of this legislation. I remember hearing before the Judiciary Committee where the individuals who wanted this kind of protection told us of the fear in which they live.

H.R. 1741, sponsored by my good friend, Representative ELIJAH CUMMINGS, is an important legislative initiative; and I would ask my colleagues to, likewise, support it. It joins right together with H. Res. 454 that will be on this House floor in a few minutes that deals with the 25th anniversary of the National Center For Missing and Exploited Children and has a lot to do with the protection of our Nation's children, those who have been kidnapped and murdered, and those who have been exploited. Again, it ties back to this whole question of protecting witnesses who provide the necessary testimony to convict those of these heinous crimes.

This may not be the underlying necessity for H. Res. 515; but I rise to also add my support for the legislation that condemns the slaughter and murder of Army Private William Long and the wounding of Army Private Quinton Ezeagwula. That was a terrorist act of which we condemn. It may be that the alleged perpetrator is in prison, but we don't know whether there is a widespread conspiracy. We hear so. Again, H.R. 1741 would allow us to protect these witnesses. The act of killing our military personnel on U.S. soil was an act of terror, and I abhor it. I denounce it. It is a resounding disgrace in this country; and therefore, H. Res. 515 should, in fact, be able to pass. All of these tie to the idea of protecting witnesses in criminal activities because we realize how frightening a prospect it is.

I also add my support to H.R. 2675, the extension of the Antitrust Criminal Penalty Enhancement and Reform Act of 2004. I am also a member of the Subcommittee on Antitrust and view this as an important legislative initiative.

Allow me to close by suggesting that as we saw in my remarks earlier today on the floor in H. Res. 505, condemning the death of Dr. George Tiller, we have conditions here that warrant this legislation, H.R. 1741. It is terrible that violent acts are perpetrated here in America, that violent acts come about through the use of firearms and other manners and, therefore, there will be witnesses that will be necessary to bring these people to justice. I cannot imagine allowing these heinous crimes to be perpetrated without being able to prosecute because a witness is frightened for themselves and their family. The legislation that we are now speaking to provides that protection, and I ask my colleagues to support the legislation.

Mr. ISSA. Mr. Speaker, at this time I would yield back the balance of my time and support the passage of this important legislation.

Mr. JOHNSON of Georgia. The great Constitution of the United States of America starts off with a preamble, and that preamble goes as follows:

We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

So this bill deals with domestic tranquility; and as you know, Mr. Speaker, the most powerful beast imagined can always be brought down by just a little parasite inside of that particular beast. We too can be subjected to internal parasites, and we can die from that. The question is, are we willing to die to ensure that domestic tranquility is achieved? If we truly care about ourselves, our own safety and the safety of our dear families, neighbors and anyone else, should we not be willing to die to protect our liberties by calling it like it is, street crime? You see something happen—regardless of whether or not you consider that snitching or not, and I would say that it's not. But do you have the courage to be able to do what will really protect your folks? That's the question.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. JOHNSON) that the House suspend the rules and pass the bill, H.R. 1741, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. JOHNSON of Georgia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

ANTITRUST CRIMINAL PENALTY ENHANCEMENT AND REFORM ACT OF 2004 EXTENSION ACT

Mr. JOHNSON of Georgia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2675) to amend title II of the Antitrust Criminal Penalty Enhancement and Reform Act of 2004 to extend the operation of such title for a 1-year period ending June 22, 2010.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2675

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 ''Antitrust Criminal Penalty Enhancement and Reform Act of 2004 Extension Act''.

SEC. 2. DELAY OF SUNSET.

Section 211(a) of the Antitrust Criminal Penalty Enhancement and Reform Act of 2004 (15 U.S.C. 1 note) is amended by striking ''5 years'' and inserting ''6 years''.

SEC. 3. EFFECTIVE DATE OF AMENDMENT.

The amendment made by section 2 shall take effect immediately before June 22, 2009.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. JOHNSON) and the gentleman from California (Mr. ISSA) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia.

GENERAL LEAVE

Mr. JOHNSON of Georgia. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days 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 Georgia?

There was no objection.

Mr. JOHNSON of Georgia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this legislation extends by 1 year expiring provisions of the Antitrust Criminal Penalty Enhancement and Reform Act of 2004, otherwise known as ACPERA. ACPERA not only increases maximum criminal penalties under the Sherman Act for hardcore antitrust violations but also created whistleblower incentives to spur antitrust cartel detection.

Portions of the 2004 act are set to expire in 2 weeks on June 22. This 1-year extension preserves the penalties and incentives currently in place, while affording Congress time to explore possible improvements to the 2004 act.

I am pleased to have as cosponsors of this bill the chairman of the Judiciary Committee, JOHN CONYERS, as well as full committee Ranking Member LAMAR SMITH and Courts Subcommittee Ranking Member HOWARD COBLE.

Cartel violations are some of the worst crimes perpetrated on the American consumer; yet they are too often crimes we cannot see, as all of this criminal activity takes place in secret meetings behind closed doors. In the previous bill, we were talking about crime in the streets, and now we are talking about crime in the suites.

Price-fixing cartels can go undetected for years, possibly forever. With hundreds of millions or even billions of dollars worth of unlawful profits at stake, these criminal cartels are very effective at finding ways to keep their actions secret. But 5 years ago, Congress gave the Justice Department's Antitrust Division a new weapon to attack this secrecy head-on. ACPERA promotes the detection and prosecution of illegal cartel behavior by giving participants in a price-fixing cartel powerful incentives to report the cartel to the Justice Department and cooperate in the prosecution of the cartel.

Before ACPERA, the Justice Department could offer leniency to a coconspirator who exposed a cartel and helped bring it to justice. But the cooperating party remained fully liable to paying treble damages to the cartel's victims and potentially exposed to having to pay the entire amount.

ACPERA addressed this shortcoming in the criminal leniency program by also limiting the cooperating party's exposure to liability with respect to civil litigation. ACPERA empowers the Justice Department to limit civil liability of a cooperating party to single damages, not treble. The remaining co-conspirators, however, remain jointly and severally liable for all damages. In this way, Mr. Speaker, the act strikes a carefully crafted balance, encouraging the cartel members to turn on each other while ensuring full compensation to the victims.

The positive impact of this law cannot be overstated. In the first half of this year, ACPERA has aided the antitrust division in securing jail sentences in 85 percent of its individual prosecutions and over $900 million in criminal fines.

As chairman of the Judiciary Committee's Subcommittee on Courts and Competition Policy, I want to ensure that the Justice Department has all the tools it needs to continue its excellent work, which is to protect consumers against price-fixing cartels.

Again, I thank the bipartisan coalition of Members who have joined me as cosponsors in this very important legislation. I urge my colleagues to support this legislation.

I reserve the balance of my time.

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

Mr. Speaker, at this time I would like to inquire if the gentleman has any further speakers after I conclude?

Mr. JOHNSON of Georgia. We have no more speakers, and I would be prepared to conclude.

Mr. ISSA. Excellent. I will be brief.

This is noncontroversial. In fact, the Antitrust Criminal Enhancement Reform Act of 2009 is about a program that is working. It is a program that not only do I hope we will unanimously pass and send to the Senate, but that the Senate will act quickly so that after the 2 weeks remaining, this statute will not expire, and we will use this year wisely to review and reauthorize in a longer term basis this act.

ACPERA has in fact worked. It is something that both the majority and minority have agreed on, and I urge its passage.

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

Mr. JOHNSON of Georgia. Mr. Speaker, I yield back my time on this matter.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. JOHNSON) that the House suspend the rules and pass the bill, H.R. 2675.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

WEBCASTER SETTLEMENT ACT OF 2009

Mr. JOHNSON of Georgia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2344) to amend section 114 of title 17, United States Code, to provide for agreements for the reproduction and performance of sound recordings by webcasters.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2344

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 ''Webcaster Settlement Act of 2009''.

SEC. 2. AUTHORIZATION OF AGREEMENTS.

Section 114(f)(5) of title 17, United States Code, is amended—

(1) in subparagraph (D), by striking ''2008'' and inserting ''2008, the Webcaster Settlement Act of 2009,'';

(2) in subparagraph (E)(iii), by striking ''to make eligible nonsubscription transmissions and ephemeral recordings''; and

(3) in subparagraph (F), by striking ''February 15, 2009'' and inserting ''at 11:59 p.m. Eastern time on the 30th day after the date of the enactment of the Webcaster Settlement Act of 2009''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. JOHNSON) and the gentleman from California (Mr. ISSA) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia.

GENERAL LEAVE

Mr. JOHNSON of Georgia. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on this bill.

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

There was no objection.

Mr. JOHNSON of Georgia. I yield myself such time as I may consume.

Mr. Speaker, the Webcaster Settlement Act of 2009 allows the recording industry and the providers of Internet radio, also known as Webcasters, to negotiate reasonable royalty rates for the streaming of sound recordings on the Internet.

While a relatively new technology, the audience for Internet radio is growing rapidly. Fifty to 70 million Americans listen to Internet radio each month, in part because of the diverse programming available to cater to many different musical tastes.

In 1995, Congress passed a digital performance right for sound recordings. In 1998, the Digital Millennium Copyright Act expanded the right to Internet radio services by granting them the privilege of using copyrighted music at an industry-negotiated rate, or in the event the industry could not negotiate a rate, at a government-mandated rate determined by the Copyright Royalty Board, or CRB.

At the request of Webcasters, in 2004 Congress enacted the Copyright Royalty and Distribution Reform Act, which authorized a CRB proceeding to set fair statutory rates for Internet radio. Accordingly, in 2007, the CRB announced new statutory royalty rates for sound recordings to be paid by Webcasters.

The CRB's decision, which sets rates on a minimum fee, per-song, per-listener formula, would require Webcasters to pay significantly higher royalties than they previously paid under a percentage-of-revenue model.

Because of concerns that the higher rates are likely to threaten the future of Internet radio, Congress enacted the Webcaster Settlement Act of 2008. Signed into law last October, it allowed for the implementation of royalty fee agreements reached on or before February 15, 2009, between the recording industry and Webcasters that would serve as an alternative to the payment scheme set forth in the CRB decision.

While some Webcasters were able to reach consensus with the recording industry, others have not yet reached an agreement. Enactment of the Webcasters Settlement Act of 2009 will give more parties an opportunity to reach a consensus by allowing them to negotiate alternative rates. This opportunity to reach consensus will protect the viability of technology enjoyed by millions of Americans every day.

This legislation has the full support of the relevant parties. I commend the Internet radio and recording industries for the substantial progress that has been made in negotiations in recent months, and I encourage them to resolve all outstanding issues promptly so that we may see a thriving Internet radio industry in the near future.

I commend my colleague, Jay Inslee of Washington, for his leadership on this legislation, as well as Intellectual Property Subcommittee Chairman Howard Berman for facilitating discussions between the parties.

I would like to also commend Judiciary ranking member, Mr. LAMAR SMITH, for his leadership in making this a truly bipartisan effort, and I urge my colleagues to support this important legislation.

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

Mr. ISSA. Mr. Speaker, it is my pleasure to yield such time as he may consume for our response to the gentleman from South Carolina (Mr. BROWN).

Mr. BROWN of South Carolina. Mr. Speaker, I appreciate the gentleman from California yielding.

H.R. 2344, the Webcaster Settlement Act of 2009, grants limited statutory authority to SoundExchange, the government-designated entity that is responsible for disbursing Webcasting royalties to copyright owners.

The bill gives SoundExchange the legal authority to effect an agreement that has already been negotiated with certain ''pureplay'' Webcasters for the performance of sound recordings over the Internet.