

issues in Northern Ohio and in Northeast Ohio, and I would like to just thank the chairman for giving me an opportunity to help us try to redefine our community. I would also like to thank the gentleman from West Virginia (Mr. RAHALL), ranking member, who has been a tremendous help and support in guidance and his counsel over the past couple of years since I have been in Congress on a variety of issues, but this one in particular. I would also like to thank Jim Zoia on his staff for helping us with the day-to-day operations. I would also like to thank Jennifer Moore on my staff and my chief of staff, Mary Anne Walsh, for their help in making this happen.

The Western Reserve, as has been stated already, was the original West. There were many people from the American Revolution who were forced out of their houses and their homes over into the West, just west of Pennsylvania into Northern Ohio, and it was 14 original counties that are still there today; and there have been significant changes. But since 1792, this area has always represented a place that was indicative, I think, of the American spirit, and the people who were there were very industrious, and they came there with that spirit; and we have had enormous success.

The Western Reserve has been the leader and has showed great progress since 1792. It has been the foundation of the steel industry. It has been the rubber capital of the world. It had the first African American newspaper. It has the oldest labor newspaper. In the last 25 or 30 years or so, this area has had some great challenges. With the decimation, really, of the steel industry in the United States of America, this area took a great fall, and there have been enormous challenges throughout the whole manufacturing sector in these 14 counties, which I think makes this legislation that much more significant because we need to preserve what I believe to be the real history of these communities, a history of progress, a history of economic progress, a history of participation in the social justice aspects of our society.

And I think it is important for us through this heritage corridor to communicate to our children and to our grandchildren that they come from an area that once led the world in the economic and social arenas.

This is the area for the first electric street car, the first Warner Brothers film. The first Packard car was produced in this area; the baseball score card; and one of my favorites, the hot dog, was invented in the old Connecticut Western Reserve; also, the American trucking industry.

And we want our children to know that they come from a place that had three Presidents, President Garfield, President McKinley, President Hayes; three United States Supreme Court justices; Thomas Edison; John Brown the great abolitionist. And the success of our future depends on our under-

standing of the past. As the gentleman from West Virginia (Mr. RAHALL) said, this heritage corridor in many instances throughout this country provides the economic engine for rebirth of an area, and that is exactly what we need.

We are working on regionalization in Northeast Ohio, and we cannot just have economic regionalization. We need the cultural and historic preservations and have all the groups in our community working together, and this is the rallying point for our community.

So I want to thank, again, the chairman. I want to thank the gentleman from West Virginia (Mr. RAHALL) for helping us improve the quality of life in our community. I would like to thank the gentleman from New Mexico, as well, because I think if these kids and our grandkids know that they come from this stock of Presidents and inventors and entrepreneurs and scientists and many others who have contributed to the economic progress of our country and the social justice of our country that they will be inspired to continue this proud tradition.

Mr. RAHALL. Mr. Speaker, as the Ranking Democratic Member of the Resources Committee, it is a pleasure and privilege to have H.R. 3257, sponsored by our esteemed colleague from Ohio, TIM RYAN, be considered on the floor today.

The dramatic tapestry of our Nation's cultural heritage is one which many of us are seeking to preserve for the benefit of not just current, but future generations, in the form of National Heritage Areas. We do this not just for educational or inspirational purposes, but also, because heritage areas are engines for economic development.

While the measure pending before us today is the logical first step, an authorization of a feasibility study for a proposed Western Reserve Heritage Area, I am confident that once completed, it will find that this particular region of Ohio deserves national recognition for the special cultural and historic resources values it contains. And when that day arrives, it will be a tribute to the untiring dedication and hard work of Representative TIM RYAN.

Indeed, although a freshman Member of this body, TIM RYAN has already garnered a reputation as a fighter for the people of the 17th District of Ohio. The bill we are considering today is reflective of their good judgment in sending a person such as TIM RYAN to Congress to represent them.

I urge my colleagues to support H.R. 3257.

Mr. PEARCE. Mr. Speaker, I thank the gentleman from Ohio for his comments, and I reserve the balance of my time.

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

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

The SPEAKER pro tempore (Mr. BOOZMAN). The question is on the motion offered by the gentleman from New Mexico (Mr. PEARCE) that the House suspend the rules and pass the bill, H.R. 3257, 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.

A motion to reconsider was laid on the table.

#### RAILROAD RIGHT-OF-WAY CONVEYANCE VALIDATION ACT OF 2003

Mr. PEARCE. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 1658) to amend the Railroad Right-of-Way Conveyance Validation Act to validate additional conveyances of certain lands in the State of California that form part of the right-of-way granted by the United States to facilitate the construction of the transcontinental railway, and for other purposes.

The Clerk read as follows:

Senate amendment:

Page 2, line 12, strike out "104" and insert "401".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Mexico (Mr. PEARCE) and the gentleman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from New Mexico (Mr. PEARCE).

#### GENERAL LEAVE

Mr. PEARCE. 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 the bill under consideration.

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

There was no objection.

Mr. PEARCE. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Chairman POMBO).

Mr. POMBO. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, H.R. 1658 would amend the Railroad Right-of-Way Conveyance Validation Act to legalize, validate, and confirm as far as any interest of the United States is concerned two additional conveyances in San Joaquin County, California. These conveyances involve lands forming part of a right-of-way granted by the U.S. to the Central Pacific Railroad Company under previous law. This bill would declare the conveyances to be between the railroad company and the Bank of America recorded in September, 1945, and between the railroad company, the Southern Pacific Transportation, and the Tri-Valley Packing Association recorded in November of 1957. In short, this bill would lift the cloud over the title to these lands.

This bill passed the House of Representatives by unanimous consent on November 18, 2003. It has been returned to the House for further consideration

due to a technical change made by the other body. I support this change, as do the majority and minority of the Committee on Resources and the administration.

Mr. Speaker, I understand the Senate amendment has a technical error. It references line 17, but it should be line 15. We are very clear that we are correcting a page reference to a deed book in the underlying bill. Rather than send the House bill back to the other body, we will pass it today and make any technical changes later in the session the Senate enrolling Clerk determines necessary.

I urge my colleagues to support this legislation.

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

(Mrs. CHRISTENSEN asked and was given permission to revise and extend her remarks.)

Mrs. CHRISTENSEN. Mr. Speaker, this is a technical matter that will clear title to property owned by several of the gentleman from California's (Chairman POMBO) constituents. The cloud on their title arises out of Federal rights-of-way granted more than a century ago. It is unfortunate that Federal legislation is required to resolve this issue, but there is no other solution.

I join the gentleman from West Virginia (Mr. RAHALL), ranking Democrat, in commending the gentleman from California (Chairman POMBO) for his work on this bill. While this is a simply technical matter, working to address the problems facing our districts one constituent at a time is the essence of our job as Representatives. We urge our colleagues to support the gentleman from California (Chairman POMBO) as he works on behalf of these land owners.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Mexico (Mr. PEARCE) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 1658.

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

A motion to reconsider was laid on the table.

#### INTELLECTUAL PROPERTY PROTECTION AND COURTS AMENDMENTS ACT OF 2004

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3632) to prevent and punish counterfeiting of copyrighted copies and phonorecords, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3632

*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 "Intellectual Property Protection and Courts Amendments Act of 2004".

#### TITLE I—ANTI-COUNTERFEITING PROVISIONS

##### SEC. 101. SHORT TITLE.

This title may be cited as the "Anti-counterfeiting Amendments Act of 2004".

##### SEC. 102. PROHIBITION AGAINST TRAFFICKING IN COUNTERFEIT COMPONENTS.

(a) IN GENERAL.—Section 2318 of title 18, United States Code, is amended—

(1) by striking the section heading and inserting the following:

**"§ 2318. Trafficking in counterfeit labels, illicit labels, or counterfeit documentation or packaging";**

(2) by striking subsection (a) and inserting the following:

"(a) Whoever, in any of the circumstances described in subsection (c), knowingly traffics in—

"(1) a counterfeit label or illicit label affixed to, enclosing, or accompanying, or designed to be affixed to, enclose, or accompany—

"(A) a phonorecord;

"(B) a copy of a computer program;

"(C) a copy of a motion picture or other audiovisual work;

"(D) a copy of a literary work;

"(E) a copy of a pictorial, graphic, or sculptural work;

"(F) a work of visual art; or

"(G) documentation or packaging; or

"(2) counterfeit documentation or packaging,

shall be fined under this title or imprisoned for not more than 5 years, or both."

(3) in subsection (b)—

(A) in paragraph (2), by striking "and" after the semicolon;

(B) in paragraph (3)—

(i) by striking "and 'audiovisual work' have" and inserting the following: "'audiovisual work', 'literary work', 'pictorial, graphic, or sculptural work', 'sound recording', 'work of visual art', and 'copyright owner' have"; and

(ii) by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

"(4) the term 'illicit label' means a genuine certificate, licensing document, registration card, or similar labeling component—

"(A) that is used by the copyright owner to verify that a phonorecord, a copy of a computer program, a copy of a motion picture or other audiovisual work, a copy of a literary work, a copy of a pictorial, graphic, or sculptural work, a work of visual art, or documentation or packaging is not counterfeit or infringing of any copyright; and

"(B) that is, without the authorization of the copyright owner—

"(i) distributed or intended for distribution not in connection with the copy, phonorecord, or work of visual art to which such labeling component was intended to be affixed by the respective copyright owner; or

"(ii) in connection with a genuine certificate or licensing document, knowingly falsified in order to designate a higher number of licensed users or copies than authorized by the copyright owner, unless that certificate or document is used by the copyright owner solely for the purpose of monitoring or tracking the copyright owner's distribution channel and not for the purpose of verifying that a copy or phonorecord is non-infringing;

"(5) the term 'documentation or packaging' means documentation or packaging, in physical form, for a phonorecord, copy of a computer program, copy of a motion picture or other audiovisual work, copy of a literary work, copy of a pictorial, graphic, or sculptural work, or work of visual art; and

"(6) the term 'counterfeit documentation or packaging' means documentation or packaging that appears to be genuine, but is not."

(4) in subsection (c)—

(A) by striking paragraph (3) and inserting the following:

"(3) the counterfeit label or illicit label is affixed to, encloses, or accompanies, or is designed to be affixed to, enclose, or accompany—

"(A) a phonorecord of a copyrighted sound recording or copyrighted musical work;

"(B) a copy of a copyrighted computer program;

"(C) a copy of a copyrighted motion picture or other audiovisual work;

"(D) a copy of a literary work;

"(E) a copy of a pictorial, graphic, or sculptural work;

"(F) a work of visual art; or

"(G) copyrighted documentation or packaging; or"; and

(B) in paragraph (4), by striking "for a computer program"; and

(5) in subsection (d)—

(A) by inserting "or illicit labels" after "counterfeit labels" each place it appears; and

(B) by inserting before the period at the end the following: ", and of any equipment, device, or material used to manufacture, reproduce, or assemble the counterfeit labels or illicit labels".

(b) CIVIL REMEDIES.—Section 2318 of title 18, United States Code, is further amended by adding at the end the following:

"(f) CIVIL REMEDIES.—

"(1) IN GENERAL.—Any copyright owner who is injured, or is threatened with injury, by a violation of subsection (a) may bring a civil action in an appropriate United States district court.

"(2) DISCRETION OF COURT.—In any action brought under paragraph (1), the court—

"(A) may grant 1 or more temporary or permanent injunctions on such terms as the court determines to be reasonable to prevent or restrain a violation of subsection (a);

"(B) at any time while the action is pending, may order the impounding, on such terms as the court determines to be reasonable, of any article that is in the custody or control of the alleged violator and that the court has reasonable cause to believe was involved in a violation of subsection (a); and

"(C) may award to the injured party—

"(i) reasonable attorney fees and costs; and

"(ii) (I) actual damages and any additional profits of the violator, as provided in paragraph (3); or

"(II) statutory damages, as provided in paragraph (4).

"(3) ACTUAL DAMAGES AND PROFITS.—

"(A) IN GENERAL.—The injured party is entitled to recover—

"(i) the actual damages suffered by the injured party as a result of a violation of subsection (a), as provided in subparagraph (B) of this paragraph; and

"(ii) any profits of the violator that are attributable to a violation of subsection (a) and are not taken into account in computing the actual damages.

"(B) CALCULATION OF DAMAGES.—The court shall calculate actual damages by multiplying—

"(i) the value of the phonorecords, copies, or works of visual art which are, or are intended to be, affixed with, enclosed in, or accompanied by any counterfeit labels, illicit

"(5) the term 'documentation or packaging' means documentation or packaging, in physical form, for a phonorecord, copy of a computer program, copy of a motion picture or other audiovisual work, copy of a literary work, copy of a pictorial, graphic, or sculptural work, or work of visual art; and

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