

HUNGARIAN GOLD TRAIN CASE

Mrs. CLINTON. Mr. President, I rise to join my colleagues in supporting the quest for justice in the Hungarian Gold Train case. I have heard from these Holocaust survivors. Their story is painful, and the evidence is overwhelming. Our moral duty is clear.

One of the most troubling aspects of this is that we should not be having this debate at all. The facts of the Gold Train incident are not really in dispute. And for all the effort expended by the Federal Government in court trying to evade these facts, the facts were disclosed to the world by the Federal Government itself.

The reason we know about the Gold Train is because of the Presidential Advisory Commission on Holocaust Assets, PCHA. In the 1990s, our own Government told other nations they should look into their pasts—face the facts—and make redress as appropriate. Seventeen nations established commissions to do that. So did we. This Congress created the PCHA to study the past and reveal the truth. The Commission was fortunate to have Edgar Bronfman, then chairman of the World Jewish Congress, as its head. Stuart Eizenstat, the government's top official dealing with these matters, was a key member. It had a full staff of historians and researchers and a budget of several million dollars.

The Commission found that the record of the United States was a source of pride. Our Nation not only liberated Europe, but after the war, served as a model for how to handle the assets that had been stolen from Europe's Jews—with one glaring exception. In 1999, the Commission issued a report on the Gold Train. After half a century of silence and coverup, the Federal Government stated that the Gold Train was an "egregious failure of the United States to follow its own policy regarding restitution of Holocaust victims' property after World War II." We cannot be proud of this conduct, but we can all be proud that the Government made this admission.

We should all have expected that the next step was to make good on these disclosures and this conclusion. The Government should have compensated these survivors. Instead, the survivors were forced to go to court. The Justice Department is fighting them inch by inch.

One would expect the Justice Department to defend the Government's PCHA report. Instead, the Justice Department has disputed the accuracy of the report and claimed that the Commission withdrew its report. However, as Chairman Edgar Bronfman has made plain, the Progress Report is an "accurate account of the United States' handling and disposition of the 'Gold Train' property." Bronfman also has noted that, "In no way . . . did the PCHA intend to retract or retreat from the findings of the Progress Report." In fact, Mr. Bronfman points out, the report is prominently displayed on the commission's website.

Our Nation has a duty to the past. It has a duty to these people. They are dying every day. The Justice Department should sit down and resolve this matter with these survivors. That is the right thing to do.

INTELLECTUAL PROPERTY PROTECTION ACT

• Mr. MCCAIN. Mr. President, I wish to briefly remark on H.R. 2391 and H.R. 4077, a package of bills referred to as the Intellectual Property Protection Act of 2004. I have objected to the further consideration or passage of these bills by unanimous consent.

From the text of the bills that have been available to date for Senators to review, I believe that one part of this broad legislation, the Family Movie Act, may actually harm consumers while appearing to help them. To be clear, I support the stated goal of the act's authors: immunizing from legal challenges a technology that enables parents to skip offensive material from prerecorded copies of films and television. While I applaud the merits of their stated intent, I fear that the very exemption designed to achieve this laudable goal simultaneously creates an implication that certain basic practices that consumers have enjoyed for years—like fast-forwarding through advertisements—would constitute criminal copyright infringement. I note that Consumers Union and Public Knowledge, as well as a host of others parties interested in protecting consumers, share my concerns.

Americans have been recording TV shows and fast-forwarding through commercials for more than 30 years. Do we really expect to throw people in jail in 2004 for behavior they've been engaged in for more than a quarter century?

I look forward to working with my colleagues in this Chamber to address not only these concerns, but also the uncertain liability created for manufacturers that bring other innovative and pro-family products to market in the face of continual threats of extinction from powerful interests who seek to thwart their entry.

For these reasons, I do not intend to remove my hold on these bills until I am satisfied that consumer interests have been protected in this legislation. •

CONGRATULATIONS TO ASCAP ON 90 YEARS OF SUCCESS

Mr. HATCH. Mr. President, I am delighted to take this opportunity to recognize the 90th Anniversary of ASCAP, the American Society of Composers, Authors and Publishers.

In 1913, nine men braved foul New York weather to attend a small meeting at a restaurant called Luchow's. The meeting had been organized by three of the men; Raymond Hubbell, a composer, George Maxwell, a publisher; and Nathan Burkan, an attorney. They

were brought together by the novel idea of creating a society to ensure writers and publishers received the recognition and revenue their works generated. Enlisting the help of songwriter Victor Herbert, the group found five other writers and publishers to get the word out. A second meeting was scheduled, and in February 1914, over 100 members of the music community officially began the American Society of Composers, Authors and Publishers.

In the time that has passed, ASCAP has represented many of the greatest musical talents in recent history. The society's members have included Louis Armstrong, Cab Calloway, Peggy Lee, Garth Brooks, Jimmy Hendrix, Carly Simon, Bob Marley, Henry Mancini, Billy Joel, Bruce Springsteen and Madonna. Members have won countless awards for their work, including current president Marilyn Bergman, who, in collaboration with her husband, has won three Oscars, two Grammys and four Emmys. Under her outstanding leadership it has grown to 185,000 members, including many of the newest and greatest names in music.

This year, ASCAP celebrates its 90th anniversary in a time of great importance to the music copyright community. With the current debate over file sharing and constantly developing technology, individual artists are virtually powerless to protect their own work from illegal copying. As a songwriter and member of ASCAP myself, I truly understand the joy and pride that comes with the creation of a song, as I also understand the need for artists' rights to their songs to be protected. I have also had a professional connection with the property rights issues the society addresses. As the chairman and a long-time member of the Senate Judiciary Committee, which oversees matters of intellectual property law, I appreciate the dedication the society has shown toward maintaining the integrity and efficiency of copyright laws.

In the past 90 years, ASCAP has witnessed the transitions from records to 8 tracks to cassettes to compact discs and now to mp3s. It has been through the many trends of music, from big band and swing in 1920s and 1930s, to the wide range of musical styles available today. ASCAP has stood the test of time. I hope my colleagues will join me in recognizing its great contributions to the world of intellectual property law and wishing ASCAP and its members well in the years to come.

THE SCIENCE OF CLIMATE CHANGE

Mr. INHOFE. Mr. President, as chairman of the Committee on Environment and Public Works, I have previously addressed the Senate to discuss the issue of so-called global warming. I have taken a special interest in this issue because the gravity of what is at stake demands it. I have taken a simple, yet profound approach to dealing with environmental issues, working to