

## INTRODUCTION OF THE FAIR PLAY FAIR PAY ACT OF 2015

**HON. JERROLD NADLER**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 13, 2015

Mr. NADLER. Mr. Speaker, this is an amazing time for everyone who loves music. We have more ways to listen, incredible new paths to discover new artists, and “anytime anywhere” access to almost any type of music. Just as television has moved from a homogenized three-network world to the dynamic multi-platform competition of today—bringing us better and more varied programs than anyone could have imagined just a decade ago—radio has done the same. New digital services offer a dizzying area of choices and stations, and are pushing traditional AM/FM to innovate and break new ground as well.

But the rules governing radio music haven’t kept up with the times. After decades of legislative stopgaps, special interest exceptions, and congressional gridlock, radio businesses today operate under an absurd patchwork of inconsistent royalty standards and licensing rules. The result is a serious distortion of the economics of the radio business that artificially props up some services, and tilts the playing field steeply against others. And more than anything—it massively shortchanges artists and other music creators who, to this day, get paid nothing when their performances are aired on AM/FM radio.

Today in your dashboard you might have an AM/FM radio, a SiriusXM receiver, and an online link to Pandora. If you hear a song on Pandora, the artist and his or her accompanying musicians get a decent royalty, since Internet radio is governed by a fair market value royalty standard. However, if you hit a different button and hear the exact same recording on SiriusXM, the artist gets a much smaller royalty for the exact same song, because satellite radio pays below market royalties thanks to a 15 year old “grandfathered” exception from the normal royalty standard. If you tune in on AM/FM, the artist gets nothing for the same performance. Not a cent.

And if you click over to a song recorded before February 15, 1972, some of the biggest and most successful digital services have ceased paying royalties to older musicians, many of whom are past their working years and have no other way to make ends meet.

In the end, everybody loses under this chaotic system. Radio services are forced to compete in an unfair and distorted market that props up the oldest broadcast technology at the expense of innovative new services. How is it fair that companies like Pandora and SiriusXM, who pay royalties on all (post-1972) music, must compete against big radio conglomerates that don’t pay any royalties on most of the music they use? Even within the digital space, Pandora has loudly—and rightly—complained that its competitor SiriusXM pays royalties that are much lower based on totally arbitrary government decisions.

The Fair Play Fair Pay Act, which I am honored to introduce today along with my colleagues Congressmen MARSHA BLACKBURN (R-TN), JOHN CONYERS, Jr. (D-MI) and TED DEUTCH (D-FL), corrects this unfair and illogical system. It harmonizes the rules for licensing of sound recordings across all platforms

and establishes a simple, fundamental principle for the radio business: Fair pay for all artists on all platforms. At the same time, it protects truly small, local, and non-commercial AM/FM radio stations by ensuring that their royalties are affordable, capped at \$500 a year for stations with revenue below \$1 million a year and at \$100 a year for noncommercial broadcasters.

It sets down a clear marker on the need to resolve the dispute over pre-72 music—making clear what should already have been obvious, that all music has value and all who create it should be paid regardless of age. The courts have begun the process of protecting the rights of older artists under state law. In the meantime, the provision in this bill can serve as a placeholder as we continue to monitor those developments, and work toward a long term solution that benefits all stakeholders.

The bill also addresses the distribution of royalties, codifying industry practices that simplify the allocation of royalties to music producers and engineers. And it requires direct pay in direct licensing deals for music that is eligible for the existing statutory license. We are aware that there are ongoing discussions about direct pay for direct licensing, and the final provisions of the bill on this point will be informed by those discussions and by our commitment to protecting the rights and equities of all music creators, artists, independent labels, and majors.

And it includes a concrete and enforceable protection for songwriters—stating in unambiguous terms that the changes made by this law cannot be used to lower or reduce songwriting royalties in any way.

It is a great time for music lovers today—but if we don’t fix the corrosive distortions that are eating away at the core of the radio business that won’t be true forever. Artists already struggling with the steep decline in album sales will find it more and more difficult to make a living. Music as a career path will be closed off to many—and if that happens we all lose.

We look forward to working with our colleagues on both sides of the aisle in the House and Senate to consider this legislation and pass it into law.

## COMMEMORATING EQUAL PAY DAY AND EXPRESSING SUPPORT FOR THE PAYCHECK FAIRNESS ACT

**HON. SHEILA JACKSON LEE**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 13, 2015

Ms. JACKSON LEE. Mr. Speaker, I rise today to commemorate Equal Pay Day, a day in which President John F. Kennedy, on June 10th, 1963, proposed the simple principle that women deserve equal pay for equal work.

The symbolism of this day is expressed in that, as we are more than three months into the year, women’s wages are only now beginning to catch up to what men were paid the previous year.

Today, women on average make 78 cents for every dollar earned by men, amounting to an annual disparity of more than \$10,876 dollars between full-time working men and women.

It is important to understand what 78 cents to ever dollar means to a family: \$10,876 could purchase 86 more weeks of food; \$10,876 could afford more than 3,200 additional gallons of gasoline; \$10,876 could support families in incredible ways, and yet, even today, \$10,876 annually is exactly what women currently do without simply because of being women.

For African American women and Latina women, the wage gap is even higher. African American women on average earn only 64 cents, while Latina women earn 54 cents to every dollar earned by white, non-Hispanic men.

In my home state of Texas, however, the average wage gap for African American women is 59 cents to the dollar. For Latina women, it is an abysmal 45 cents to the dollar.

This is why I support H.R. 1619, the Paycheck Fairness Act, which addresses loopholes in the 1963 Equal Pay Act.

H.R. 1619 would protect employees who voluntarily share their own salary information at work from retaliation by an employer and remove obstacles in the Equal Pay Act to facilitate plaintiffs’ participation in class action lawsuits that challenge discrimination.

H.R. 1619 would also better align key Equal Pay Act defenses with those in Title VII of the Civil Rights Act, requiring employers to prove that pay disparities exist for legitimate, job-related reasons.

On this Equal Pay Day, I call upon House Republicans, all of whom have so far refused to co-sponsor the Paycheck Fairness Act, to answer this simple question: why are you opposed to woman earning the same amount as men?

I ask House Republicans to stop wasting the time of this Congress with attempts to defund the Department of Homeland Security and focus your energies on legislation that would actually help the American people.

Let us call this opposition to the Paycheck Fairness Act, and opposition to all acts of Congress dating back to the 1960’s that have attempted to ameliorate the glaring disparities in wages between women and men, for what it is: deliberately and blatantly sexist.

I ask all my colleagues to come help make the Paycheck Fairness Act a reality.

We should remember: equal pay is not simply a women’s issue—it is a family issue.

It is time now to update antiquated pay equality laws and to eliminate the wage gap entirely between men and women.

It is time for equal pay for equal work.

## HONORING THE LIFE OF CHUCK BROCKMAN

**HON. CANDICE S. MILLER**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, April 13, 2015

Mrs. MILLER of Michigan. Mr. Speaker, I rise today to honor and remember the life of Chuck Brockman, a devoted husband, son, brother, uncle, boater, philanthropist, newspaperman, friend, and retired soldier.

Chuck was born on May 28, 1934, in Mount Clemens, Michigan. He spent his early years in Mount Clemens with his father, Harvey, and mother, Roma, and his sister, Janet. At the age of 20, Chuck entered the U.S. Army and

admirably served our nation in Munich, Germany. During this time, he traveled extensively in Europe and began what was soon-to-be many decades of adventure.

Soon after, he married the love of his life, Margarite "Scotty" Brockman. Although Chuck and Scotty never had any children of their own, they were known for their generosity and willingness to "adopt" individuals they mentored throughout their lives. This epitomizes the man that Chuck Brockman was—he was always willing to take care of others as if they were his own family.

Chuck worked in the composing room at the Macomb Daily newspaper for 34 years before he semi-retired in 1999. At that time, he launched a boating column to share his passion for sailing and the sea with others. An avid recreational boater, he would write about places to go and the stories behind them. Instead of retiring and quietly enjoying the twilight of his life, in his usual adventurous style, Chuck chose to continue sharing his fearless experiences on the beautiful waters of the Great Lakes for all to learn more.

Chuck continued his advocacy about the natural wonders of the Lakes and its maritime heritage when he founded and ran the Save Our South Channel Lights, an organization devoted to restoring historically important lighthouses in Lake St. Clair and the St. Clair River. These South Channel lighthouses, also known as the Twin Sisters, were built before Abraham Lincoln was President of the United States and were used for many years by mariners sailing across Lake St. Clair and entering the South Channel up to the St. Clair River. Unfortunately, they fell into disrepair and were neglected, and many thought they would simply fall into the lake and be forgotten. That is, until Chuck Brockman made it his mission to save them. He was a passionate spokesperson for this project that raised funds for equipment and worked to maintain structures of lighthouses that were falling into the lake. Because of his tireless efforts, Chuck's organization raised about \$900,000 and now has lighthouses listed on the National Registry of Historic Places. Chuck was able to recruit and inspire so many dedicated individuals into this project. Because of this, even though he has sailed on, this work will continue; this is a true legacy.

I first met Chuck when I was a Harrison Township Supervisor in the 1980s. We instantly formed a bond because of our common love for boating. Later when I became Secretary of State, I relied on Chuck's sage advice for many projects impacting southeast Michigan, particularly the lighthouses. As Secretary of State for Michigan, I established a license plate fundraising program that financially supported the preservation of all 124 of Michigan's lighthouses. Like Chuck, I also appreciate the austere beauty of lighthouses and the important role they play for all sailors. Chuck and I worked closely during my time as Secretary of State and then when I entered Congress to preserve these structures. I was amazed and inspired by his enthusiasm, zeal, and quiet strength in accomplishing what many thought was an insurmountable feat. I considered him an advisor on these issues and a loyal friend.

On March 1, 2015, Chuck passed away peacefully in his home on Harsens Island. I know that I am not alone in saying that I will miss his positive outlook on life and stories of his adventures—both on and off the water.

Mark Twain once said:

Twenty years from now you will be more disappointed by the things that you didn't do than by the ones you did do. So throw off the bowlines. Sail away from the safe harbor. Catch the trade winds in your sails. Explore. Dream. Discover.

Chuck's life was the embodiment of this saying. In the 80 years that he spent on Earth, he explored, sailed, loved, taught, mentored, learned, gave, and most importantly, lived.

Chuck has left a sizeable legacy for the people of Michigan. It is people like him that forever leave an imprint in our minds and on our hearts.

Fair winds and following seas, Chuck.

**HONORING AN INSPIRING HERO IN NEVADA'S STATE ASSEMBLY: HARVEY MUNFORD**

**HON. CRESENT HARDY**

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

*Monday, April 13, 2015*

Mr. HARDY. Mr. Speaker, I would like to honor a great legend in the Nevada State Assembly today. Elected in 2004, Assemblyman Harvey Munford (D—Las Vegas), broke boundaries with a storied career in Nevada. Standing 6 feet, 8 inches, Harvey was destined to be on the basketball court. While being the first black man to attend and graduate from Montana State University at Billings, he laced up his shoes and hit the hardwood quickly becoming an All-American in the sport. After a record setting career in college, Harvey was drafted by the Los Angeles Lakers only to be sidelined permanently from the game with a knee injury. Turning to the classroom, Harvey settled in and became a towering presence in lives of students for over 36 years teaching at both the high school and community college level. After retiring from teaching, he turned his attention to the Statehouse and decided to become an opposing figure in the Assembly. Bringing his non-stop work ethic to debates, I quickly respected and enjoyed being around Harvey. That is why Mr. Speaker, I want to recognize Harvey Munford today for a storied career in public service representing Nevada residents.

**PRAKUL SURESH'S ESSAY**

**HON. PETE OLSON**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Monday, April 13, 2015*

Mr. OLSON. Mr. Speaker, I am privileged to interact with some of the brightest students in the 22nd Congressional District who serve on my Congressional Youth Advisory Council. I have gained much by listening to the high school students who are the future of this great nation. They provide important insight into the concerns of our younger constituents and hopefully get a better sense of the importance of being an active participant in the political process. Many of the students have written short essays on a variety of topics and I am pleased to share them with my House colleagues.

Prakul Suresh attends Elkins High School in Missouri City, Texas. The essay topic is: in

your opinion, what role should government play in our lives?

A government is an establishment created by citizens in order to protect and provide for the people of the country. Personally, I believe the role of a government is to do what is best for its citizens in a just manner. The government ought to try to protect its subjects and uphold societal welfare in the best way possible, whether it is through action or inaction.

A primary goal of the government is to ensure the country is safe from foreign attacks. For example, after the September 11th terrorist attacks, America responded with force and began operations against Al-Qaeda and Osama Bin Laden in order to protect our homeland. The American government has an obligation to keep its citizens safe against war as well. There are many ways in which a government can approach this. One method is to fight against enemies to keep America safe. Another method is to try to keep peace without compromising our interests and principles in order to ensure Americans do not have to unnecessarily fight. The task of protecting our nation is extremely difficult, considering the plethora of threats that nations such as the United States get. However, it is vital that America protects the safety of the nation.

Another duty is to ensure all Americans have the opportunity to succeed. One mechanism through which the government can do this is by making public education affordable and within reach to the common man. By promoting a properly functioning public education system, the government guarantees that anyone, regardless of gender, race or any other factor, has an opportunity to succeed. The government should also have an environment that encourages innovation, success and hard work, not an entitlement society. The government is obligated to give everybody equal opportunities at success, which is a foundation for a prosperous society.

Finally, I believe the government ought to try to create a stable, powerful economy. Businesses employ people, provide a sense of purpose to the people, pay taxes to fund the nation, and promote what makes America great: hard work, innovation and a powerful economy. By creating stable policies and providing incentives to draw investors and businesses, as well as supporting existing businesses, America can grow its dynamic economy. Policies such as low tax rates and simplified laws can help incentivize investing in the United States. It would be in the public's best interest to have a powerful economy, which leads to a powerful nation.

As Ronald Reagan once said, "government's first duty is to protect the people, not run their lives." The government should ensure that society is protected, whether it be protecting against foreign threats, protecting the opportunity to succeed, or protecting the economy. Through protection, the government can take the best actions and inactions regarding numerous issues.

**A TRIBUTE TO JASON WILLIS**

**HON. DAVID YOUNG**

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Monday, April 13, 2015*

Mr. YOUNG of Iowa. Mr. Speaker, I rise today to congratulate and recognize Jason Willis for being named a 2015 Forty Under 40 honoree by the award-winning central Iowa publication, *Business Record*.