

heritage museum during the festivities. The Association has dedicated hours of volunteer time and labor to “preserving yesterday and today for tomorrow,” and I am pleased that artifacts of Viborg’s history will be preserved in this fashion.

South Dakota communities each have their own unique history. I am proud to recognize Viborg’s ongoing work to preserve its heritage while building toward the future.

HONORING SUE POWERS

Mr. REID. Mr. President, today I rise to remember Sue Powers, a woman who devoted her last years to honoring the memory of cold-war veterans, and the widow of famed U-2 pilot Gary Powers.

When the United States salutes its war heroes, those who fought the cold war are often overlooked. Sue Powers, who died last month in Las Vegas, worked tirelessly to change that, and to preserve this important chapter of our history.

Mrs. Powers served as a volunteer at the Atomic Testing Museum in Las Vegas, and was a founding member of the Cold War Museum.

“She was as much of a cold-war warrior as her husband and believed in him and what he did through the events in the Soviet Union” said Troy Wade, chairman of the Nevada Test Site Historical Foundation.

Mrs. Powers, born Claudia Edwards, grew up in Warrenton, VA., and Washington, DC. After graduating from Anacostia High School, she went to work for the Central Intelligence Agency as a psychometrist.

In 1962 she met Francis Gary Powers, a famed U-2 pilot. Two years earlier in 1960, Powers had been shot down and taken as a prisoner of war while flying his U-2 spy plane over the Soviet Union.

Gary and Sue met just after Gary’s return from Russia. He literally bumped into her when he walked around a corner near their offices. According to their son Gary Jr., there was spilled coffee, which led to a cup of coffee, which led to dinner, which led to romance and marriage.

Sue left the CIA and the couple was married in 1963. After their marriage they moved to Sun Valley, CA, where Gary worked as a pilot first for Lockheed then for KNBC television. They worked together to preserve the memories of those people who sacrificed their lives during the cold war. Sue was left to carry on their cold-war crusade alone after Gary died in a helicopter crash in 1977 while piloting for KNBC.

After her husband’s death Mrs. Powers moved to Los Angeles and eventually to Las Vegas. She devoted the rest of her life to preserving the legacy of her husband and other heroes of the cold war. She was honorary chairwoman of the Silent Heroes of the Cold War National Memorial Committee.

As a citizen of Nevada, Mrs. Powers worked especially hard to preserve Ne-

vada cold war history. Her husband was trained at Area 51, a military facility in Nevada, and Mrs. Powers was well aware of the many other contributions that Nevadans made during the cold war.

Many Government personnel were trained at Area 51, Nellis Air Force Base, or the Naval Air Station in Fallon. Nevada was also crucial to the cold-war effort because it was home to intercontinental ballistic missiles, fight training centers, nuclear weapons test sites, and strategic tactical resources.

Mrs. Powers appreciated the importance of these contributions and was diligent in her efforts to ensure that the Silver State’s role in the cold war was not forgotten.

Sue never swayed in her loyalty to cold-war veterans or her determination to ensure their sacrifices were not forgotten. For this, she herself is a hero. It is only fitting that she will be buried on July 13 in Arlington National Cemetery, along with her beloved husband.

PASSAGE OF THE AGOA ACCELERATION ACT OF 2004

Mr. GRASSLEY. Mr. President, I rise today to praise the Senate for the passage of the African Growth and Opportunity Acceleration Act of 2004 which was completed before we adjourned for the Fourth of July recess. The House of Representatives passed the legislation on June 14, 2004, and it was imperative the Senate quickly follow suit.

The passage of AGOA is great news for Africa. Since AGOA was first enacted in 2000, investment in Africa is up, and trade from Africa is up. Because of the Africa Growth and Opportunity Act, many African families can now feed their children. For the first time there is a new sense of hope in many countries. Many provisions of the Africa Growth and Opportunity Act were set to expire this year. This created an environment of uncertainty, which as leading to investment flight and lost opportunities. Passage of this bill will help people in Africa reap the full benefits of the program.

It is encouraging that this bill received such strong bipartisan support in the House and Senate. Trade can be a powerful tool of growth, and I am pleased that the majority of my colleagues share this view.

Although passage of this bill is a great step forward, there is still a lot of work to be done. For example, the United States is currently negotiating a free trade agreement with members of the Southern African Customs Union. This will include the nations of South Africa, Botswana, Lesotho, Swaziland, and Namibia. Completion of this agreement will help foster trade and investment in the region, which could lead to a new period of sustained economic growth.

For trade to work, it has to be two-way street. Foreign aid and preference programs are always a short-term an-

swer. For long-term growth, Africans must work hand-in-hand with the United States to open markets both in Africa and around the world. History proves that the most economically advanced nations are those that embrace free trade and free markets. Too often, unduly high tariff barriers in developing countries hinder the trade and investment that is so vital to economic growth. I want to help create a climate of sustained prosperity in Africa, so we can eliminate poverty and provide hope for a better future. Passage of this bill is a good first step. I hope we can continue our work with the African people to help advance both our economies and build toward a brighter, more prosperous future.

I would now like to take a minute and thank my staff who helped bring this legislation into realization. First and foremost is my staff director and chief counsel, Kolan Davis, for his leadership and loyalty. I would like to thank Everett Eissenstat, my chief international trade counsel, for his hard work as well as that of the rest of my trade team, including Stephen Schaefer, David Johanson, Zach Paulsen and Dan Shepherdson. I must not forget to mention Carrie Clark—now Carrie Clark-Philips—who competently covered this issue for me before leaving the Committee. And finally, I want to thank the ranking member on the Finance Committee, Senator BAUCUS, and his able trade staff of Tim Punke, Brian Pomper, Shara Aranoff, Sara Andrews, John Gilliland and Pascal Niedermann, for the work they did in getting this bill compelled.

I look forward to seeing the President sign this legislation into law quickly, so we can continue to work with the African nations in furthering economic progress. I thank the Senate for the bipartisan nature extended in the passage of this important legislation.

LOCAL LAW ENFORCEMENT ACT OF 2003

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Enhancement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

On January 2, 1993, police found Chrissey Johnson naked, with her feet tied together. She had been stabbed approximately 15 times and thrown from the second floor of her apartment. The disturbing nature of the murder suggested to police that Johnson was targeted for being transgendered.

I believe that Government’s first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by

passing this legislation and changing current law, we can change hearts and minds as well.

COLLOQUY ON CAMCORDER PROVISION OF S. 1932

Mr. HATCH. Mr. President, Section 3 of the ART Act establishes a new provision of Title 18 entitled, "Unauthorized Recording of Motion Pictures in a Motion Picture Exhibition Facility." I ask Senator CORNYN, what is the purpose of this provision?

Mr. CORNYN. Section 3 addresses a serious piracy issue facing the movie business: the use of camcorders in a motion picture theater. Sad to say, there are people who go to the movie theater, generally during pre-opening "screenings" or during the first week-end of theatrical release, and using sophisticated digital equipment, record the movie. They're not trying to save \$8.00 so they can see the movie again. Instead, they sell the camcorder version to a local production factory or to an overseas producer, where it is converted into DVDs or similar products and sold on the street for a few dollars per copy. This misuse of camcorders is a significant factor in the estimated \$3.5 billion per year of losses the movie industry suffers because of hard goods piracy. Even worse, these camcorder versions are posted on the Internet through "P2P" networks such as KaZaa, Grockster and Morpheus—and made available for millions to download. The goal of our bill is to provide a potent weapon in the arsenal of prosecutors to stem the piracy of commercially valuable motion pictures at its source.

Mr. HATCH. I have heard it said that this bill could be used against a salesperson or a customer at stores such as Best Buy or Circuit City if he or she were to point a video camera at a television screen showing a movie. Is this cause for concern?

Mr. CORNYN. Absolutely not. The offense is only applicable to transmitting or copying a movie in a motion picture exhibition facility, which has to be a movie theater or similar venue "that is being used primarily for the exhibition of a copyrighted motion picture." In the example of Best Buy—the store is being used primarily to sell electronic equipment, not to exhibit motion pictures. For the same reason, the statute would not cover a university student who records a short segment of a film being shown in film class, as the venue is being used primarily as a classroom, and not as a movie theater.

Mr. HATCH. Does the Senator from California agree with our colleague from Texas?

Mrs. FEINSTEIN. Absolutely, on all points.

Mr. HATCH. I have also heard some say that this statute could be used to prosecute someone for camcording a DVD at his home. Is this a fair concern?

Mrs. FEINSTEIN. No, it is not. The definition of a motion picture exhibi-

tion facility includes the concept that the exhibition has to be "open to the public or is made to an assembled group of viewers outside of a normal circle of a family and its social acquaintances." This definition makes clear that someone recording from a television in his home does not meet that definition. It is important to emphasize that the clause "open to the public" applies specifically to the exhibition, not to the facility. An exhibition in a place open to the public that is itself not made to the public is not the subject of this bill. Thus, for example, a university film lab may be "open to the public." However, a student who is watching a film in that lab for his or her own study or research would not be engaging in an exhibition that is "open to the public." Thus, if that student copied an excerpt from such an exhibition, he or she would not be subject to liability under the bill.

Mr. HATCH. Do the users of hearing aids, cell phones or similar devices have anything to fear from this statute?

Mrs. FEINSTEIN. Of course not. The statute covers only a person who "knowingly uses or attempts to use an audiovisual recording device to transmit or make a copy of a motion picture or other audiovisual work protected under Title 17, or any part thereof. . . ." In other words, the defendant would have to be making, or attempting to make, a copy that is itself an audiovisual work, or make, or attempt to make, a transmission embodying an audiovisual work, as that term is defined in Section 101 of Title 17. As such, the Act would not reach the conduct of a person who uses a hearing aid, a still camera, or a picture phone to capture an image or mere sound from the movie.

Mr. HATCH. It appears that there is no fair use exception to this provision. Is that correct?

Mrs. FEINSTEIN. This is a criminal provision under Title 18, not a copyright provision under Title 17. Accordingly, there is no fair use exception included. However, Federal prosecutors should use their discretion not to bring criminal prosecutions against activities within movie theaters that would constitute fair use under the copyright laws. The object of this legislation is to prevent the copying and distribution of motion pictures in a manner that causes serious commercial harm. This legislation is not intended to chill legitimate free speech.

Mr. HATCH. Does the Senator from Texas agree?

Mr. CORNYN. Yes, on all points.

BOYS AND GIRLS CLUBS OF AMERICA

Mr. FEINGOLD. Mr. President, I wish to express my strong support for S. 2363 and the Boys and Girls Clubs of America. For over a hundred years, the Boys and Girls Clubs of America have been empowering the youth of our Nation by

giving them tools to help them become productive citizens and future leaders. Providing children a safe place to learn and grow is just the beginning for this wonderful organization, which supports and inspires its members to participate in community service, arts, and culture, and sports and fitness activities, to learn important health and life skills, and much more.

I am especially proud of the vibrant 115-year history of the Boys and Girls Clubs of Milwaukee, whose five clubs currently serve more than 22,000 Milwaukee-area members. The Milwaukee clubs have won national awards for their technology and dental programs, and have achieved tremendous success in inspiring their members to strive to attend college. An impressive 85 percent of Milwaukee Club alumni credit Club staff for helping them learn leadership skills and build self-confidence. I am pleased that the legislation passed by the Judiciary Committee and the full Senate will help the Milwaukee-area clubs continue their important work.

I strongly support this bill, and I express my gratitude to Judiciary Committee Chairman HATCH and Ranking Minority Member LEAHY for giving this important cause the attention it deserves. The Boys and Girls Clubs of America are integral in fostering a safe and productive environment for our Nation's young people, our country's greatest resource for the future.

ADDITIONAL STATEMENTS

TRIBUTE TO JAMES A. ZIMBLE, M.D.

• Mr. INOUE. Mr. President, today I pay tribute to James A. Zimble, President of the Uniformed Services University of the Health Sciences, USUHS. On August 3, 2004, this remarkable individual will mark the end of his 46-year career in Federal service.

Dr. Zimble, Vice Admiral, Medical Corps, United States Navy (Retired), and 30th Surgeon General of the United States Navy, was born on October 12, 1933, in Philadelphia, PA. He served as a senior medical student and ensign in the Navy Reserve Program from 1958 through 1959, earning a Medical Degree from the University of Pennsylvania, School of Medicine (SOM). Thus commenced a career dedicated to service to his nation, medical readiness, and force health protection.

Dr. Zimble's 33-year career in the Navy began with his internship and residency at the Naval Hospital in St. Albans, New York. By 1969, he was board certified by the American Board of Obstetrics and Gynecology. From 1972 through 1987 he served with distinction in a series of assignments directing clinical services and strategic planning. His Navy career culminated with his selection to serve as Surgeon General of the Navy, from 1987 through 1991. Vice Admiral Zimble earned multiple honors and awards during his