

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,

their access to debt financing will be cut off in these scenarios.

Mr. Speaker, last year my esteemed colleague, Rep. Coble, held a hearing in his Courts and Intellectual Property Subcommittee on a predecessor, draft version of the bill that I have introduced. Certain objections were raised against that earlier version, primarily on the grounds that it could have been interpreted to allow state law to prevail over the Copyright Act in certain instances. This new proposal has been narrowed and perfected to avoid such a result. Under H.R. 4351, the UCC will only govern a priority contest between a UCC security interest and a lien creditor. That is, creditors who have perfected a security interest in copyright material via a UCC filing will prevail over lien creditors or a trustee in bankruptcy, but will remain subordinate to the rights of other transferees of interests in copyrights under the Copyright Act. This will return the system to its pre-Peregrine state and provide the same means of securing interests in copyrights that currently exists for patents and trademarks.

The wisdom of this carefully targeted approach was attested to at last year's hearing. For example, Marybeth Peters, the Register of Copyrights, testified that "It may make sense to recognize perfection of security interests in copyrights at the state level for the limited purpose of allocating rights among lien creditors."

Mr. Speaker, while this is a simple bill, it addresses the complex intersection of Federal copyright and bankruptcy law, as well as state commercial law. It also affects both the entire secured lending industry, both bank and nonbank, as well as those industries with substantial copyright interests, including the software and motion picture industries. My purpose in introducing this bill is to stimulate a productive dialogue that, hopefully, will lead to a near-term resolution of this matter.

I know that other groups, including a task force of the American Bar Association, have proposed to address this issue in the context of far more complex, comprehensive, and controversial legislation that would substantially revamp the Federal intellectual property laws and alter their relationship to state commercial law. I do not know if such an ambitious project is required, but I certainly know that it is not the kind of undertaking that can be accomplished in this Congress, and perhaps not even in the next.

My goal is simple: To avoid years of needless litigation while resolving a problem that prevents owners of copyright material from leveraging its value as a source of financing. It is my hope that, working with my colleagues and all the affected industries, we can reach quick agreement on a means of achieving that goal.

HONORING THE FAST PITCHING
GIRL'S SOFTBALL TEAM, THE
GAINESVILLE GATORS FROM
NORTH CENTRAL, FLORIDA

HON. CLIFF STEARNS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 2000

Mr. STEARNS. Mr. Speaker, I want to bring to the attention of the House a great achievement by the Gainesville Gators, a girls fast

pitch softball team from North Central Florida. The weekend of May 27th and 28th, the Gainesville Gators won the "Commotion by the Ocean" National Softball Association Tournament. This victory qualifies the Gainesville Gators for this year's National Softball Association National Tournament. I would like to congratulate the Gators and all of the other teams that provided such fierce competition in this tournament.

Mr. Speaker, a constituent of mine, Barry Adams, wrote an article describing the Gainesville Gators' win, which I will make part of the record at this point.

THE GAINESVILLE GATORS RIDE THE WAVE TO
A WIN IN THE COMMOTION BY THE OCEAN
NSA TOURNAMENT.

The weekend of May 27 and 28th saw the start of the summers first fastpitch softball tournaments. The winner from this tournament would qualify for this years National Softball Association National tournament. The day started out at 9:00 a.m. on Saturday, with the first game between the Gainesville Gators traveling Softball Team and the North Florida Beach All-Stars. The game was won by the Gainesville Gators 3-2. The next game would pit the Gainesville Gators against the Noreasters, the local host for this tournament, and started at 12:00 p.m. This game was won by the Noreasters 4-3.

This now had the Gainesville Gators at 1-1 for the tournament. The third game started at 4:30 p.m. between the Gainesville Gators and Tsumani, who the previous week won their first tournament. The Gainesville Gators would prevail with the score being 5-2. The Gainesville Gators record was now 2-1 and would seed them as number 3 for the Sunday tournament Championship games. Sunday started early for the Gainesville Gators, the first game would be at 9:00 a.m. and would pit the team against the NF Beach All-Stars, whom the Gainesville Gators had defeated in their first game. In this action the Gainesville Gators again prevailed by defeating the All-Stars and would advance to the second game of the day. In this type of tournament if you lose you go home, so the mood of the team was to win one game at a time. Their toughest competition would be the next game. This would pit the Gainesville Gators against the undefeated Jax Attack team and the number one seed in the tournament, based on the previous days performance. This would be the second game of the day for the Gainesville Gators and the first for Jax Attack. In getting to the number one seed the Jax Attack had allowed less than 4 total runs in their previous 3 games.

This would be a challenge for the Gainesville Gators. They accepted the challenge in defeating the Jax Attack 5-2 and would advance to the Championship Game between them and the Noreasters, the home team and the only team to defeat the Gainesville Gators during the tournament. The game was played with the results being in favor of the Gainesville Gators who would win 6-5 and in doing so assure themselves the Tournament Champions and an automatic bid to the NSA National Tournament. The Gainesville Gators had outstanding pitching by, Cassandra Sparks, Miranda Lovvorn, Annie Voyles and Kerri Stroh. The infield was stingy in giving up hits, with third base being covered by Jessica Howell and Shanna Gearer, Shortstop by Dana Osborne, and Montie Adams. Second base was bolstered by Jena Rowland and Cassandra Sparks, with First base being covered by Annie Voyles and Rekeesha Duncan. The outfielders provided many great plays and kept the Gainesville Gators in most of the games with their

fielding. Right field was staffed by Alicia Gray, Melissa Fairbrother, Center field was covered by Melissa Fairbrother and Tiffany Goode, Left Field was covered by Montie Adams and Shanna Gearer. Catching was handled by Tiffany Goode, Alicia Gray and Annie Voyles. The coaching Staff, Head Coach Teresa Kraus, Assistant Coach David Sparks and Kelly Stroh were proud of the accomplishments of the team with the playing, hitting and overall skills displayed over the weekend.

Rekeesha Duncan became the power during two of the games, with a fence clearing home run that sealed the victory over the number 1 seed, Jax Attack and a hit to the fence in the Championship game.

All the players were successful in getting hits at critical times and stealing bases. Overall the team provided the hitting and fielding at the critical times. The Gainesville Gators finished the tournament with a record of 5-1. The team consists of girls from all over the surrounding areas of Gainesville. They run from Lawtey, Lulu, Starke, Gainesville, Bronson, Inglis, Williston, Archer, Providence and Lake Butler, Florida.

The team Coaches: Head Coach, Teresa Kraus; Asst Coach, David Sparks; and Asst Coach, Kelly Stroh.

Players:

Montie Adams, Rekeesha Duncan, Melissa Fairbrother, Alicia Gray, Shanna Gearer, Tiffany Goode, Jessica Howell, Miranda Lovvorn, Dana Osborne, Jena Rowland, Cassandra Sparks, Kerry Stroh, and Annie Voyles

TRIBUTE TO WILLIAM G. MOLL

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 2000

Mr. PORTMAN. Mr. Speaker, today I pay tribute to William G. Moll, a good friend, who will receive the 2000 Silver Medal Award from the American Advertising Federation on June 13, 2000. Bill has been selected for this prestigious award for his outstanding contributions to the advertising industry. Bill's accomplishments have advanced the standards for creative excellence and social concern.

Bill graduated from Southeast Missouri State University, where he received a Bachelor of Science in Education. He went on to earn his Master of Arts from the University of Texas at Austin, where he studied Communications and Education.

Since 1992, Bill has been President and General Manager of W-KRC-TV, Cincinnati. I've had the opportunity to work with him through the Coalition for a Drug-Free Greater Cincinnati, where he has been a leader in developing one of the most aggressive anti-drug local media campaigns in the country. From 1989-1992, Bill was the President and General Manager at WINBC-TV, New York. From 1987-1989, he was President and Chief Executive Officer at the Television Bureau of Advertising, the television industry's marketing trade association. Bill also served at Harte-Hanks Communication, Inc. as President and CEO; State Mutual Broadcasting Co., Inc. as Vice President and General Manager; and as Station Manager at Southwest Texas Educational Television Corporation. He began his broadcast work as a radio announcer in 1954. From 1958-1961, he worked as a television news anchor and morning show host.