmed to constitute a quorum.

"(4) The Commission shall promulgate the guidelines or amendments provided for under this section in accordance with the procedures set forth in section 21(a) of the Sentencing Act of 1987, as though the authority under that Act had not expired."

SEC. 4. EFFECTIVE DATE.

The amendments made by section 2 shall apply to any action brought on or after the date of the enactment of this Act, regardless of the date on which the alleged activity that is the basis of the action occurred.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. COBLE) and the gentleman from California (Mr. BERMAN) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. COBLE).

GENERAL LEAVE

Mr. COBLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and insert extraneous material into the RECORD on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. COBLE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1761 makes significant improvements in the ability of the Copyright Act to deter copyright infringement. It will increase the statutory damages available to copyright owners whose registered works have been infringed in an effort to deter infringing conduct. Copyright piracy is flourishing in the world. With the advanced technologies available and the fact that many computer users are either ignorant of the copyright laws or simply believe that they will not be caught or punished, the piracy trend will continue.

One way to combat this problem is to increase the statutory penalties for copyright infringement so that there will be an effective deterrent to this conduct.

Another significant aspect of H.R. 1761 addresses a problem the subcommittee learned about during an oversight hearing on the implementation of the NET Act and enforcement against Internet piracy. The House Judiciary Subcommittee on Courts and Intellectual Property received testimony about the lack of prosecutions being brought under the act by the Department of Justice and the Sentencing Commission staff failure to ad-

dress Congress' desire to impose strict penalties for violations of the act that will deter infringement in their recent report. H.R. 1761 clarifies Congress' intent that the United States Sentencing Commission ensure that the sentencing guideline for the intellectual property offenses provide for consideration of the retail price of the legitimate infringed-upon item and the quantity of infringing items in order to make the guidelines sufficiently stringent to deter such crime. This language gives the Sentencing Commission the discretion to adopt an aggravating adjustment where it may be appropriate in cases of pre-released copyright piracy in which no corresponding legitimate copyrighted item yet exists, but the economic harm could be devastating. These changes will enable the Department of Justice to better prosecute crimes against intellectual property.

It is vital that the United States recognizes intellectual property rights and provides strong protection and enforcement against violations of those rights. By doing that the United States will protect its valuable intellectual property and encourage other countries to enact and enforce strong copyright protection laws.

I would like to commend the distinguished gentleman from California (Mr. ROGAN) for his leadership in introducing this bill and his hard work in bringing it to this point. H.R. 1761 is an important piece of legislation, and I urge my colleagues to support it.

Mr. Speaker, I reserve the balance of my time.

Mr. BERMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 1761, the Copyright Damages Improvement Act of 1999. Consistent with the responsibility conferred on us by article 1, section 8, of the Constitution, we are required from time to time to assess the efficacy of our intellectual property laws in protecting the works of authors and inventors. Toward that end earlier this year the Subcommittee on Courts and Intellectual Property resolved to address several concerns which had been brought to our attention regarding the deterrence of copyright infringement and penalties for such infringement in those instances when it does unfortunately occur.

The bill originally reported out by the Committee on the Judiciary was broader in scope than the bill before us today, and I supported that bill in its previous form, but we resolved to bring before this body a bill reflecting a consensus, and that is what we have done. I know of no opposition to the bill under consideration today.

The bill has two key features. First the bill provides an inflation adjustment for copyright statutory damages. It has been well over a decade since we last adjusted statutory damages for inflation. Our purpose must be to provide meaningful disincentives for infringement, and to accomplish this the cost of infringement must substantially exceed the cost of compliance so that