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SIDETRACKING OF INTELLECTUAL PROPERTY AND TELECOMMUNICATIONS LEGISLATION

Mr. LEAHY. Mr. President, during the final days of this session, which have stretched over weeks and months, we have been struggling to pass a number of important and uncontroversial bills, but we have met with what some would call obstructionism from the Republican side of the aisle. Enactment of legislation needed for e-911 provisions to provide critical resources to our first responders, the Universal Service Administrative Corporation, a spectrum relocation trust fund, junk fax legislation, as well as the Family Entertainment and Copyright Act, anticounterfeiting legislation, film preservation legislation and many other measures have been sidetracked and hijacked.

The Federal Communications Commission Chairman Michael Powell has spoken out urging enactment of these needed telecommunications bills. The telecommunications package contains critically important provisions that will enhance 911 service, allow spectrum relocation, and preserve the ability of the universal service fund to do its important work. These are not controversial or partisan provisions. We

should do all we can to ensure that first responders can provide their essential public services and that includes e-911. The spectrum relocation trust fund will free more space for wireless broadband services. This will help the American economy by promoting jobs and education. The Universal Service Fund provision will fix an accounting glitch that if left unattended will seriously impede the USF as it goes about its critical work. If we do not make this fix, rural communities and schools will suffer, and in the end everyone will pay, with higher fees. I echo the FCC's concern and add my own with respect to the intellectual property legislation.

Thanks to the ingenuity, the inspiration and the hard work of America's creators, the United States is the world leader in the creation of intellectual property. Protecting intellectual property matters. It matters to our creators, to our economy and to our future. Affording intellectual property straightforward and reasonable protections, and giving law enforcement officials the resources to give those protections genuine power should be bipartisan, noncontroversial goals. In the United States, copyright industries account for at least 12 percent of our gross domestic product and employ more than 11 million people. Copyright industries have been adding workers at an annual rate that exceeds that of the economy as a whole by 27 percent, and those industries have achieved annual foreign sales and exports of almost \$90 billion. Republican objection has prevented the Senate from passing important intellectual property legislation, in an apparent effort to pressure the House to accept unrelated legislation.

Along with Senator HATCH, Senator CORNYN, Senator BIDEN, Senator FEINSTEIN, and many others, I have been working on a package of key intellectual property legislation for some time. Our staffs have worked late into the night and through weekends to accomplish all that we can this year. We have a package of strong and significant measures that would bolster protection of the intellectual property that helps drive our Nation's economy and that would ensure that law enforcement has the tools it needs to do its job in this regard. There was no good reason not to have sent this package to the House so that it could be enacted without delay. Instead, it has been blocked and the reason has nothing to do with the merits of the bill. It is merely being misused as leverage in an attempt to pass unrelated legislation that the Senate has already sent to the House and that the House finds objectionable. Apparently some are willing to sacrifice important intellectual property legislation for their own narrow purposes. That is unfortunate.

Our economy loses billions of dollars every year to various forms of piracy. Instead of making inroads in this fight, we face a Republican roadblock. It is a barrier that stands in the way of the ART Act, a bill that passed the Judiciary Committee and then the full Senate by unanimous consent. Senators CORNYN and FEINSTEIN introduced the

bill, and I was pleased to work with them on it and to include it in our intellectual property legislation. These provisions would provide new tools in the fight against bootleg copies of movies snatched from the big screen by camcorders smuggled into theaters. Our bill would adopt a creative solution developed by the Copyright Office to address the growing problem of piracy of pre-release works. Republican obstruction is ensuring that these problems will be left unaddressed by this Senate and this Congress.

Our anticounterfeiting legislation would mark a step forward in the fight against software piracy. I was glad to work with Senator BIDEN on this provision, which we included in the intellectual property package. The Republican-led Congress can tell our software companies that they will have to wait at least another year for the remedies promised by this legislation. The Business Software Alliance tells us that \$29 billion in software was stolen in 2003 alone. We are risking a higher number and more harm as we proceed into 2005.

There are other noncontroversial provisions in this legislation, as well, such as language that would help ensure that the Library of Congress is able to continue its important work in archiving our Nation's fading film heritage. Some of America's oldest films—works that document who we were as a people in the beginning of the 20th Century—are literally disintegrating faster than they can be saved.

It now appears an expanse of important, bipartisan legislation may fall victim to yet another Republican roadblock. Our copyright holders will suffer, our patent holders will suffer, our economy will suffer, emergency services and broadband deployment will suffer, our rural communities and rural schools will suffer. The Senate will have failed to respond to the needs of the American people. That is a shame.

ART ACT

Mr. CORNYN. Mr. President, I note that Senator LEAHY today made a floor statement referencing important Intellectual Property legislation that unfortunately will not pass in the 108th Congress.

I agree completely with the Senior Senator from Vermont's view of the importance of these matters and I share his frustration that the bills are not moving forward because of matters not related to the substance of the legislation.

I joined with Senator FEINSTEIN to introduce the ART Act, S. 1932, just over a year ago to help curtail the problem of piracy of films in movie theaters and to help stop the illegal distribution of pre-released copyrighted works. It is a good bill, but it will not become law despite having passed the Senate twice this year and enjoying overwhelming bipartisan support in the House.

Along with the ART Act, other valuable legislation such as the Family Movie Act, a bill that will help parents control the content of films and other entertainment their children see is