

assure you that the United States has a long-standing policy opposing the hunting of seals and other marine mammals absent sufficient safeguards and information to ensure that the hunting will not adversely impact the affected marine mammal population or the ecosystem of which it is a part. The United States policy is reflected in the Marine Mammal Protection Act of 1972 (MMPA) which generally prohibits, with narrow and specific exceptions, the taking of marine mammals in waters or lands subject to the jurisdiction of the United States and the importation of marine mammals and marine mammal products into the United States.

The United States has made known to the Government of Canada its objections and the objections of concerned American legislators and citizens to the Canadian commercial seal hunt on numerous occasions over recent years. The United States has also opposed Canada's efforts within the Arctic Council to promote trade in sealskins and other marine mammal products.

We hope this information is helpful to you. Please do not hesitate to contact us if we can be of assistance in this or any other matter.

Sincerely,

NANCY POWELL,  
(For Paul V. Kelly, Asst. Secretary,  
Legislative Affairs).

SENATE CONCURRENT RESOLUTION 8—EXPRESSING THE SENSE OF CONGRESS THAT THERE SHOULD CONTINUE TO BE PARITY BETWEEN THE ADJUSTMENTS IN THE PAY OF MEMBERS OF THE UNIFORMED SERVICES AND THE ADJUSTMENTS IN THE PAY OF CIVILIAN EMPLOYEES OF THE UNITED STATES

Mr. SARBANES (for himself, Ms. COLLINS, Mr. AKAKA, Mr. WARNER, Mr. LIEBERMAN, Mr. ALLEN, Ms. MIKULSKI, Ms. SNOWE, Mr. JOHNSON, Mr. DAYTON, Mr. LAUTENBERG, Mr. KENNEDY, Mr. DURBIN, Mr. CORZINE, Ms. LANDRIEU, Mr. BINGAMAN, and Mrs. MURRAY) submitted the following concurrent resolution; which was referred to the Committee on Homeland Security and Governmental Affairs:

S. CON. RES. 8

Whereas members of the uniformed services of the United States and civilian employees of the United States contribute to the general welfare of the United States, maintain the Nation's defenses, and ensure the security of the homeland;

Whereas civilian employees of the United States play a crucial role in the fight against terrorism, as exemplified by—

(1) the civilian employees of the Department of Homeland Security and the Department of Defense who are working to ensure the security of the United States;

(2) the employees of the Intelligence Community and Federal law enforcement who have played a critical role in the investigation of the September 11, 2001, terrorist attacks and who are working to prevent further terrorist attacks;

(3) the civilian employees of the Department of State who are working to maintain a broad and sustained international commitment to wipe out terrorism around the world;

(4) the numerous skilled trade and craft civilian employees of the Federal Government

who work side-by-side with the men and women of the Armed Forces to maintain and deploy our air and sea fleet safely and swiftly; and

(5) the employees of the Centers for Disease Control and Prevention within the Department of Health and Human Services who work every day protecting Americans from bioterrorism and those at the Department of Agriculture who strive to keep the Nation's food supply safe;

Whereas Americans depend on civilian employees of the United States for a vast array of important services from high profile disaster relief in times of national or international emergencies to the reliable administration of the Social Security program;

Whereas civilian employees of the United States will continue to serve and defend the United States;

Whereas in fiscal year 2005 the Senate budget resolution supported an across-the-board pay raise for both members of the uniformed services and civilian employees of the United States; and

Whereas the House of Representatives adopted House Resolution 581 affirming the bipartisan commitment to pay parity for fiscal year 2005: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring),* That it is the sense of Congress that rates of pay for all civilian employees of the United States should be adjusted at the same time, and in the same proportion, as are rates of pay for members of the uniformed services.

Mr. SARBANES. Mr. President, I am pleased to join with Senators COLLINS, AKAKA, WARNER, LIEBERMAN, ALLEN, MIKULSKI, SNOWE, JOHNSON, DAYTON, LAUTENBERG, KENNEDY, DURBIN, CORZINE, LANDRIEU, BINGAMAN, and MURRAY in submitting a resolution expressing the sense of the Congress that parity between Federal civilian pay and military pay should be maintained.

During this unprecedented time in our Nation's history, both members of the uniformed services and civilian Federal employees are maintaining our Nation's defenses, ensuring the security of the homeland, and making remarkable contributions to the general welfare of the United States. Pay parity among all those who serve our Nation appropriately recognizes the crucial work and honorable sacrifices of the civilian Federal workforce. The contributions of civilian employees range from Department of Defense employees working alongside the military in hostile environments abroad to those at the Department of Health and Human Services who consistently achieve critical breakthroughs in science and medicine. The sacrifice of these individuals is made evident by individuals such as CIA employee Mike Spann, the first casualty of the conflict in Afghanistan; Lawrence Foley, an employee of the U.S. Agency for International Development who was assassinated by terrorists in Jordan; Joseph Curseen, Jr. and Thomas Morris, Jr., postal workers who died as a result of the anthrax attacks of 2001; and many others.

Congress has demonstrated a bipartisan and longstanding commitment to

the principle of pay parity by providing for equal pay adjustments in each of the last three years and 17 of the last 19 years. The budget proposal presented to Congress for Fiscal Year 2005 included a 3.5 percent pay raise for members of the uniformed services, but only a 1.5 percent pay raise for our dedicated public servants. However, both Houses of Congress reaffirmed their support for equal pay by including a 3.5 percent raise for both civilian and military employees in their respective resolutions and relevant Fiscal Year 2005 appropriations bills.

Providing equitable pay raises for federal employees is not just an issue of fairness. It is also critical to recruiting and retaining talented individuals in public service, and therefore, to successfully administering important Federal programs. Our Federal Government is facing a "human capital" crisis that threatens institutional experience and knowledge at every level. Within the next five years, our government could lose up to half of its workforce to retirement. These vacancies will occur in an era in which those entering the workforce are far less likely to join public service. Numerous studies by groups such as the Partnership for Public Service and the Council for Excellence in Government indicate that young Americans have developed a more positive attitude towards government and politics in recent years, but are still unlikely to consider government service as a career. One way to address this looming crisis is to take tangible steps to make Federal service more financially attractive.

I should note that despite the pressing need to draw more qualified candidates to Federal service, the Federal Employee Pay Comparability Act (FEPCA)—designed to bring Federal pay in line with private sector pay—has never been fully implemented. If we are serious about resolving our Federal workforce shortage issue, we must also begin a conversation about implementing FEPCA. At a minimum, however, we should recognize the importance of civilian Federal employees by providing equal pay raises to all those who choose to serve our country. Otherwise we risk further reducing the number of qualified candidates we can recruit to civilian federal jobs.

The dedication of both the uniformed services and our civilian employees embody the greatness of our Nation, day in and day out, through their commitment to public service. I urge my colleagues to support this resolution so that the contributions of both are recognized in an equitable manner.

AMENDMENTS SUBMITTED &  
PROPOSED

SA 1. Mr. DURBIN (for Mr. LEAHY (for himself and Mr. HATCH)) proposed an amendment to the bill S. 167, to provide for the protection of intellectual property rights, and for other purposes.

## TEXT OF AMENDMENTS

**SA 1.** Mr. DURBIN (for Mr. LEAHY (for himself and Mr. HATCH)) proposed an amendment to the bill S. 167, to provide for the protection of intellectual property rights, and for other purposes; as follows:

On page 21, line 7, strike "12" and insert "13".

## NOTICES OF HEARINGS/MEETINGS

## COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. CHAMBLISS. Mr. President, I announce that the Committee on Agriculture, Nutrition, and Forestry will conduct a hearing on February 3, 2005 in SD-106 at 11 a.m. The purpose of this hearing will be to examine the effects of Bovine Spongiform Encephalopathy (BSE) on U.S. imports and exports of cattle and beef.

## AUTHORITY FOR COMMITTEES TO MEET

## COMMITTEE ON ARMED SERVICES

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on February 1, 2005, at 9:30 a.m., in open session to receive testimony on death benefits and services available to survivors of military personnel and legislative proposals to enhance these benefits.

The PRESIDING OFFICER. Without objection, it is so ordered.

## COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Tuesday, February 1, 2005, at 10 a.m., on pending Committee business.

The PRESIDING OFFICER. Without objection, it is so ordered.

## COMMITTEE ON FOREIGN RELATIONS

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, February 1, 2005 at 9 a.m., to hold a hearing on Iraq.

The PRESIDING OFFICER. Without objection, it is so ordered.

## COMMITTEE ON FOREIGN RELATIONS

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, February 1, 2005 at 2:30 p.m., to hold a Business Meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PRIVILEGES OF THE FLOOR

Mr. SPECTER. Mr. President, I ask unanimous consent that Michael

O'Neill, chief counsel of the Senate Judiciary Committee; Brett Tolman, a detailee from the Department of Justice; and Nicholas Rossi, a detailee from the Federal Bureau of Investigation, be granted floor privileges for the first session of the 109th Congress.

Mr. LEAHY. Mr. President, reserving the right to object, and I will not object, I also ask, for purposes of debate on the Gonzales nomination, unanimous consent that floor privileges be granted to Matthew Nelson.

Mr. SPECTER. With that modification, the unanimous consent request is pursued.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. SPECTER. Mr. President, I ask unanimous consent that the following individuals be granted privileges of the floor for the duration of the 109th Congress: Grace Chung Becker, a detailee from the U.S. Sentencing Commission; Bruce Artim, a detailee from the National Institute of Health; and Reed O'Connor, a detailee from the Department of Justice.

The PRESIDING OFFICER. Without objection, it is so ordered.

## FAMILY ENTERTAINMENT AND COPYRIGHT ACT OF 2005

Mr. BROWNBAC. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. 167, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 167) to provide for the protection of intellectual property rights, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. LEAHY. Mr. President, I am pleased that today the Senate will pass the Family Entertainment and Copyright Act of 2005. This bill completes the ambitious package of intellectual property legislation that we undertook, along with our counterparts in the House of Representatives, to enact at the end of the 108th Congress. This is a bipartisan bill that makes important changes to our copyright laws and that will help ensure the preservation of America's cultural heritage. Today's passage of this bill is testimony to the efforts of several in this Chamber to ensure we make good law, capable of swift enactment, and for that I thank in particular the bill's cosponsors, Senators HATCH, FEINSTEIN, ALEXANDER, and CORNYN.

The FECA bill is made up of four important provisions. Title I of the bill contains the ART Act, which will criminalize the use of camcorders to steal

movies surreptitiously from the big screen. The second title of the bill is the Family Movie Act, which was designed to allow consumers to view only those portions of movies, in their own homes, that they want to. Title III of the bill contains the Film Preservation Act, legislation that I sponsored in the last Congress. The Film Preservation Act will allow the Library of Congress to continue its important work in preserving America's fading film treasures. What is more, the bill will assist libraries, museums, and archives in preserving films, and in making those works available to researchers and the public. Finally, the bill contains the Preservation of Orphan Works Act, which will correct a drafting error in the Sonny Bono Copyright Term Extension Act and will allow libraries to create copies of orphan works—copyrighted materials that are in the last 20 years of their copyright term, are no longer commercially exploited, and are not available at a reasonable price.

I thank the cosponsors of the Family Entertainment and Copyright Act, and I hope the House of Representatives will move with dispatch to pass and send to the President this consensus legislation.

Mr. BROWNBAC. Mr. President, I ask unanimous consent that the technical amendment that is at the desk be agreed to, the bill, as amended, be read a third time and passed, the motions to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1) was agreed to, as follows:

On page 21, line 7, strike "12" and insert "13".

The bill (S. 167), as amended, was read the third time and passed, as follows:

S. 167

*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 "Family Entertainment and Copyright Act of 2005".

**TITLE I—ARTISTS' RIGHTS AND THEFT PREVENTION****SEC. 101. SHORT TITLE.**

This title may be cited as the "Artists' Rights and Theft Prevention Act of 2005" or the "ART Act".

**SEC. 102. CRIMINAL PENALTIES FOR UNAUTHORIZED RECORDING OF MOTION PICTURES IN A MOTION PICTURE EXHIBITION FACILITY.**

(a) IN GENERAL.—Chapter 113 of title 18, United States Code, is amended by adding after section 2319A the following new section:

**"§ 2319B. Unauthorized recording of Motion pictures in a Motion picture exhibition facility**

"(a) OFFENSE.—Any person who, without the authorization of the copyright owner, knowingly uses or attempts to use an audiovisual recording device to transmit or make