

higher, as according to the Department of Justice, over 70 percent of sexual assaults are never reported. Many Native American women remain silent due to cultural barriers, a high level of mistrust for white dominated agencies, and a history of inactivity by state and tribal agencies to prosecute crimes committed against Native Americans.

Furthermore, it is important to address the fact that police and courts tend to ignore cases of violence involving Native American women, due to alleged confusion between Federal and tribal jurisdictions. Cases involving a non-Native American perpetrator and a Native American victim fall under Federal jurisdiction. Tribes do not have criminal jurisdiction over nontribal members even for crimes committed against Native women on the reservation, and regrettably, States are not effective enough in enforcing tribal protection orders. Fortunately, VAWA provides victims with access to critical resources by establishing key grant programs that improve the criminal and civil justice systems' response to victims, as mentioned above. However, even with the best efforts of antiviolence advocates, law enforcement officials and judicial personnel have yet to reach everyone in need of assistance. Despite the successes of VAWA, Native American women are still at greater risk of becoming victims of violence, and the jurisdictional issues they face only further complicate the problem.

On the tenth anniversary of the VAWA, I call on my colleagues to continue supporting this important piece of legislation. Its contributions to society, while unfinished, are essential to combating abuse against women.

#### NOTICE OF CHANGE IN REGULATIONS REGARDING SENATORIAL SUITE SELECTION

Mr. LOTT. Mr. President, I rise to announce that in accordance with Title V of the Rules of Procedure of the Senate Committee on Rules and Administration, the committee has updated the senate regulations on senatorial suite selection effective October 7, 2004.

Based on the committee's review of the 1992 regulations which allow members up to 24 hours to select a Senatorial office suite, the Committee on Rules and Administration has concluded that its regulations should be updated to facilitate the speedy and smooth transition of assigning Senatorial office space. This update includes changing the allowable time for suite selection from 24 hours to eight hours. The Committee on Rules and Administration has also streamlined the process for the submission of office layout plans to the Architect of the Capitol. The timeframe for submitting such layouts to the Architect of the Capitol has been amended from two weeks to one week.

The amended regulations, as adopted appear below:

#### COMMITTEE ON RULES AND ADMINISTRATION, UNITED STATES SENATE REGULATIONS ON SENATORIAL SUITE SELECTION

Adopted by the Committee on Rules and Administration, September 20, 1988, Amended June 17, 1992, Amended October 7, 2004

The following policy will be in effect for suite selection by Senators following the general elections in November:

1. As in the past, seniority will determine the order of selection of suites.

2. Suite selection will begin promptly after the election.

3. The only opportunity for suite selection by each Senator will occur when he or she is contacted by the Rules Committee.

4. Selection will consist of only those suites available at the time of contact by the Rules Committee.

5. Senators shall inform the Rules Committee of the decision on suite selection within 8 business hours (9 a.m.–6 p.m. Monday through Friday) after contact by the Rules Committee. Failure to respond within 8 business hours will be deemed a decision not to move, unless an extension beyond the 8 business hours is approved by the Chairman of the Rules Committee.

6. Senators shall submit an approved office layout to the Office of the Architect of the Capitol within one week after a suite is assigned. (This action is critical because reconfiguration of partitions, telephones, and computer terminals are dependent upon the office layout.)

7. Senators shall be expected to begin moving into the newly-assigned suite not later than two days after notification that the suite is ready for occupancy.

8. In considering whether to move, Senators should take into consideration the following requirements:

a. Modular furniture will not be moved. If a Senator with an office containing modular furniture selects a suite without modular furniture, traditional furniture will be assigned. In cases where modular furniture is in place, changes in suite configurations should be kept to a minimum.

b. A Senator's computer equipment will move to the new suite. The central processing unit will be initially installed in the location where the previous occupant's CPU was located.

c. If a Senator from a "large" state elects to move, the extra space due that state may not be contiguous. Committees will not be forced to relocate in order to provide contiguous space. The Rules Committee will seek to locate the extra space in a contiguous area, but it may not be possible with most suite choices. It should also be understood that the Rules Committee will not know where the extra space due a "large" state will be located until after all 100 Senators have selected a suite. Then and only then will it be possible for the extra space to be assigned.

9. Senators from California will be assigned the two largest suites in the Hart Building as they become available. The choice between the two suites is to be made by the California Senators. These offices will then be permanently removed from the pool of available suites for assignment.

10. Every effort will be made to expedite moves, including the employment of temporary staff. However, the reconfiguration of partitions, furniture, telephones, and computer terminals requires seven to ten days. It is also desirable to repaint while the suite is vacant.

11. Each Senator (returning and newly-elected) will be informed of this policy immediately after the general election in November.

#### INTELLECTUAL PROPERTY PROTECTION

Mr. LEAHY. Mr. President, back in June the Senate took a strong step to support intellectual property on the Internet by updating the Government's most important tool in the fight against piracy: its enforcement authority. Unfortunately, the Bush administration, which likes to talk a good game, is apparently not interested in having the tools it needs to do the job. This administration has done nothing, as far as I know, to help enact important intellectual property legislation. As a consequence, congressional Republicans are holding up and resisting important legislation.

The Protecting Intellectual Rights Against Theft and Expropriation Act, S. 2237, allows United States Attorneys' Offices to bring a civil action against a large-scale copyright infringer. For some unimaginable reason, the Justice Department, which cannot issue enough press releases about its newly-minted Intellectual Property Task Force, has taken no interest in or action on this legislation. Apparently, the Ashcroft Justice Department rejects having the law enforcement authority to stop large-scale infringers and protect America's intellectual property from piracy. A Justice Department that has reinterpreted treaties and contorted the law to claim vast and unfettered authorities for this executive has little interest in assembling legislatively enacted tools for copyright protection and to stop piracy.

For a number of reasons having to do with law enforcement priorities, resources and other considerations, prosecutors rarely decide to bring criminal charges even against flagrant infringers. I have encouraged the Department to be more aggressive both internationally and here at home and have praised them when they have acted against infringers. I have worked hard to provide additional resources to our international efforts.

The PIRATE Act is another important effort in this fight. It provides alternative civil enforcement, authority. When a U.S. Attorney's Office sees a need for enforcement, but determines that a criminal case is not justified, the PIRATE Act would afford the Government a civil law route and civil law remedies. There are times when civil proceedings and remedies are more appropriate. Until we enact the PIRATE Act, they are unavailable. Presently, very few criminal cases are brought and no civil cases can be brought by the Government for these violations of Federal law. When you consider that the copyright industry employs over 11 million people in the United States, hamstringing the Federal Government by limiting it to criminal enforcement is unthinkable.

The Justice Department has appropriately refocused many resources of the FBI and the Criminal Division on preventing and investigating terrorism cases, leaving even fewer resources for protecting the intellectual property that is such a critical economic engine in this country. The PIRATE Act will enable other resources, outside the Criminal Division of the Justice Department and U.S. Attorney's Offices, to help protect intellectual property. This bill removes legal obstacles to the Justice Department's effective use of the resources it has at its disposal to fight piracy. The Attorney General should be fighting for this initiative. Unfortunately, the Bush administration and its Attorney General are missing in action.

The logic of the PIRATE Act and the reasoned approach it takes to Government enforcement of intellectual property rights is compelling. Consider that during this divisive session of Congress in which partisanship was pervasive, the Senate Judiciary Committee and the Senate passed the PIRATE Act without a single dissenting voice.

I urge the Bush administration to get with the program. If you want to talk the talk and pretend to support the protection of intellectual property rights, then walk the walk and work to clear the Republican opposition so that Congress can enact the PIRATE Act. Then use that authority as appropriate to help end the theft of intellectual property that is an enormous drag on our economy and so unfair to the artists who created the works by which others illegally profit.

The Ashcroft Justice Department issued a veto threat to the SAFE Act before a single hearing and before any markup of that legislative proposal. The PIRATE Act has passed the Senate and we still await the first word from the Justice Department providing its views on this legislation. The lack of support for enactment of civil enforcement tools by the Department of Justice is most revealing.

#### NOMINATION OF DR. FRANCIS JOSEPH HARVEY TO BE SECRETARY OF THE ARMY

Mr. SPECTER. Mr. President, I have sought recognition to recommend that Francis Joseph Harvey, of California, confirmed to be Secretary of the Army. I met with Secretary Harvey on October 5, 2004 in my office. I found Secretary Harvey to be not only very well qualified, but also to have a great deal of enthusiasm for the task ahead. I was particularly impressed with Secretary Harvey's background. He was born and educated in Pennsylvania. His mother still resides in Latrobe, PA.

Mr. Harvey is currently serving as Assistant Secretary of Defense for Networks and Information Integration. Prior to his nomination by the Army, he served as vice chairman of Duratek, Inc. in Columbia, MD, and has served as the chief operating officer of the Industries and Technology Group for Westinghouse Electric Corporation where he earlier served as president of the Electronic Systems Group and as president of the Government and Environmental Service Company. Dr. Harvey earned his bachelor's degree from the University of Notre Dam and his Ph.D. from the University of Pennsylvania.

Pennsylvania has a rich Army tradition. Pennsylvania is home to several bases, and the Army War College and Military History Institute at Carlisle Barracks.

If confirmed, Secretary Harvey will no doubt apply his expertise, energy, and enthusiasm to serve the soldiers of the United States Army and our country with distinction.

#### SATELLITE HOME VIEWER ACT

Mr. LEAHY. Mr. President, I am very upset that the Congress has been unable to pass legislation to prevent the termination of satellite television service to hundreds of thousands households in the United States. In September, I raised these concerns on the Senate floor in the hope of preventing these potential terminations of satellite service. The Senate Judiciary Committee got its job done in June. We reported out a great satellite television bill which would have expanded viewing options for satellite dish owners. The other body has also developed a very good satellite bill which I shall discuss in a moment.

However, history may repeat itself because Congress has not completed action on this legislation. I explained my concerns on the Senate floor when I reminded everyone that in "1998 and 1999 over 2 million families were faced with the prospect of losing the ability to receive one or more of their satellite television network stations."

These terminations of satellite service will begin just after midnight on December 31, 2004. The problem is that the Congress will be out of session during most of the time between now and

that termination date. If we are in session for a small portion of that time, it will most likely be during a lame duck session of Congress after the November elections. There will be very little time to enact this satellite bill with the huge press of business yet to be completed.

Many Midwestern and Rocky Mountain states have vast areas where satellite dish owners receive network stations, such as ABC, NBC, CBS or Fox, from out-of-state stations because signals from their local stations are blocked by mountains or diminished by distance from TV broadcast towers. Thousands of these families do not have any other way to receive television signals except by satellite. They do not have access to TV stations over-the-air because mountain terrain blocks those signals, and distance from the broadcast towers weakens the signals. Many residents in those states do not have access to cable TV service because of the rough terrain or the low population density which makes it economically difficult for cable companies to invest in the needed cables. Without access to network stations via satellite because the satellite legislation did not pass, and because they do not receive service over-the-air, or via cable, thousands of families in those areas will lose national network service.

Since information about subscribers is proprietary it is difficult for me to tell you exactly how many families will be affected by this, but I assure you it is not a small number.

The Hatch-Leahy Satellite Home Viewer Extension Act of 2004 was approved by the Senate Judiciary Committee in June. All the Members of the Judiciary Committee supported that bill. Similar legislation in the other body entitled the Satellite Home Viewer Extension and Reauthorization Act of 2004, if enacted, would also be a boon to public television, the satellite industry, the movie, music and television industries, and to satellite dish owners throughout America. Unfortunately, the time is rapidly approaching when it will be too late to act.

I am especially pleased that both the Senate and the House, H.R. 4518, bills contain a provision which I worked on with my colleagues from New Hampshire, Senator SUNUNU and Senator GREGG. We, along with Senator JEFFORDS, introduced legislation to ensure that satellite dish owners in every county in each of our States would be able to receive signals, via satellite, from our respective in-State television stations. While our two States represent a small television market as compared to some of the major population centers, this provision is nonetheless very important to residents in six of our collective counties two in Vermont and four counties in New Hampshire. The Senate bill, S. 2013, as reported in June by the Judiciary Committee also contains this provision, which was just included in H.R. 4518, the House bill.