

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 CAPP
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 CAPP, on her recognition as the Distinguished Alumni Award recipient this year at the University of California, Santa Barbara. LOIS CAPP 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 alumna 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 CAPP 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