

Nonetheless, family-planning opponents in this chamber vowed to strike the UNFPA provision within the overall bill before us today, claiming UNFPA support programs knowingly and intentionally participate in the management of forced abortion and sterilization in China.

While that portion of the bill greatly troubles me, I would like to convey my support for many of the other initiatives contained in this bill. The positive components of this bill include: increases in contributions to the poorest countries worldwide, new programs designed to improve the lives of Afghan women, a fund to allocate increased aid to international peacekeeping activities, and an increase of financial support for the Peace Corps and refugee assistance.

While we had a real chance today to make some significant changes to the way we provide assistance to women in other countries, I cannot deny the importance of so many other initiatives we've made available today. I rise in support of the bill and will work with like-minded colleagues and advocates to improve this bill before it comes back before us as a conference report.

FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 2004 AND 2005

SPEECH OF

HON. GREG WALDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 2003

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1950) to authorize appropriations for the Department of State for the fiscal years 2004 and 2005, to authorize appropriations under the Arms Export Control Act and the Foreign Assistance Act of 1961 for security assistance for fiscal years 2004 and 2005, and for other purposes:

Mr. WALDEN of Oregon. Mr. Chairman, I rise today to express my strong support for the amendment offered by my colleague from Colorado, which is designed to force the government of Indonesia to do what until now it has utterly failed to do—bring to justice the murderers who killed two American citizens and wounded eight others in Papua, Indonesia, in August of 2002.

Among the victims of that tragic attack were Ted Burgon of Sunriver, Oregon, and Rick Spier of Colorado, both of whom lost their lives. Ted's wife, Nancy Burgon, was wounded in the ambush, as were Ken Balk and Sandra Hopkins, also of Sunriver, and their young daughter, Taia. A number of other members of their party suffered injuries at the hands of the terrorists who perpetrated this cowardly attack.

Mr. Chairman, despite the time that has elapsed since the tragedy in Indonesia, the murderers of Burgon and Spier have not been brought to justice. Perhaps most disturbingly, there seems to have been little effort on the part of the Indonesian government, which receives substantial aid from the people of the United States, to ensure that these killers are made to pay for their crimes. Indeed, strong evidence suggests that government officials have actively thwarted the American investigation into the attack. This amendment is intended to correct this inequity.

Mr. Chairman, since the attack occurred, evidence has been brought to light suggesting that members of the Indonesian military, and not a rogue band of criminals, bears responsibility for the ambush. Following the attack, the Indonesian police conducted an inquiry and ultimately issued a report asserting that, "there is a strong possibility that the [attack] was perpetrated by members of the Indonesian National Army Force." Indeed, the attack occurred less than a half-mile away from an Indonesian military checkpoint. Moreover, various news services have reported that U.S. intelligence agencies have intercepted messages between Indonesian military officials implicating army personnel in the attack.

Mr. Chairman, from the beginning Indonesian authorities have been less than cooperative in assisting with the FBI investigation into the murders. Investigative agents were denied the opportunity to interview witnesses without Indonesian authorities present and were not permitted to bring forensic evidence back to the United States for analysis. It is my firm belief that if prosecuting the murderers of American citizens on Indonesian soil is not a priority for the government of Indonesia, they should not expect to receive assistance from the people of the United States.

My colleague's amendment would prevent Indonesia from receiving International Military Education and Training (IMET) funds until the President certifies to Congress that the Indonesian government and the Indonesian military are cooperating with American authorities in their investigation into the attack. Given the strong possibility that members of the Indonesian military were involved in the ambush, it would be an affront to the memory of Ted Burgon and Rick Spier, as well as the grieving families they left behind, to continue providing funding to the Indonesian armed forces. I urge my colleagues to support this amendment.

HONORING THE LIFE OF TYLER BENTON BALES

HON. DARLENE HOOLEY

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 16, 2003

Ms. HOOLEY of Oregon. Mr. Speaker, two and a half years ago, a dear boy in Salem named Tyler Benton Bales lost his battle with a rare genetic disease called Hurler Syndrome.

Although I never had the pleasure of knowing him, Tyler was somewhat of a celebrity in Salem. In fact, he was the subject of a front page article in the Salem Statesmen Journal in December of 2001, when a silent auction was held to raise money to offset the cost of an expensive bone marrow transplant that was his only chance to beat Hurlers Syndrome.

Unfortunately, Tyler's heart was not strong enough to survive the rigors of his transplant and chemotherapy. This sweet boy was only sixteen months old when he passed away.

The heartache of Tyler's loss did not ease for his parents.

As if it were not hard enough to lose your sixteen month old child, the Bales later learned—courtesy of the Internal Revenue Service—that someone was claiming Tyler as a dependent on their 2000 income tax return.

As disturbing as that was, the story got worse.

Because of disclosure issues, the IRS would not give out the name of the identity thief to the Salem Police Department, even though identity theft is a felony offense in Oregon. To date, two and one half years later, the Bales still do not know the identity of this thief. Because of current laws, the Bales and Salem Police Department will never know who stole their son's personal information.

Mr. Speaker, we can't even begin to imagine the anguish this family went through.

Tyler Benton Bales was so much more than a name, a date of birth, and a Social Security number—he was a little boy who was surrounded by love during his brief time with us. His parents—and the countless number of other people who loved him—should not see his memory dishonored by a common thief whose identity could not legally be disclosed by the IRS.

Mr. Speaker, that is why I am reintroducing the "ID Theft Loophole Closure Bill." This legislation simply changes the law to allow the IRS to furnish the name, Social Security number and address of a suspected identity thief to state and local law enforcement agencies for the exclusive purpose of locating the individual.

Just last Thursday the House Ways and Means Subcommittee on Social Security conducted hearings on the use and misuse of social security numbers. It is my hope that this legislation will be forwarded to the subcommittee as they seek to address ways to curb fraud and the theft of social security numbers.

Identity theft is not a victimless crime, although thieves don't put a gun to your head. We must cut through red tape that is preventing thieves from being prosecuted for their crimes, and I believe this legislation is the right tool for the job. I urge my colleagues to support the "ID Theft Loophole Closure Act," and yield the balance of my time.

THE AUTHOR, CONSUMER, AND COMPUTER OWNER PROTECTION AND SECURITY ACT OF 2003

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 16, 2003

Mr. BERMAN. Mr. Speaker, today, I join Representative JOHN CONYERS, JR. in introducing "The Author, Consumer, and Computer Owner Protection and Security Act of 2003" (ACCOPS Act).

The ACCOPS Act addresses the growing scourge of illegal activity on the Internet. Illegal activities online run the gamut from identity theft, distribution of child pornography, and unlicensed drug sales to stalking, fraud, trademark counterfeiting, and financial crimes.

Online copyright piracy, in particular, has gotten out of control. At any given moment, more than 4 million people are logged onto the single biggest peer to peer (P2P) file-swapping network, where they illegally traffic in over 850 million mostly-infringing files. P2P infringement of copyrighted music has garnered the most attention, but many other works, such as the latest Harry Potter book, are also widely infringed on P2P networks. On a daily basis, new web sites, with names such as Puretunes or Listen4ever, pop up offering

unauthorized downloads of copyrighted works. Internet Relay Chat (IRC) channels and File Transfer Protocol (FTP) sites remain havens for theft of the newest software or pre-release movies. Chat rooms and other e-groups designed for needlework hobbyists have morphed into unrepentant sources of copyrighted needlework infringement, with one Yahoo!-run group alone hosting almost 50,000 pages of copyright-infringing needlework designs.

It might be argued that the breadth of illegal activity online merely reflects that found in the physical world. While that may be true, the online world presents unique challenges. The relative anonymity of the Internet, the technological savvy of some malefactors, and the sheer number of scams collectively make it difficult to investigate and prosecute many online illegalities. Further, current law does not, in some instances, adequately address the nature of these online illegalities, or take into account the novel techniques used in their commission.

Law enforcement authorities need additional resources and statutory authority to effectively deal with this rash of online scams, crimes, and illegalities. Together with H.R. 2517, which Representative CONYERS and I joined Representative LAMAR SMITH in introducing, the ACCOPS Act will go a long way to providing law enforcement with the tools they need.

Title I of the ACCOPS Act is directed at providing law enforcement agencies with adequate resources and coordination authority to enforce the criminal copyright laws. Section 101 authorizes the appropriation of not less than \$15 million for criminal copyright enforcement for fiscal year 2004. Section 102 requires the National Intellectual Property Law Enforcement Coordination Council (NIPLECC) to develop guidelines to ensure that its component members share amongst themselves law enforcement information related to infringement of U.S. copyrighted works. Section 103 enables Congress to better monitor the success of law enforcement efforts by requiring the Attorney General to submit biannual, instead of annual, reports on criminal copyright cases.

Title 11 addresses the unique law enforcement challenges posed by the transnational character of online copyright infringement. With increasing frequency, investigators of online infringements find that the infringers are located outside the United States. Section 201 is designed to ensure that federal law enforcement agencies do everything in their power to pursue even foreign infringers. Section 201 requires the Attorney General to provide to a foreign authority evidence to assist such authority in determining whether a person has violated any of the copyright laws administered or enforced by the foreign authority, or in enforcing such foreign copyright laws. By ensuring the appropriate foreign authority will receive all relevant information and possible assistance on the case, Section 201 increases the likelihood that the foreign infringer will be prosecuted.

Title III of the ACCOPS Act clarifies the application of criminal copyright laws in the online world, and creates a number of new federal offenses to deter a broad range of illegal activity online.

Section 301 clarifies that the uploading of a single copyrighted work to a publicly acces-

sible computer network meets the 10 copy, \$2,500 threshold for felonious copyright infringement. Section 301 simply brings the law into accord with the reality that uploading a copyrighted work to a place from which millions can download it is equivalent to the distribution of 10 or more copies having a value of \$2,500 or more. This clarification is necessary because some prosecutors appear skeptical that they can successfully pursue cases against many uploaders of copyrighted works. Even though uploaders are the real culprits in the illegal distribution of copyrighted works, it is downloaders who make the vast majority of copies of the uploaded work.

While Section 301 ensures that a public upload meets the felony threshold, the uploader will still only have criminal liability if he actually infringed the copyright in the uploaded work. More importantly, uploaders will only have criminal liability if they have infringed willfully. The standard for proving willfulness is quite high—requiring proving both knowledge and intent on behalf of the infringer—thus there is no threat that Section 301 will subject relatively innocent infringers to criminal liability.

Section 302 addresses the problem of hackers, spammers, unscrupulous P2P software developers, and other online scam artists who have been known to “hijack” the personal computers (PCs) of the unsuspecting, and use those computers to engage in a variety of illegal or unauthorized activities. A July 12, 2003 New York Times article described how some PCs have been hijacked to distribute pornography. Several recent hearings in both the House and Senate detailed how popular peer-to-peer (P2P) software programs sometimes allow 3rd parties to “hijack” PCs to distribute child pornography and copyright-infringing material, come bundled with “spyware,” and otherwise jeopardize the privacy and security of PC owners.

To address these problems, Section 302 requires that PC owners receive clear and conspicuous notice, and provide consent, prior to downloading software that would allow third parties to store material on the PC, or use that PC to search for material on other computers. Section 302 strikes a careful balance between ensuring that computer owners are fully informed, and empowered to deal with, the privacy and security risks inherent in some software, and preserving the freedom of software developers to innovate.

Section 303 addresses another technique frequently used to facilitate Internet scams and illegal activities. Web sites are often used to undertake a variety of illegal activities. Web sites may pose as legitimate payment processors in order to steal financial information, offer copyright-infringing material for download, or sell non-FDA approved drugs. In an effort to escape detection, the operators of these sites often provide false or misleading contact information when registering the domain name of the web site. Over the past several Congresses, hearings before the Judiciary Subcommittee on Courts, the Internet, and Intellectual Property have highlighted this problem. Law enforcement agencies, the Federal Trade Commission, privacy protection organizations, and intellectual property rights holders have all documented the extent to which false domain name registration information substantially inhibited law enforcement investigations, consumer protection initiatives, privacy protec-

tion missions, and the exercise of intellectual property rights.

Section 303 will address this problem by making it a federal offense to provide false contact information when registering a domain name. Section 303 makes it a Federal criminal offense to knowingly and with intent to defraud provide material and misleading false contact information to a domain name registrar, domain name registry, or other domain name registration authority in registering a domain name. The penalty is a fine, imprisonment for not more than 5 years, or both.

Section 304 deals with the growing phenomenon of copyright thieves who use portable, digital video recorders to record movies off the screen in theaters. While not of pristine quality, once one “camcorded” movie appears on the Internet, it quickly proliferates onto the P2P networks and back onto the street in the form of unprotected DVDs. Thus, even one camcorded movie can effectively defeat the best efforts of movie owners to protect their multimillion dollar investments against illegal distribution.

Section 304 makes it a Federal criminal offense to, without authorization, camcord a movie in a theater. Section 304 mirrors legislation in several states, but will be far more effective by having a national impact.

Section 305 is related to Section 303. When setting up web sites through which to infringe copyrighted works, the operators of those web sites often provide false domain name registration information. If their web site attract the attention of law enforcement or rights holders, the operators can then disconnect it without much fear of being caught, and pop up elsewhere under another domain name with different contact information.

Section 305 directs courts to consider the knowing and intentional provision of material and misleading false contact information to a domain name registrar, domain name registry, or other domain name registration authority in registering a domain name as evidence of willfulness with regard to copyright infringements committed by the domain name registrant through the use of that domain name. While a prosecutor is already likely to proffer false domain registration information as indicative of willfulness, enactment of Section 305 will ensure that courts accord this evidence appropriate weight.

In conclusion, I believe the ACCOPS Act, in combination with the previously-introduced H.R. 2517, will go a long way to stimulating and facilitating more effective investigation and prosecution of many online illegalities, most particularly criminal copyright infringements. I do not, however, claim that the ACCOPS Act is a perfect creation, nor that it contains every salutary proposal in this area. It may be that some further provisions need to be added, or some stricken. I do believe that it represents a positive step in the right direction, and will strongly advocate for its adoption.

ETHAN LANE GIBBS MAKES HIS
MARK ON THE WORLD

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 16, 2003

Mr. ETHERIDGE. Mr. Speaker, I rise today to congratulate a former member of my staff,