

HONORING MISSOURI STATE
UNIVERSITY—WEST PLAINS**HON. JASON T. SMITH**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, September 30, 2013

Mr. SMITH of Missouri. Mr. Speaker, I rise today to honor Missouri State University—West Plains on 50 years of service to South Central Missouri. September 16, 2013 marked the exact date 50 years ago the university began offering classes at the West Plains campus. Since the campus opened its doors, MSU—West Plains has provided area residents with access to affordable and quality education. I applaud hard work of the university staff and the continued support of the surrounding community that has helped the West Plains campus thrive since 1963.

The university has expanded significantly since its founding, with an average enrollment of 2,200 students. This institution has also been recognized as one of the top two-year schools in the nation and as a military friendly school. Transforming the landscape of education in the region, MSU—West Plains has had a significant impact on the lives of many local Missourians. Over 700 community members attended the 50th anniversary celebration, during which a time capsule was created to be opened 50 years from now.

I offer the highest congratulations to Missouri State University—West Plains Chancellor Drew Bennett and Missouri State University System President Cliff Smart on this accomplishment. I look forward to another 50 years of success for Missouri State University—West Plains.

HONORING MR. W. CODY
ANDERSON**HON. ROBERT A. BRADY**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 30, 2013

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise today to honor the accomplishments of Mr. W. Cody Anderson. Mr. Anderson will be receiving the Outstanding Community Leader Award at this year's Friend of Labor Committee of Laborers' Local 332 Annual Black Tie Charity Dinner.

Mr. Anderson has committed himself to the field of broadcast radio for more than 35 years, beginning in the Sales Department of WDAS Radio and working his way to become the President and General Manager of the station. He is widely considered a leading communicator to African-American and urban-based communities and has long-standing relationships with leaders and organizations throughout the region. His expertise in community and grassroots based marketing has allowed him to build one of Philadelphia's most influential talk radio stations, 900AM WURD. He is consistently listed as one of Philadelphia's Top Ten Influential African-Americans and remains concerned with and accessible to community members and the issues they face. Throughout his very busy and successful career he has served as a member and advisor for several community organizations such as Action AIDS and the Afri-

can-American Interdenominational Ministries, Inc., and is an Ambassador in the Team Pennsylvania Outreach Program.

It is a privilege to recognize a person whose leadership and commitment to community has enriched the lives of countless individuals. I ask you and my other distinguished colleagues to join me in commending Mr. Anderson for his lifetime of service and dedication to Pennsylvania's First Congressional District.

PERSONAL EXPLANATION

HON. ALLYSON Y. SCHWARTZ

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 30, 2013

Ms. SCHWARTZ. Mr. Speaker, on rollcall No. 489, I was unable to be present for the vote.

Had I been present, I would have voted "yes."

THE INTRODUCTION OF H.R. _____,
THE FREE MARKET ROYALTY ACT**HON. MELVIN L. WATT**

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 30, 2013

Mr. WATT. Mr. Speaker, today I introduced H.R. _____, the Free Market Royalty Act (FMRA), which creates a "performance right" that will obligate AM/FM radio stations to compensate performers for the use of their music just as cable, satellite, and Internet radio are obligated to do. Currently, cable, satellite, and Internet radio compensate writers, publishers and performers for the use of their music. However, when a song is played on AM/FM radio, the songwriter and publisher receive compensation, but the performer does not. The failure of terrestrial broadcasters to compensate the vocalists, musicians, and background performers sets the U.S. apart from most industrialized nations where performers are compensated for their performances. As a result of this lack of reciprocity, royalties collected internationally for over-the-air performances are not available to American sound recording artists.

As part of the revision process that culminated in the Copyright Act of 1976, the Register of Copyrights was directed to examine whether the performance right should be extended to sound recordings. The Register's study considered whether a law should be enacted providing a performance right for sound recordings and also evaluated copyright systems developed in foreign countries. The exhaustive study transmitted to Congress in 1978 found that "[s]ound recordings fully warrant a right of public performance" that would address a major gap in the copyright laws. However, AM/FM broadcasters have fought against this equitable change for the last 35 years contending that AM/FM stations provide unique and valuable promotion to performers.

In 1995, the Clinton Administration noted that "[t]he copyright owners of sound recordings should be able to decide for themselves, as do all other copyright owners, if 'free advertising' is sufficient compensation of their works. If the users' arguments regarding the

benefit copyright owners derive from the public performance of their sound recordings are correct, the users should be able to negotiate a very low rate for a license to do so."

In 2009, I joined a broad, bipartisan majority of the House Judiciary Committee in favorably reporting the "Performance Rights Act" to the full House. The Senate judiciary Committee reported similar legislation to the full Senate. These bills would have established in law a performance right for sound recordings.

Airtime on AM/FM radio is no different from exposure on other mediums. Cable, satellite, and Internet radio also promote artists to new audiences, yet all these services pay performance royalties because clearly the value in these relationships runs both ways. AM/FM stations profit from advertising revenue. Why do advertisers pay? Because people listen. Why do people listen? To hear the songs. For many stations, take away the music and you take away the audience.

I was happy to hear Bob Pittman, the CEO and president of Clear Channel, the nation's largest broadcaster, say "[t]here are plenty of people in radio who think we already give the record labels so much by giving them free promotion to break their artists, and they say that ought to be enough. But clearly that is not enough, or there wouldn't be a decades-long battle over it." I agree that promotion is not adequate compensation.

I was less happy to hear the National Association of Broadcasters' claim that certain direct licensing deals that Mr. Pittman has reached with a handful of record labels illustrate that performance rights legislation is not needed. In fact, those deals expose the unfairness and inadequacy of the current system and they strongly point out the need for a legislative solution that will apply market wide. Indeed, Scott Borchetta, the president and CEO of Big Machine Records and one of the architects of the first private deal with Clear Channel that has become the template for others, wrote Congress in November that "the absolute need for legislation cannot be emphasized enough."

What these deals really highlight is the uneven patchwork of rights that infects any effort to negotiate in the market as it stands today. AM/FM broadcasters get songs for AM/FM airplay without paying a single cent to the performers. That gives them a source of revenue they can leverage in negotiations, for example to obtain lower royalty rates for digital radio play. But digital-only services don't have this unfair advantage. Meanwhile, only some labels and artists and only some broadcasters are in a position to undertake the costly negotiations that these deals require.

At the same time, Internet broadcasters have come to the Judiciary Committee to complain of the separate unfairness in the market under which they pay performance royalties at a different rate than satellite radio (which has its own illogical grandfathered exception) while AM/FM doesn't pay at all. In some respects, I agree. The Obama Administration recently echoed some of these concerns noting that "in the context of the growing digital audio market . . . there is still no public performance right when sound recordings are used by over-the-air FCC-licensed broadcasters. As a result, over-the-air broadcasters enjoy a competitive advantage over emerging digital services." The solution to all these problems is for everyone to pay and for all royalties to be set under

the same fair-market standard. That is essentially what the 2009 bill did.

Unfortunately, however, we've reached a legislative stalemate in which a reasonable compromise that virtually everyone agrees makes sense has become stuck. And the parties have all become locked into their positions and unwilling to make a move.

The FMRA seeks to end that stalemate by putting a new idea on the table that respects the equities and responds to the arguments of all. This bill creates an AM/FM performance right, to match the digital right that already exists in law. This would jumpstart meaningful private negotiations for all.

The FMRA's solution for royalty setting is the one the broadcasters have called for: let the market decide. But it also provides equal rights and bargaining power to both sides by allowing recording artists to reject offers they find unacceptable—something they currently cannot do under the copyright laws because the compulsory license requires them to make their music available. To implement this free market approach, the bill would repeal the existing compulsory license.

Internet radio says it pays too much, that the current "willing buyer, willing seller" standard results in rates that are too high. Under this bill, they may negotiate any rates they can. While Congress will establish a right, it will get out of the business of essentially establishing a price for that right. The value of music will be determined by the market.

There are of course many useful features of the current system that we should retain. Radio services have been able to use the compulsory licensing as one-stop licensing, allowing them to get access to any music they wish to use at an established price. To preserve that convenience to radio, the bill empowers broadcasters, and rights holders with SoundExchange as their agent, to collectively negotiate a one-stop licensing rate that will be available to all. Broadcasters and music creators are also free to negotiate separately alternative arrangements on top of those back-stop terms.

Current law also contains critical protections for artists requiring that they receive a statutorily mandated fair share of performance royalties and that those royalties be paid directly to them through SoundExchange. The bill retains those requirements.

In 2009, we hoped all stakeholders could reach an agreement that would end the years of waiting for fair pay for airplay. This proposal makes it in everyone's interest to reach such an agreement.

OUR UNCONSCIONABLE NATIONAL DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 30, 2013

Mr. COFFMAN. Mr. Speaker, on January 20, 2009, the day President Obama took office, the national debt was \$10,626,877,048,913.08.

Today, it is \$16,738,433,470,635.61. We've added \$6,111,556,421,722.53 to our debt in 4 years. This is \$6 trillion in debt our nation, our economy, and our children could have avoided with a balanced budget amendment.

PERSONAL EXPLANATION

HON. ALLYSON Y. SCHWARTZ

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 30, 2013

Ms. SCHWARTZ. Mr. Speaker, on rollcall No. 492, I was unable to be present for the vote. Had I been present, I would have voted "yes."

NATIONAL SPINAL CORD INJURY AWARENESS MONTH

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 30, 2013

Mr. CROWLEY. Mr. Speaker, as my colleagues may be aware, September 2013 is National Spinal Cord Injury Awareness Month. This month gives us a valuable opportunity to call attention to this issue and what we can do to support people living with spinal cord injuries.

There are approximately 270,000 people living with spinal cord injuries in the United States. In particular, an estimated 100,000 of those people are veterans who sustained a spinal cord injury while serving as members of the Armed Forces of the United States.

Approximately 12,000 new spinal cord injuries occur in the U.S. each year. In fact, every 48 seconds in our country, a person becomes paralyzed. A majority of these injuries occur from work-related accidents, motor vehicle accidents, sports injuries and falls.

The impact of spinal cord injuries is felt throughout our society. The estimated lifetime medical cost of a spinal cord injury can range from \$1 million to \$5 million, depending on the level of injury, and the ripple effects can be felt throughout other sectors, such as housing, job training and transportation.

Increased education and investment in research are key factors in improving outcomes for individuals with spinal cord injuries. Better treatments, therapies and access to the right equipment and services can go far toward both improving their quality of life and ultimately finding a cure for these injuries.

Throughout this month, awareness efforts have been taking place across the country to highlight the need to expand and build support for programs and initiatives that help people with spinal cord injuries.

I thank everyone who has participated in this month's activities, and I applaud the dedication of local, regional and national organizations, as well as the researchers, physicians, volunteers and people across the United States who are working to improve the quality of life of individuals and their families living with spinal cord injuries.

My hope is that we not only continue to make progress in this field, but that we also take every opportunity to elevate this issue and work toward finding solutions to help these thousands of people. I hope my colleagues will all join me in recognizing National Spinal Cord Injury Awareness Month.

HONORING MRS. BERTHA N. GODFREY

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 30, 2013

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise today to honor the accomplishments of Bertha N. Godfrey. Mrs. Godfrey retired from her position as senior vice president of the Philadelphia Tribune on July 31st after working for the paper for 67 years.

With 129 years of service, the Philadelphia Tribune is the Nation's oldest continuously published African American newspaper and has employed Mrs. Godfrey for over half of its existence. Throughout her nearly seven decades of employment with the newspaper, Mrs. Godfrey rarely missed a day of work, totaling up to approximately 17,500 plus days. Mrs. Godfrey has been described as an anchor and a historian for the newspaper, serving four different presidents of the paper from 1946 until 1980. At 92 years of age she continues to be a vibrant and dedicated character in the lives of those around her and will be sorely missed at the Philadelphia Tribune.

I ask you and my other distinguished colleagues to join me in commending Mrs. Godfrey for her lifetime of service and dedication to Pennsylvania's First Congressional District and the Philadelphia Tribune. May we all learn from her legacy of hard work, commitment, and passion.

PERSONAL EXPLANATION

HON. ALLYSON Y. SCHWARTZ

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 30, 2013

Ms. SCHWARTZ. Mr. Speaker, on rollcall No. 487, I was unable to be present for the vote. Had I been present, I would have voted "yes."

ON THE PASSING OF MR. KENNETH EDWARD BENTSEN

HON. AL GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 30, 2013

Mr. AL GREEN of Texas. Mr. Speaker, I would like to honor the legacy of the father of a dear friend. Our colleague, the former Member of Congress who represented large parts of the district I have the honor of representing today, Kenneth E. Bentsen, Jr. lost his beloved father this past week. Ken's father was also the brother of the late former Senator, and Treasury Secretary, Lloyd Bentsen, Jr.

Kenneth Edward Bentsen died Tuesday morning, September 24, 2013 in Houston, Texas. Mr. Bentsen was a prominent architect in Houston spanning over four decades. He was married to the former Mary Dorsey Bates for 60 years, who survives him.

He attended the School of Architecture at the University of Texas, where he was a member of the Sigma Nu Fraternity. In his sophomore year, he enlisted in the Naval Air Corps.