

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 televisions 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.