

pure unadulterated evil, wronging someone because they are different. People should not and cannot live in fear because of their race, color, religion or sexual orientation; it is time that we take the strongest course of action to prevent these crimes.

Over the past decade the number of hate crimes has risen rapidly, consummating with 1999's "summer of hate." If taking anything positive from this infamous period is possible it is, that we have not done enough to prevent such crimes. Committing a hate crime is the most serious of offenses. It is our duty to make the punishment severe enough to deter even the most prejudicial person from considering a crime of this size. We in Congress have the ability and the opportunity to prevent the possible consequences of bias from occurring.

Today, as we commemorate the second anniversary of James Byrd's tragic death, we must pledge upon ourselves to do everything in our power to reduce the number of hate crimes. No one should ever fall victim to a hate crime, or any other crime for that matter, and we must renew and maintain our focus of the Hate Crimes Prevention Act (H.R. 1082), to ensure that crimes cease.

IN HONOR OF UPSTANDING CITIZENS PHIL VARGAS, JOE VARGAS, KEN VARGAS, LUCY VARGAS PROUSE, JOSE VARGAS, LETICIA VARGAS ORANGE COUNTY, CALIFORNIA

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 2000

Ms. SANCHEZ. Mr. Speaker, Mr. Speaker, I rise today to honor a family of upstanding citizens. These men and women are being recognized for giving their lives in service to their country and their communities. Each one of them has demonstrated excellence in their fields and they continue to accumulate awards of merit and outstanding performance. These remarkable members of the Vargas family make their homes in Orange County, California.

Officer Phil Vargas, 31, was born and graduated from high school in Anaheim, California. He joined the U.S. Marines and participated in Desert Storm. As a result of his actions, he received many awards and recognitions, including the Good Conduct Medal and the Kuwait Liberation Medal. Later, he joined the Anaheim Police Department where he has received various commendations in his role as a police officer including "Rookie of the Year."

Ken Vargas, 39, has lived in Orange County most of his life. He initially joined the Orange County Probation Department as a juvenile counselor. Today he is the manager of the Santa Ana Detention Facility, which has been recognized nationally for its efficient, humane, economical and practical methods of incarceration. In addition to his exemplary administrative skills, Mr. Vargas has served as an instructor at the Correctional Basic Academy and speaks at seminars all over the nation.

Sgt. Joe Vargas, 43, has served as a police officer for many years in Orange County. His career began at age 14 when he joined the Stanton Police Department Explorer Program.

Today he is a Sergeant with the Anaheim Police Department and its Public Information Officer. Among his numerous merits are Police Officer of the Year and founder of several police organizations. He teaches a karate class to children every Friday.

Sgt. Lucy Vargas Prouse, 53, came to the United States as a child and has since become a proud U.S. citizen. She first joined the Riverside Sheriff's Department as a Correctional Deputy. She later was promoted to Correctional Sergeant and currently is a Supervisor at the Banning Correctional Facility. Her accolades include the Gold Star Award and recognition from the California Board of Corrections.

Officer Jose Vargas, 64, was born in Mexico and came to the United States as a teenager. As a young man he worked as a garbage truck driver while studying English at night. At age 30 he received his high school diploma. Three years later he became an American citizen and a police officer. He is now the Hispanic Affairs Officer for the Santa Ana Police Department. His hard work and dedication have earned him hundreds of commendations, including being selected as "One of the 10 Best Cops in the USA" by Parade Magazine.

Leticia Vargas, also born in Mexico, is a dynamic community activist who advocates for women, minorities and low-income residents. Her broad range of service includes seats on the Sheriff's Advisory Council and the District Attorney Hispanic Commission. In addition, she teaches young women about the rights and responsibilities of citizens and has worked with the Mexican American Arts Council developing programs to extend access of the arts to low income residents. She has served on several boards of directors such as the Legal Aid Society of Orange County, Federal Emergency Management Agency, and the Homeless Issues Task Force.

Each of these members of the Vargas family has answered the call of civic duty in a manner that is inspirational and worthy of recognition. They have achieved extraordinary feats even though many of them came from humble and modest beginnings. The Vargas family serves as a role model of dedication to community and country. I ask you to join with me today in commemorating this deserving family for the service which they have unselfishly given and continue to give.

CONGRATULATIONS TO ARMED SERVICES YMCA NATIONAL VOLUNTEER OF THE YEAR DR. VIRGINIA M. MAHAN

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 2000

Mr. SKELTON. Mr. Speaker, recently Dr. Virginia M. Mahan of Waynesville, Missouri, was named Armed Services YMCA National Volunteer of the Year during the Thirteenth Annual Recognition Luncheon held on Thursday, May 11, 2000.

Dr. Mahan has been a volunteer for the Fort Leonard Wood Armed Services YMCA, where she is on the Board of Management and is a past Chairperson, since 1984. Among her many contributions, Dr. Mahan created a spin-off of Uncle Sam in the character of "Aunt

Samantha." She is recognized in the Fort Leonard Wood area by her patriotic red, white and blue outfit. She appears frequently at community events, grand openings, birthday parties, and other events to raise money for the Armed Services YMCA.

Prior to her present involvement with the military, Dr. Mahan served as an officer in the United States Air Force. She also was the Deputy Public Affairs Officer and Community Relations Officer at Fort Leonard Wood for thirteen years. Additionally, she has been a teacher, civil servant and special education consultant. Dr. Mahan earned her doctorate in education from the University of Cincinnati in 1980. Currently, she is co-owner of a retail antique store and serves as an adjunct instructor at Drury University in Springfield, Missouri.

Mr. Speaker, Dr. Mahan is dedicated to the Pulaski County Armed Services YMCA and generously volunteers her time to ensure that members of our nation's Armed Forces—especially young enlisted members—enjoy a better quality of life. I know that all the Members of the House will join me in showing our appreciation for her commitment to our troops.

CONGRESSWOMAN LOIS CAPPS
HONORED AS DISTINGUISHED
ALUMNUS AT THE UNIVERSITY
OF CALIFORNIA, SANTA BARBARA

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 2000

Mr. FARR of California. Mr. Speaker, I offer my congratulations to my very distinguished colleague, the Honorable LOIS CAPPS, on her recognition as the Distinguished Alumni Award recipient this year at the University of California, Santa Barbara. LOIS CAPPS represents a large Congressional district that includes Santa Barbara and San Luis Obispo Counties.

Lois received a Master's Degree from UCSB in 1990, at a time when the prospects ever serving in Congress would have seemed very remote. A loving wife of a University Professor, our beloved former colleague Walter Capps, and mother of three wonderful children, LOIS earned her Master's degree from the School of Education in early childhood behavior. This degree improved her skills and leadership as a nurse in the Santa Barbara School District, as an instructor in early childhood development at the Santa Barbara Community College, and as the Director of Santa Barbara County's Teenage Pregnancy and Parenting Project and the Parent and Child Enrichment Center.

The past ten years since she received her Master's Degree at UCSB have seen many changes in her life. LOIS has earned the respect of her constituents and her colleagues here in Congress with her hard work, dedication to the family and childhood issues that are so important to her, and strength in times of unfathomable tragedy.

As a member of the House, LOIS has served as a member of the Science and International Relations Committees before assuming her current position on the Commerce Committee, where she serves on the Health and the Environment and Finance and Hazardous Material Subcommittees. LOIS has made her mark in

legislation where she is a vigorous advocate for the Patient's Bill of Rights, Medicare reform, mental health, environment, high technology, and telecommunications issues.

LOIS' recognition by the UCSB Alumni Association is altogether appropriate. She was a member of the University community as a spouse, student, and now as a distinguished alumnus and Congressional representative. She loves the UCSB campus, and the campus community of faculty, administrators, and students return that affection many thousand-fold.

Mr. Speaker, we should all be proud of this recognition LOIS CAPPS has received in her district. She continues to bring distinction to our institution and our state, and is an inspiration to all whose lives she has touched.

HONORING THE 100TH ANNIVERSARY OF THE GREATER FIRST BAPTIST CHURCH

HON. BART GORDON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 2000

Mr. GORDON. Mr. Speaker, today I recognize the 100th year of existence of the Greater First Baptist Church of Lewisburg, Tennessee. The congregation will celebrate the church's 100th anniversary on Sunday, June 25, 2000.

The church was first erected in 1900 as a one-room building heated with wood and coal. In 1959 the church underwent a much-needed expansion and renovation project under the guidance of the Rev. W.P. Johnson, who was called to pastor the church in September 1941. Johnson's son, the Rev. Herbert Johnson, took over as pastor of Greater First Baptist Church in September 1997. The elder Johnson now serves as the church's pastor emeritus.

The church has served its community and congregation well for an entire century, a time during which our nation struggled through much change and innovation. Through those many years, though, Greater First Baptist Church never faltered in its commitment to bring the Lord's word to the people.

Lewisburg is a much stronger community because of the work of the church and its congregation. I congratulate the congregation's perseverance and am sure the church will be just as strong during its next 100 years of service.

IN HONOR OF THE LATE ELMER W. ROGOZINSKI

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 2000

Mr. KUCINICH. Mr. Speaker, today I honor Elmer W. Rogozinski, who passed away on June 5, 2000.

Elmer Rogozinski was born on May 14, 1918 to James and Martha Rogozinski and was the oldest of their five children. Elmer Rogozinski graduated from East Tech High School, and then studied at the Cooper School of Art. During World War II, Elmer Rogozinski served for four years with the 9th Air Force as a radio operator. He married Kay

Sot in 1947, and together they had two daughters, Diane and Janice.

Elmer Rogozinski was an active member of St. John Cantius church since 1947. He was a Mass server and committeeman, as well as a member of the St. John Cantius Mom's & Dad's Club. In 1958 he joined the 4th Degree Bishop O'Reilly of the Knights of Columbus as a member of the Color Corp. Since 1961, he served as the scribe for the Knights of Columbus Trinity Council paper, the Recorder. In 1963, Elmer Rogozinski was the Trinity Council Knight of the Year, and in 1984 he was the 4th Degree Bishop O'Reilly Knight of the Year.

Elmer Rogozinski was a man who enjoyed the little things in life. He bowled in the Trinity Council bowling league since the 1960s. Elmer loved to go bike riding and play baseball with his four grandchildren. He enjoyed packing food bags at the Tremont Hunger Center and teaching art classes during the summer to young children at St. John Cantius.

My fellow colleagues, please join me in paying tribute to Elmer W. Rogozinski, a great man whose loving and giving nature are an example to us all.

SECURITY INTERESTS IN COPYRIGHTS FINANCING ACT

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 2000

Mr. GEKAS. Mr. Speaker, this statement was to be included in the Congressional Record with the introduction of H.R. 4351, the "Security Interests in Copyrights Financing Act" which was introduced on the floor on May 2, 2000.

I was pleased to introduce the "Security Interests in Copyrights Financing Act" with the distinguished representative from Virginia, Mr. Boucher.

This simple bill is focusing on curing a major source of legal uncertainty regarding the ability of owners of valuable copyrights to leverage that value as a source of working capital. Resolving this in a timely manner is becoming very important, and should not wait on years of further court decisions—at the end of which Congressional clarification would probably still be required.

Intellectual Property (IP), including copyrights, is becoming an ever-larger portion of the Nation's total wealth, and new methodologies for objectively valuing these assets are coming into the marketplace. Once it can be valued in a standardized manner, IP can secure a loan as well as any tangible property.

At the same time, other trends make resolving this uncertainty a pressing issue.

First, most bankruptcy experts expect a coming wave of "dot-com" filings as some Internet related firms find that their business model is terminally flawed. The only valuable asset that most of these firms have is intellectual property, and it would be best for all parties in interest if the issue of whether or not their copyrighted or copyrightable IP had been secured under a UCC filing was clearly resolved, and not a matter of litigation in a variety of circuits. The value of these assets can wither quickly if they are not being utilized in the fast-moving technology sector, but that is just what will happen if ownership is contested

through long court battles. That will be to the detriment of all parties in interest to these insolvency proceedings.

Second, some of these firms can avoid insolvency, even in an emerging era of tightened equity financing, if they can borrow against their copyright assets: but their ability to do so is clouded by the current legal uncertainty.

Finally, many firms may find that a developing market for IP-secured loans offers an attractive alternative to equity financing, both in regards to total borrowing costs as well as to retention of ownership in valuable assets.

Until a decade ago, it was the general legal view that copyrights, like other intellectual property, were within the general intangibles category under the Uniform Commercial Code, and could be secured as loan collateral through a UCC-1 filing with the Secretary of State in which a borrower resided. However, several 9th Circuit bankruptcy court decisions have put this whole area under a cloud. The 1990 Peregrine Entertainment decision held that the Copyright Act preempts all state law, including the UCC. Then, in 1997, the Avalon Software decision held that a security interest in copyrightable material, even if it had not been registered with the Copyright Office, could only be secured by a Copyright Office filing. Even within the 9th Circuit, the law has become more unsettled with the 1999 World Power decision, in which a different bankruptcy judge held that a loan could be secured in copyrightable but unregistered material through a UCC filing, directly contradicting the Avalon decision. However, even the World Power decision offers little comfort to lenders, since their lien would be lost if the material's owner registered it with the Copyright Office.

There are many reasons why utilizing the copyright registration system is inappropriate and ill suited to the perfection of a security interest. The fundamental reason, of course, is that the UCC and the Copyright Act address disparate and largely incompatible goals. But there are many other practical reasons, including:

- A UCC filing quickly provides notice to other parties that a security interest has been taken in the material, whereas it can take months before the Copyright Office provides such public notice to third parties.

- A UCC filing is easy for others to locate, as it filed under the debtor's name in their state of doing business; whereas copyright filings are listed under the name or number of the registered work and are consequently difficult for lenders to locate.

- Commercial law has long incorporated the concept of a "blanket lien" so that, for example, a lender that, through a single UCC filing, has secured a lien on version 1.0 of software will see that lien carry over to a subsequent version that enjoys marketplace success. Copyright law, however, requires a separate registration for each version and, consequently, a separate filing by a lender on each separate copyright.

- Borrowers may wish to obtain credit against material so that it can be developed to a state in which it is ready to be copyrighted and then marketed. Or they may wish to avoid registration so that, for example, they do not have to reveal a significant portion of software source code. Yet, since a lender can only register a lien with the Copyright Office against material that has already been copyrighted,