

shootings in Omaha, Nebraska, on Wednesday, December 5, 2007. On the Motion to Suspend the Rules and Agree (rollcall No. 1163), I would have voted "aye."

H. Res. 851, Resolution honoring local and State first responders, and the citizens of the Pacific Northwest in facing the severe winter storm of December 2 and 3, 2007. On Motion to Suspend the Rules and Agree (rollcall No. 1164), I would have voted "aye."

H. Res. 873, Resolution waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules. On Ordering the Previous Question (rollcall No. 1165), I would have voted "no."

H. Res. 873, Resolution waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules. On Agreeing to the Resolution (rollcall No. 1166), I would have voted "no."

H. Con. Res. 271, Sine Die Adjournment resolution of the 1st Session of the 110th Congress. On Agreeing to the Resolution (rollcall No. 1167), I would have voted "no."

H. Res. 878, Resolution providing for consideration of the Senate amendment to H.R. 2764, State, foreign operations appropriations, FY 2008. On Ordering the Previous Question (rollcall No. 1168), I would have voted "no."

H. Res. 878, Resolution providing for consideration of the Senate amendment to H.R. 2764, State, foreign operations appropriations, FY 2008. On Agreeing to the Resolution (rollcall No. 1169), I would have voted "no."

H.R. 4286, To award a congressional gold medal to Daw Aung San Suu Kyi in recognition of her courageous and unwavering commitment to peace, nonviolence, human rights, and democracy in Burma. On Motion to Suspend the Rules and Pass (rollcall No. 1170), I would have voted "aye."

H.R. 2764, Department of State, Foreign Operations, and Related Programs Appropriations for FY 2008. On agreeing to Senate amendment with 1st House amendment (rollcall No. 1171), I would have voted "no."

H.R. 2764, Department of State, Foreign Operations, and Related Programs Appropriations for FY 2008. On agreeing to Senate amendment with 2nd House amendment (rollcall No. 1172), I would have voted "no."

H. Con. Res. 254, Resolution recognizing and celebrating the centennial of Oklahoma statehood. On the Motion to Suspend the Rules and Agree (rollcall No. 1173), I would have voted "aye."

SUPPORTING THE "PERFORMANCE RIGHTS ACT"

HON. DARRELL E. ISSA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2007

Mr. ISSA. Madam Speaker, I rise today in support of the "Performance Rights Act," which was introduced today. This legislation, long in the making, has the simple goal of requiring that those who generate revenue from the use of music, pay for the use of music.

Terrestrial broadcasters have a strong and meaningful relationship with the American public. There are few of us who do not have wonderful memories that are accompanied by

music played over a radio, and fewer still who have not tuned in to hear news, traffic or emergency information. The American radio tradition is akin to apple pie or baseball. It is part of the American consciousness, and, with the help of HD radio, will remain so.

Even so, the past few decades have seen huge changes in how people consume music. Terrestrial radio once dominated new music awareness. This fact meant that if a consumer wanted to buy a song, they were likely to hear it on the radio first. Radio therefore had a dramatic promotional impact on music sales. However, even at the outset of mass music broadcasting in the United States, when Congress exempted terrestrial radio from paying artists a royalty, terrestrial radio was making money off of artists' work and paying nothing for it.

As time went on and records lost market share to 8-tracks, cassettes, CDs, and now MP3s, and terrestrial radio lost market share to cable radio, internet radio and satellite radio, consumer dependence upon terrestrial radio gradually decreased. Terrestrial radio no longer serves the same promotional role for music sales that it once did, but terrestrial radio is still exempt from paying a royalty to artists. Additionally, the other music platforms do pay for the right to broadcast music.

The "Performance Rights Act" encourages parity in music broadcasting by requiring terrestrial broadcasters to pay for the music they use. Stations that gross over \$1,250,000 will negotiate with artists to pay a fair royalty. "Small" stations, those grossing under that amount, can opt to pay a flat rate of \$5,000. Public broadcasters can elect to pay a flat rate of \$1,000. Talk radio that only uses music incidentally is exempt from paying as are religious services. All together, approximately 77 percent of all radio will have to pay artists virtually nothing to use music. This bill is not the boogeyman that detractors will make it out to be.

However, this bill is, I believe, unfinished. The songs that individuals consume via terrestrial, satellite, cable, and internet radio contain the same notes and the same voices regardless of which platform does the broadcasting. Yet they pay different rates, sometimes vastly different rates. We need to look further into these disparities, and I look forward to working with Chairman HOWARD BERMAN and others on correcting any inconsistencies in current law.

The arguments that supported exempting terrestrial radio from paying a performance right have been eroded by the passage of time and technological innovation. We all yearn for the nostalgia of yesteryear and American terrestrial radio is a big part of that, but our recollections of the past do not support injustices into the future. Radio has changed. Terrestrial radio should pay for the right to use the music from which it benefits.

INTRODUCTION OF LEGISLATION TO CODIFY TITLE 41, U.S. CODE

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2007

Mr. CONYERS. Madam Speaker, Ranking Member LAMAR SMITH and I are introducing a bill to codify into positive law as title 41,

United States Code, certain general and permanent laws related to public contracts. This bill was prepared by the Office of the Law Revision Counsel, as part of its functions under 2 U.S.C. § 285(b).

This bill is essentially identical to H.R. 5414, favorably reported by the Committee on the Judiciary in the 109th Congress, updated to incorporate enactments that took place after the earlier bill was prepared.

This legislation is not intended to make any substantive changes in the law. As is typical with the codification process, a number of non-substantive revisions are made, including the reorganization of sections into a more coherent overall structure, but these changes are not intended to have any substantive effect.

The bill, along with a detailed section-by-section explanation of the bill, can be found on the Law Revision Counsel Web site at <http://uscode.house.gov/cod>.

The Committee on the Judiciary hopes to act on this bill after providing an opportunity for public review and comment. In addition to sharing concerns with the Committee, interested persons are invited to submit comments to Ken Paretzky, Senior Counsel, Office of the Law Revision Counsel, U.S. House of Representatives, H2-304 Ford House Office Building, Washington, DC, 20515-6711, (202) 226-9061.

TRIBUTE TO DR. RICHARD AMOS

HON. ROBERT E. (BUD) CRAMER, JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2007

Mr. CRAMER. Madam Speaker, it is with great honor that I rise today to recognize Dr. Richard Amos upon his departure as Deputy to the Commanding General of the U.S. Army Aviation and Missile Command (AMCOM) at Redstone Arsenal in Huntsville, AL. Dr. Amos is stepping down at the end of this year to pursue opportunities outside of Federal service.

Madam Speaker, this is the second time that I have risen to honor Dr. Amos in the CONGRESSIONAL RECORD, a rare tribute in my 17 years in Congress. Dr. Amos, a native of Huntsville, has served as the Deputy to the Commanding General since 2004. In this position, he is the top civil servant at Redstone. He is responsible for managing over 11,000 military and civilian employees and tasked with providing our Nation's warfighters with the most up-to-date technology and tools.

Dr. Amos was promoted to the Senior Executive Service in 2000 and previously served as the Director of the System Simulation and Development Director at the Aviation and Missile Research Development and Engineering Center (AMRDEC) also located at Redstone. Throughout his tenure, he has diligently worked to serve our soldiers and ensure the Army is able to meet the ever-changing needs of our country.

Madam Speaker, today his family, friends, and colleagues throughout the North Alabama defense community celebrated his Federal service and accomplishments. I rise to join them in their tribute and to thank Dr. Amos for his many years of Federal service. I wish him the very best for the future.

IN TRIBUTE TO THE MEMORY OF
VESTER EUGENE SHULER

HON. MARILYN N. MUSGRAVE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2007

Mrs. MUSGRAVE. Madam Speaker, I rise to pay tribute to the memory of Vester Eugene Shuler whose warm heart and love of music touched many lives in Colorado. Gene was born in Choestoe, GA, and first came to Colorado when he was 13 years old to work in the sugar beet fields in Weld County. He traveled back and forth between Georgia and Colorado frequently in his early years and later raised his family in North Park Colorado.

Gene spent summers working in Colorado while attending school in Georgia. He proudly served in the United States Army and was sent to Germany in 1945. During his tour of duty he was a mechanic who supervised a garage. He returned home to Georgia to marry his sweetheart Loujine Young on July 17, 1948.

The young couple soon headed west and spent time working and living with Gene's brother Grady and his wife Ethel. They later moved to North Park where Gene worked as a welder and mechanic with Ozark Mahoney. A labor strike closed the mine and sent the young family to California to spend some time with relatives. They soon returned to North Park, living in Cowsdrey, Pine Springs and finally Walden. Gene worked for the Wilford Garage, Cooper Motors and the Sigma Coal Mines.

Music played a large part of Gene's life. As a young boy Gene stuttered. He began playing music at a young age; it gave him a way to say things he couldn't make out in words. He realized that he could do with music what he couldn't do with words. He knew when it was time to start the music and what music everyone loved to hear. If you knew him at all, then he knew your favorite song. He truly loved the time he shared with the people he cared about.

Gene and Loujine raised 2 children, Carl Shuler and Gwen Hanson. They were blessed with 5 grandchildren and 6 great-grandchildren. They enjoyed traveling and visited Georgia, Florida, Texas, California, Wyoming, Arizona and many places in between.

Gene's life was a lesson in how to enjoy life, honor God, care for others, face difficulties with courage, and make a positive impact on the world. I am proud to honor Gene, a precious veteran, who is the embodiment of all the values that have molded America into the great Nation it is today. May God bless his family, may God bless our veterans, and may God bless America.

RECOGNIZING JUSTIN COLBY
SCHULTZ FOR ACHIEVING THE
RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Justin Colby Schultz, a very special young man who has exemplified

the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, and in earning the most prestigious award of Eagle Scout.

Justin has been very active with his troop, participating in many Scout activities. Over the many years Justin has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Justin Schultz for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

CONGRATULATING THE COLORADO
ROCKIES ON WINNING THE NA-
TIONAL LEAGUE CHAMPIONSHIP

SPEECH OF

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, December 17, 2007

Mr. UDALL of Colorado. Mr. Speaker, I rise today in support of this resolution congratulating the Colorado Rockies on their National League Championship and first-ever franchise appearance in the World Series.

The entire Colorado delegation joined me in introducing the resolution, and it is now co-sponsored by more than 50 other Members of Congress. I greatly appreciate their support.

The Rockies defied the odds this year by making it to the World Series, capturing the best hopes of Coloradans and giving us all a reason to cheer for their success. Despite a tough loss to a great team in the Boston Red Sox, we remain proud of the Rockies' efforts and astonished at their historic rise to the top of the National League.

Toward the close of the season, the Rockies were the underdogs in the National League pennant race. The challenge of making the playoffs seemed as large and daunting as the mountain range for which the Rockies were named, but the team maintained an optimism and competitive spirit that kept them alive long after commentators had written them off. Winning 21 of their last 22 games prior to the World Series—an unprecedented feat in baseball history—the Rockies rolled over expectations and swept the Arizona Diamondbacks in the NLCS.

The World Series proved to be a bigger challenge than the Rockies could surmount, and they lost in four games to a very talented Red Sox team. Despite the losses, the Rockies carried themselves with dignity and true sportsmanship, giving Coloradans something to be proud of.

As the father of two young athletes I can say that the way the Rockies carried themselves is a tremendous example for our young people. We would have loved to have seen the Rockies bring home a victory this year, but, as Red Sox outfielder Manny Ramirez said during the ALCS, there's always next year. I know I am not alone in looking forward to watching some great Rockies baseball in the future.

I urge all our colleagues to join me in congratulating the Colorado Rockies on a great season and in thanking them for serving as great examples of professional athletes practicing sportsmanship.

THE "PERFORMANCE RIGHTS ACT"
OF 2007

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2007

Mr. BERMAN. Madam Speaker, today, I join my colleagues in both the House and the Senate in introducing "The Performance Rights Act" of 2007. This legislation is a first step at ensuring that all radio platforms are treated in a similar manner and that those who perform music are paid for their work.

This narrowly tailored bill amends a glaring inequity in America's copyright law—the provision in section 114 that exempts over-the-air broadcasters from paying those who perform the music that we listen to on AM and FM radio. For as long as I have been working on the intellectual property subcommittee, I have been troubled by this policy that sets America apart from every other developed country in the world. The purpose of the bill is to take a necessary step towards platform parity so that any service that plays music pays those who create and own the recordings—just as satellite, cable, and internet radio stations currently do.

I understand that this legislation raises some difficult political issues. Several people have expressed some very legitimate concerns—like the need to accommodate small broadcasters, the possibility of jeopardizing the revenues earned by songwriters and music publishers, or expanding the scope of the law governing music played in restaurants and other public venues. So let me begin by clarifying how we have narrowly tailored this legislation—

(1) The bill repeals the current broadcaster exemption—but it does not apply to bars, restaurants and other venues, or expand copyright protection in any other way.

(2) The bill provides an accommodation of protection for small and non-commercial broadcasters by setting a low flat annual fee with no negotiation, litigation or arbitration expenses. Nearly 77 percent of existing broadcasting stations in this country—including college stations and public broadcasters—will pay only a nominal flat fee, rather than having to pay a percentage of their revenues as royalties.

(3) The bill extends copyright protection to artists, musicians, and the sound recording labels—it does not harm or adversely affect the revenues rightfully paid to songwriters and other existing copyright owners.

For over 20 years I have been convinced that fairness mandates that all those in the creative chain from the artist, musicians and others who bring the recording to life—get compensated for the way they enrich our lives. The U.S. is the only developed country in the world that does not require privately owned over-the-air radio stations to compensate those performers who create the music that broadcasters use to attract the audience that generate their ad revenues. Because of music, radio is able to profit. Not compensating those who create the music is unfair and ultimately harmful to music creation that benefits everyone—including the broadcasters. Furthermore, the law requires all other platforms in the U.S., including satellite and Internet radio, to compensate the copyright owner.