

between the protection of intellectual property rights and the need to expand our technologies.

As a representative of Hollywood, my district contains many movie and recording studios, which serve as the driving force behind our local economy and provide tens of thousands of jobs to many of my constituents. As Chair of the Congressional Entertainment Industries Caucus, one of my key concerns has been the continuing erosion of our Nation's copyright laws.

Let me share some shocking statistics. According to recent FBI data, U.S. producers of movies, music, computer games, and software lost \$23 billion in 2003 to illegal copying. In Operation Digital Gridlock, the first Federal law enforcement action against a peer-to-peer network, regulators seized the equivalent of 60,000 illegally distributed movies last August. It is clear to me that piracy of our creative products has reached an epidemic level, both domestically and internationally, creating a huge drain on our economy, job creation, and technological innovation. We are forced to resort to legal actions to help stem this tide of intellectual property theft.

That is why today's Supreme Court ruling was so important. In the unanimous opinion, the Justices held that "one who distributes a device with the object of promoting its use to infringe copyright is liable for the resulting acts of infringement by third parties using the device, regardless of the device's lawful uses." It is this unequivocal guidance from our Nation's highest court that I believe will help enhance the effective enforcement of our Nation's copyright laws and strengthen the public's respect for the value of intellectual property rights.

Of course, efforts to address privacy should not inhibit the continuing growth and development of our digital economy. New technologies should benefit not just the content distributors but the creative forces as well. But as the entertainment and technology sectors work together to utilize file-sharing networks to create new innovative and legal forms of content distribution, I hope today's decision will send a message to all pirates that winking and nodding at digital theft will not be tolerated any more than theft itself. I am confident that the lower courts will carefully apply this well-reasoned opinion in finding Grokster and other similar companies liable for activities that will induce their customers into illegal use of creative products.

#### GENERAL LEAVE

Ms. LINDA T. SÁNCHEZ of California. 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 subject matter of my Special Order.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

#### INTELLECTUAL PROPERTY AND THE GROKSTER DECISION

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. LINDA T. SÁNCHEZ) is recognized for 5 minutes.

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I rise to applaud the United States Supreme Court for their ruling today in the case of Metro-Goldwyn-Mayer Studios, Incorporated v. Grokster. By a unanimous ruling, 9-0 in favor of MGM, the Supreme Court sent a strong message today that our courts will protect the work of creative artists.

I represent the 39th Congressional District in California. My State, region, and district are home to the motion picture industry, the music industry, and software companies. Many of my constituents work in these creative industries, and I know from talking to them that piracy hits their companies hard and their pocketbooks harder.

Intellectual property is important to our economy as a whole, so copyright infringements also severely damage our national economy. In fact, according to the International Intellectual Property Alliance, in 2002, core copyright industries accounted for over 6 percent of the U.S. gross domestic product. That is over \$626 billion. When you look at all copyright industries, they accounted for approximately 12 percent of the U.S. gross domestic product, or \$1.25 trillion in 2002 alone.

Obviously, intellectual property is a vital part of our economy, and piracy robs our economy of billions of dollars from this important industry.

□ 2030

Conservative estimates say that counterfeiting of U.S. businesses' copyrighted goods cost our economy between \$200-\$400 billion each year. When our economy suffers like that, America's workers suffer, too.

The "core" copyright industries alone were estimated to have employed 4 percent of U.S. workers in 2002, a total of 5.48 million workers. But piracy causes 750,000 American workers to lose their jobs each year.

This is where intellectual property laws come in and why the Supreme Court decision today in the Grokster is so important. The Court drew a line in the sand in the Grokster case and said that peer-to-peer file-sharing networks that encourage illegal file-sharing should not be shielded by our laws. The ruling protects the creative community but also allows the public to retain access to the benefits of peer-to-peer file-sharing technology.

Mr. Speaker, I love movies and music as much as any consumer, and I use computer software every single day. I am also a fan of the Internet, and I want consumers to be able to use technology to get their favorite music and movies conveniently.

But stealing is stealing. Swapping copyrighted files online is illegal, and just because it is easy doesn't make it right. We can have peer-to-peer networks that give every American access to the files they want online, and also provide creators with copyright protections.

As long as companies like Grokster are allowed to facilitate illegal file swapping, we will continue to lose hundreds of dollars and hundreds of thousands of U.S. jobs each year.

I am pleased that the Supreme Court took the first step today in Grokster towards ending illegal copyright infringement online, and protecting the industries that produce copyrighted works.

Mr. CONYERS. Mr. Speaker, today's ruling is a victory for content creators and consumers. It is clear that those who encourage content theft are responsible for their conduct even if they themselves are not stealing. With this ruling, creators will be encouraged to take advantage of the digital marketplace and provide consumers with even more digital content.

For years, consumers have been clamoring for access to digital content. Because content protection technology and content owners had not caught up with the Internet, music lovers turned to illegal download sites like Napster and Kazaa for digital content.

We had heard that, if the content industry would just create a legal avenue for obtaining digital music, consumers would embrace it. The premonition was largely true. The record industry and high-tech worked together to develop digital content protection, to clear the rights needed to get music online, and to get music on the Internet. According to the Pew Internet and American Life Project, the response to legitimate digital content has been overwhelming: in 2004, only twenty-four percent of music downloaders had tried legitimate download sites; in 2005 to date, the number jumped to forty-three percent.

Internet sites like Apple iTunes, Napster, and Rhapsody offer consumers a variety of ways of obtaining music, from one-time downloads to monthly subscriptions. In just the past few years, over 300 million songs were sold on just a single website. No matter how you view it, the marketplace is working.

Today's Supreme Court decision makes it clear that encouraging others to steal is as nefarious as stealing directly. I have no doubt that, with this added assurance, content creators will roll out even more digital content to consumers.

Mr. ENGEL. Mr. Speaker, I rise to join my Democratic colleagues in support of protecting our Nation's intellectual property. For decades the theft of music and movies has been commonplace. But, with the explosion of the Internet, the theft of copyright material has become a crisis.

Just today, the Supreme Court, in an unanimous decision, stepped forward and protected Intellectual Property. In MGM v Grokster, the Supreme Court struck a fine balance that must exist to ensure consumers' rights and protect music and video content. The Court clearly stated that "the record is replete with evidence that from the moment Grokster and Streamcast began to distribute free software, each one clearly voiced the objective that recipients use it to download copyrighted works,

and each took active steps to encourage infringement." Neither of these programs offered themselves as legitimate devices such as a VCR. A great majority of users knew and intended to subvert copyright and deny not just the record and movie companies' compensation, but take money out of the pockets of songwriters, studio personnel, camera men and make-up artists.

We are also undertaking an effort to move to digital television. In the future, if the Congress does not act, copying and uploading a broadcast show will be all too easy. Many of us have worked on the "Broadcast Flag," which is a technology that will allow consumers to continue to record a show for later viewing, but prevent the mass redistribution. The Federal Communications Commission had instituted a rule to this end, but the federal courts found the FCC lacked such authority. Thus, it falls on us in Congress to continue to update our laws in the digital era to stop copyright infringement. I hope we can do so quickly or, I fear, the best entertainment will be moved to cable and satellite and be unaffordable to some Americans.

I thank Mr. HOYER and Mr. SCHIFF for arranging this effort and applaud all of my colleagues' commitment to the protection of one of our Nation's most valuable assets.

#### EMINENT DOMAIN ABUSE

The SPEAKER pro tempore (Mr. KUHLMANN of New York). Under a previous order of the House, the gentlewoman from California (Ms. WATERS) is recognized for 5 minutes.

Ms. WATERS. Mr. Speaker, I had not intended to be on the floor this evening speaking about this particular issue. As a matter of fact, I was hoping over the next few days I could concentrate all of my time on the Out of Iraq Congressional Caucus that we are working so hard on.

But this is National Homeowner Month, and I could not help but focus on the fact that in America owning your own home is one of the most ideal things that you can do. Americans aspire to own their own homes. We socialize in such a way that we teach our children to go to school, to get an education, to get a good job or have a good career, become an entrepreneur, and buy your home.

And so as I focus on National Homeowner Month, I am outraged that the Supreme Court of the United States of America last Thursday made a decision that local entities could take American's homes in eminent domain proceedings for something other than public use. I am amazed that the Supreme Court of the United States on a 5-to-4 decision, I believe it was, decided that the law, the Constitution as we know it, I think it is the fifth amendment, that says yes, you may use eminent domain for good public use, is something other than what was intended. This ruling says you can take anybody's home for private use. In this case Susette Kelo, the woman from New London, Connecticut, who brought the case, was trying to protect her home from the desire by a huge corporation to build some condominiums.

And so now with this Supreme Court decision, the State, the city, the public entity, can take your home for private use. They can take your home and they can give it to private developers to build shopping centers. They can take your home and give it to developers to build a condominium. They can take your home for any reason that they decide is in the public interest, and they are trying to hide behind the idea that there are some cities and some entities that need to get rid of slums and they need to redevelop in the best interest of the citizens of that community.

Yes, it may go to a private company or to a private corporation and yes, they may get rich from that development. But if the city fathers get together and believe that that somehow is in the best interest and it is already all right, that flies in the face of the Constitution of the United States.

I do not think Members have to be a strict constructionist or a liberal constructionist. All you need is good sense to know that the Constitution of the United States did not mean for your city government or any other entity to be able to ride over your rights and take your private property and give it to somebody else.

As a matter of fact, I think this is dangerous. I think it is dangerous because your city fathers could get together with developers and take land in ways it has never been done before. We know too many stories about the influence of developers on county council members and on city governments. We know too much about the flow of money. We know too much about campaign contributions to those who would just as soon institute eminent domain as do anything.

As a matter of fact, without this interpretation that we got last Thursday, we have city fathers who have tried it, even though they did not have this ruling. You have communities that have to fight against city council members and mayors getting together trying to take their property and at least trying to call it for public use.

But now the Supreme Court has made it clear that they can take it for private use. I do not like it. Members do not have to be a Democrat or Republican, liberal or conservative. Members just need to be an American with good sense that says you will not stand for it.

Mr. Speaker, I am going to get together with some of my friends on the other side of the aisle and we are going to create a law that will undermine this decision of the Supreme Court and take back amendment 5 of the Constitution so we can redefine the meaning in the way it is supposed to be defined.

#### HONORING THOSE WHO MADE THE ULTIMATE SACRIFICE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Illi-

nois (Mr. EMANUEL) is recognized for 60 minutes as the designee of the minority leader.

Mr. EMANUEL. Mr. Speaker, last week my colleagues and I began a memorial tribute to read the names of over 1,900 men and women who gave their lives in service to our Nation in Afghanistan and Iraq. We read about 860 of those names. We recited the name and rank of each servicemember who fell in Iraq and Afghanistan theaters of war from 2001 through the beginning of 2004.

For the next hour we will continue this reading, honoring the fallen of 2004 and 2005. We will continue to do this reading on the floor of the House, the people's House, until we have recognized all who have given their life in service of this Nation. In this Chamber we often invoke their sacrifice in general, but we seldom take the time to recognize them individually.

By reading these names into the CONGRESSIONAL RECORD, it is our hope that our Nation will never forget their sacrifice. God bless and keep each of the brave Americans whose memory we now honor:

1. Private First Class Marquis A. Whitaker
2. Specialist Jacob R. Herring
3. Staff Sergeant Kendall Thomas
4. Sergeant Adam W. Estep
5. Specialist Martin W. Kondor
6. Sergeant Landis W. Garrison
7. Staff Sergeant Esau G. Patterson Jr.
8. Staff Sergeant Jeffrey F. Dayton
9. Sergeant Ryan M. Campbell
10. Specialist James L. Beckstrand
11. Specialist Justin B. Schmidt
12. Private First Class Ryan E. Reed
13. Private First Class Norman Darling
14. Private First Class Jeremy Riccardo Ewing
15. Petty Officer Second Class Jason B. Dwelley
16. Petty Officer Third Class Christopher M. Dickerson
17. Corporal Scott M. Vincent
18. Corporal Joshua S. Wilfong
19. Specialist Trevor A. Wine
20. Specialist Ramon C. Ojeda
21. Sergeant Joshua S. Ladd
22. Specialist Ervin Caradine Jr.
23. Private Jeremy L. Drexler
24. Staff Sergeant Todd E. Nunes
25. Petty Officer Second Class Michael C. Anderson
26. Petty Officer Second Class Trace W. Dossett
27. Petty Officer Second Class Scott R. Mchugh
28. Petty Officer Second Class Robert B. Jenkins
29. Petty Officer Third Class Ronald A. Ginther
30. Captain John E. Tipton
31. Gunnery Sergeant Ronald E. Baum
32. Staff Sergeant Erickson H. Petty
33. First Lieutenant Christopher J. Kenny
34. Sergeant Marvin R. Sprayberry III