

The age of the Internet promises enormous benefits—instantaneous communication from one end of the planet to the other, paperless financial transactions, access to vast libraries of information at the touch of a button.

But these benefits are not without a price: the same technology that facilitates unprecedented access has also fostered a new breed of sophisticated criminals. Today's Internet pirates can download perfect digital copies of copyrighted works—from movies to musical recordings to video games—and distribute them to other Internet users without the knowledge or permission of the copyright holders.

Software piracy carries enormous costs for our society. Last year, it cost copyright holders between \$11 and 20 billion worldwide, with \$2.3 billion lost in the United States alone. That, in turn, meant the loss of many thousands of American jobs, higher prices to honest software purchasers, and a billion dollars in lost tax revenues.

Most people who commit these crimes do so for financial gain. But increasingly these crimes are being committed by computer hackers who obtain copyrighted software from lawful users and post it on electronic bulletin boards, free for the taking.

The present copyright law can do little to either deter or punish these crimes, because under current law there can be no culpability unless the defendant was seeking commercial gain. H.R. 2265 corrects that problem by criminalizing computer theft of copyrighted works whether or not the defendant derives a direct financial benefit from his actions.

I believe this measure will help preserve the creative incentive on which so much of our prosperity—and the future of the Internet itself—depend.

I urge support for the bill.

Mr. BERMAN. Mr. Speaker, I rise in strong support of H.R. 2265, the NET Act.

The enactment of H.R. 2265 is essential to the continuing growth of the Internet. Daily business developments attest to the pressing need for content to fill the pages of our newest medium for entertainment and mass communications. But that content will simply not be available unless its creators can be assured that their intellectual property will be protected.

The decision of the Federal District Court in Massachusetts in 1994 in *U.S. v. LaMacchia*, however, created a loophole which leaves copyright owners virtually defenseless against those who infringe copyright not for profit, but for the pure fun of it, as a top executive of the Recording Industry Association of America put it at the legislative hearing on H.R. 2265.

We simply must make clear that there is no hacker defense to criminal copyright liability. Copyright owners' exclusive rights of public performance, distribution, and reproduction must be protected no less from the grad student who thinks content on the Internet should be free than from the pirate who reaps a fortune from his counterfeiting operation. The end result is the same: the substantial loss of revenue to intellectual property owners, increasingly as technology makes it possible for more and more content to be moved over digital networks.

In enacting H.R. 2265, we make clear that the computer theft of copyrighted works is subject to criminal penalties, and in so doing exercise our constitutional responsibility to protect copyright. I urge my colleagues to vote for this important legislation.

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

The SPEAKER pro tempore [Mr. PACKARD]. 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. 2265, as amended.

The question was taken.

Mr. FRANK of Massachusetts. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

REQUIRING ATTORNEY GENERAL TO ESTABLISH PROGRAM IN PRISONS TO IDENTIFY CRIMINAL ALIENS AND ALIENS UNLAWFULLY PRESENT IN THE UNITED STATES

Mr. GALLEGLY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1493) to require the Attorney General to establish a program in local prisons to identify, prior to arraignment, criminal aliens and aliens who are unlawfully present in the United States, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1493

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

SECTION 1. PROGRAM OF IDENTIFICATION OF CERTAIN DEPORTABLE ALIENS AWAITING ARRAIGNMENT.

(a) ESTABLISHMENT OF PROGRAM.—Not later than 6 months after the date of the enactment of this Act, and subject to such amounts as are provided in appropriations Acts, the Attorney General shall establish and implement a program to identify, from among the individuals who are incarcerated in local governmental incarceration facilities prior to arraignment on criminal charges, those individuals who are within 1 or more of the following classes of deportable aliens:

(1) Aliens unlawfully present in the United States.

(2) Aliens described in paragraph (2) or (4) of section 237(a) of the Immigration and Nationality Act (as redesignated by section 305(a)(2) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996).

(b) DESCRIPTION OF PROGRAM.—The program authorized by subsection (a) shall include—

(1) the detail, to each incarceration facility selected under subsection (c), of at least one employee of the Immigration and Naturalization Service who has expertise in the identification of aliens described in subsection (a); and

(2) provision of funds sufficient to provide for—

(A) the detail of such employees to each selected facility on a full-time basis, including the portions of the day or night when the greatest number of individuals are incarcerated prior to arraignment;

(B) access for such employees to records of the Service and other Federal law enforce-

ment agencies that are necessary to identify such aliens; and

(C) in the case of an individual identified as such an alien, pre-arraignment reporting to the court regarding the Service's intention to remove the alien from the United States.

(c) SELECTION OF FACILITIES.—

(1) IN GENERAL.—The Attorney General shall select for participation in the program each incarceration facility that satisfies the following requirements:

(A) The facility is owned by the government of a local political subdivision described in clause (i) or (ii) of subparagraph (C).

(B) Such government has submitted a request for such selection to the Attorney General.

(C) The facility is located—

(i) in a county that is determined by the Attorney General to have a high concentration of aliens described in subsection (a); or

(ii) in a city, town, or other analogous local political subdivision, that is determined by the Attorney General to have a high concentration of such aliens (but only in the case of a facility that is not located in a country).

(D) The facility incarcerates or processes individuals prior to their arraignment on criminal charges.

(2) NUMBER OF QUALIFYING SUBDIVISIONS.—

For any fiscal year, the total number of local political subdivisions determined under clauses (i) and (ii) of paragraph (1)(C) to meet the standard in such clauses shall be the following:

(A) For fiscal year 1999, not less than 10 and not more than 25.

(B) For fiscal year 2000, not less than 25 and not more than 50.

(C) For fiscal year 2001, not more than 75.

(D) For fiscal year 2002, not more than 100.

(E) For fiscal year 2003 and subsequent fiscal years, 100, or such other number of political subdivisions as may be specified in appropriations Acts.

(3) FACILITIES IN INTERIOR STATES.—For any fiscal year, of the local political subdivisions determined under clauses (i) and (ii) of paragraph (1)(C) to meet the standard in such clauses, not less than 20 percent shall be in States that are not contiguous to a land border.

(4) TREATMENT OF CERTAIN FACILITIES.—All of the incarceration facilities within the county of Orange, California, and the county of Ventura, California, that are owned by the government of a local political subdivision, and satisfy the requirements of paragraph (1)(D), shall be selected for participation in the program.

SEC. 2. STUDY AND REPORT.

Not later than 1 year after the date of the enactment of this Act, the Attorney General shall complete a study, and submit a report to the Congress, concerning the logistical and technological feasibility of implementing the program under section 1 in a greater number of locations than those selected under such section through—

(1) the assignment of a single Immigration and Naturalization Service employee to more than 1 incarceration facility; and

(2) the development of a system to permit the Attorney General to conduct off-site verification, by computer or other electronic means, of the immigration status of individuals who are incarcerated in local governmental incarceration facilities prior to arraignment on criminal charges.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. GALLEGLY] and the gentleman from New York [Mr. NADLER] each will control 20 minutes.

The Chair recognizes the gentleman from California [Mr. GALLEGLY].

GENERAL LEAVE

Mr. GALLEGLY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 1493.

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

There was no objection.

Mr. GALLEGLY. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I appreciate the opportunity to rise and speak on behalf of H.R. 1493, a bill to make permanent and expand a very successful pilot program which identifies deportable criminal aliens awaiting arraignment.

□ 1345

Since the pilot program began in November of last year, over 1,400 inmates have been interviewed at the Ventura County Jail. Of that number, almost 60 percent have been found to be deportable criminal aliens. This legislation will make permanent this vital crime-fighting tool, and will also help other affected communities across the Nation.

Like the current pilot program, H.R. 1493 would require the INS to screen for deportable criminal and illegal aliens prior to arraignment, thus preventing the release of these individuals back onto our streets and into our communities.

The bill also calls for a GAO study on expanding the program by allowing INS agents to conduct off-site verification of prisoners using computers or other electronic means.

In our desire to address concerns raised during the hearing on H.R. 1493, the bill was improved in several ways as it moved through the committee process. First, the bill was changed to phase in the pilot program to 100 high-impact counties over a 4-year period. It is important to note that the INS will expand this program only to counties that request to participate. Second, implementation of this expanded program was made subject to funds appropriated. Lastly, the bill was amended in the Committee on the Judiciary to ensure that at least 20 percent of the counties selected will be in the interior of the country.

One of the reasons this program has been so successful, Mr. Speaker, is the fact that it is a point of entry system. It identifies criminal deportable aliens that are booked, not just those serving prison sentences. After being booked or after serving their sentence, deportable criminal aliens are turned over to the INS for detention and deportation. This eliminates the possibility of their release back into our communities.

Equally important is the program's ability to identify criminals prior to their first arraignment before a judge, providing the magistrate with the true identity of the suspect and accurate

criminal record information. Testifying on behalf of H.R. 1493, law enforcement officials from California cited the shocking example of a criminal alien who had been arrested 34 times, including 13 burglaries, and had used 51 different names and 13 different birthdays. Mr. Speaker, there are many instances where, had this pilot program been in place, tragedy would have been averted.

One such incident recently occurred in my district. A criminal alien was sentenced to 25 years to life in prison for murdering in cold blood in daylight a defenseless Santa Paula restaurant owner, Isabela Guzman. The man convicted of this cold-blooded murder had been arrested not once, but three times for assault with a deadly weapon. If this program had been in place at the time of the previous arrests, this killer would have been identified and deported, and Isabela Guzman most likely would be alive today.

The program has been one of the few instances where a Federal program has been tested at the local level and found to be a resounding success. In the area where the program has been operating, local law enforcement and local government officials are very supportive of its continuation and expansion. In addition, the measure has garnered bipartisan support throughout this House.

Mr. Speaker, by enacting H.R. 1493, we are finally able to identify and deport criminal aliens at the time they are arrested and before they are back on our streets committing more violent crimes and destroying lives of countless victims.

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

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

Mr. Speaker, I rise in support of H.R. 1493. Mr. Speaker, this legislation would provide assistance to communities in identifying people who have been arrested who are either deportable criminal aliens or who are unlawfully present in the United States. It builds on successful pilot projects, such as the one in Anaheim, CA, which identified a substantial number of individuals who are either in the United States illegally or who might otherwise be subject to deportation.

The bill would require the Attorney General to detail INS employees to certain selected local government jails and prisons in order to identify prior to arraignment deportable criminal aliens or aliens unlawfully in the United States.

The program will be focused on jurisdictions having high concentrations of aliens who are illegally in this country. It would have the benefit of providing better information to immigration authorities and local governments about the extent to which illegal and criminal aliens are in our criminal justice system and would provide immigration authorities with the information they need to remove those individuals who

should not be in the United States at all, much less to remain here to commit crimes.

I want there to be no mistake, this Nation has benefited tremendously from immigration and from the contribution of the many millions of people who came here from other lands. In my own city of New York, immigrants are rebuilding old neighborhoods right now and contributing to a rebirth of our city. We should welcome and support them, and not confuse those many law-abiding immigrants with the few who would disregard our laws.

But the United States has every right, as do all nations, to expect that its laws will be respected and obeyed. The enforcement of the immigration laws is the responsibility of the Federal Government. The failure of the Federal Government to do so has placed a real burden on some local communities, a burden which the pilot program established by this bill will help alleviate. I urge approval of the bill.

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

Mr. GALLEGLY. Mr. Speaker, I yield 2 minutes to my good friend, the gentleman from California, [Mr. HORN].

Mr. HORN. Mr. Speaker, I thank the gentleman for yielding time to me, and praise the gentleman's authorship of this constructive legislation.

Mr. Speaker, H.R. 1493 expands nationwide the successful prearraignment identification programs currently run by the Immigration and Naturalization Service at the city of Anaheim and Ventura County jails. This means that 100 such programs will be phased in across the United States over the next 4 years.

Under these programs, all criminals booked into a local incarceration facility are identified as either citizens, legal aliens, or illegal aliens by a full-time officer of the Immigration and Naturalization Service who has access to the nationwide INS database. The INS officer is detailed to the facility. Those identified by INS as illegal aliens are deported. This is the most effective way to identify criminal illegal aliens and ensure they are deported and not released back into our communities.

Criminal illegal aliens are an outrage three times over. First, they break our immigration laws by crossing the border illegally or by overstaying of a legitimate visa. Second, all too many of them put our communities at risk by committing crimes. Third, they impose burdens on the taxpayers with the costs of their incarceration in American jails.

The program expanded under H.R. 1493 has worked very successfully in Anaheim and in Ventura County. In its first month the program identified 33 percent of the arrestees at the Anaheim city jail and 66 percent of the arrestees at the Ventura County Jail as criminal illegal aliens. Think of it, 33 percent of those arrested, illegal