

Definitions

“Chronic condition” means one or more physical or mental conditions which are likely to last for an unspecified period of time, or for the duration of an individual’s life, for which there is no known cure, and which may affect an individual’s ability to carry out basic activities of daily living (ADLs), instrumental activities of daily living (IADLs), or both.

“Serious and disabling chronic condition(s)” means the individual has one or more physical or mental conditions and has been certified by a licensed health care practitioner within the preceding 12 months as having a level of disability such that the individual for at least 90 days, is unable to perform at least 2 ADLs or a number of IADLs or other measure indicating an equivalent level of disability or requiring substantial supervision due to severe cognitive impairment.

THE IMPORTANCE OF ROYALTIES—A SONGWRITER’S PERSPECTIVE

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 2001

Mr. CONYERS. Mr. Speaker, today I am inserting into the RECORD a letter to me from Mr. Lamont Dozier, a fellow Detroitier who rose to the top of his profession as an award-winning songwriter, artist, and producer. In fact, Mr. Dozier has been so successful that his career has lasted for more than four decades, including a stint as a songwriter for Motown Records with the team of Holland-Dozier-Holland.

That success, however, did not come easily. Most people usually think of the singer or group who performed the song, not the songwriter or composer who wrote it. We easily remember the Supremes and Phil Collins when we hear “Baby Love,” “Stop in the Name of Love,” or “Two Hearts.” But if we look closely at the liner notes on the albums for those songs, we see songwriting credits for none other than Lamont Dozier. The Supremes and Phil Collins could never have had those hits had it not been for Mr. Dozier and his creativity. In fact, through his artistic genius, we can understand the notion (to use the words of Frances W. Preston, President and CEO of Broadcast Music, Inc.) that “it all starts with a song.”

In his letter, Mr. Dozier explains the importance of copyrights, royalties, and performance rights organizations. The Copyright Act gives to songwriters the exclusive rights over the public performance and distribution of their copyrighted works—their songs—whether by traditional or more modern forms of transmission. That means that a songwriter gets paid every time a song is played publicly over the radio, television, or by some other means or sells via record or CD. Once an album no longer sells like it used to, the payments for public performances are the only money that a songwriter, like Mr. Dozier, can rely on.

Because individual songwriters cannot possibly patrol all the communications media—radio, television, Internet, etc.—for perform-

ances of their work, they join performing rights organizations (i.e., BMI, SESAC, and ASCAP) to administer their rights. These organizations provide a “blanket” license for the performance of musical works for all types of transmissions and subsequently provide payments to songwriters. I am certain that Mr. Dozier speaks for many songwriters when he notes that he “wouldn’t be able to survive” or support his family without the performance royalties.

Mr. Dozier so eloquently describes the importance of intellectual property and royalties, that I felt compelled to make public his words so that, like his songs, everyone could benefit from them.

SEPTEMBER 28, 2001.

Hon. JOHN CONYERS, JR.,

*Ranking Member, House Judiciary Committee,
House of Representatives, Rayburn House
Office Building, Washington, DC 20515*

DEAR CONGRESSMAN CONYERS: I am writing this letter to you on behalf of myself, along with millions of other songwriters who have asked me to be their voice for certain judicial matters regarding songwriters and performance royalties.

As I am certain you are aware, I am a member of the Detroit songwriting trio, Holland-Dozier-Holland, whose hit songs were written in the 1960’s, and those songs today, still remain the tapestry of our country’s music, as they are referred to by millions of listeners, as “feel good music”, and right now more than ever, we all need “feel good music”.

Along with the accolades, many awards have been given to me for writing these songs that have in the past sold millions of records, but the most important compensation I have received, is the performance royalties, which through my performing rights society, BMI, have been the life’s blood of me and my extended family.

For over forty-five years, I have been a practicing songwriter who has had some hit songs, and then who has not had some hit songs. When record sales have dried up because age plays a factor in product that sells, or incorrect accountings from Record Companies prevent any payments, the only money that I have been able to count on is from my still current performance royalties which my family lives on from check to check.

Because I still write everyday, I still hope to have more songs that will create sales and air plays, but in the last several years I have not been lucky enough to make the charts again. However, my older songs are still popular with listeners around the world who choose to listen to certain radio stations that still play these songs. If it were not for those listeners, and BMI sending me those checks, I would not be able to support my mother, brother and sisters in Detroit, my wife and our three children, and to continue to exist in this world with any dignity even though I am not as in demand as a songwriter-producer today at age 60 as I was back in the 1960’s.

If our performance royalties were taken away, it would be in my mind and in the minds of my millions of colleagues, an injustice in our legal system. For we have all worked for years and years and years to provide our country and other countries in the world with positive music to help enhance their lives. Yes, we have been paid for our services, and just like a pension, which a man receives for 40 years of work on an assembly line at a factory, we, too, are due our

royalties . . . especially since the record sales, or as referred to in the music industry, “the mechanicals” have all but fallen through to nothing with new artist record albums, with internet activity and the downloading of songs, and just the fact that my songs appeal to a certain age bracket of baby-boomers who may not buy the old time record albums anymore, but who still like and enjoy listening to the many radio stations that still play these songs.

I am forever grateful to these radio stations, their listeners, and to BMI, and to you Congressman Conyers, for helping over the many years to see that songwriters like me are still able to rely upon the earnings from our works to support our families, for without these earnings, I wouldn’t even know what kind of job I could do, because all of my life I have worked at being a songwriter, and ever since I was able to get my family and myself out of the Jeffrey Projects in Detroit, Michigan, at the age of 16 years old, I have been writing songs and making a living writing songs. Performance income is now the only living that I do earn, although I keep trying to write new songs and try to place them on the likes of Britney Spears and Nsync and Whitney Houston, but perhaps my time has been and gone, and younger songwriters, with their mastery of song and productions, and with their ears more to the streets, have captured these younger artists and modern record companies run by young executives, who don’t even know my name hardly recall my contribution in music.

Still, if it weren’t for BMI and performance income, my family would be destitute. We are not receiving any income from mechanicals or sales, as one would call it, only air play. It’s not that I am lazy and just sit back and wait for the checks. I try to earn money singing the songs I have made famous for others, but the work is hardly there for a sixty year old man who was never known as a singer, still I try. I still spend money as a self-employed songwriter, in the writing and recording of song demos for new songs and send them out in the hope that someone will like the new ones enough to record them in order to be able to be on the charts again, have current hit songs, breathe new life into my waning career, and have record “mechanical” sales and more air play, as I still have three children to put through school who live under my roof, and the usual lifestyle responsibilities that every citizen of the United States has. Perhaps my way of receiving my income seems “glamorous” to those that don’t understand the business that I am in, as a still practicing songwriter. It is not glamorous to send out several songs a month, and face rejection of those songs, to hear back that you are “old school”, and to still get up every morning and sit down at the piano and come up with pretty melodies and nice lyrics, and try try again!

I am thick-skinned, but still it gets to me. If our performance royalties were to be discontinued, I wouldn’t be able to survive, neither would all of the people I support, and millions of families just like mine, who rely on their life’s works to provide income to them while providing enjoyment to others. Without performance income and BMI, I would be a man with no dignity, who would be homeless and forgotten for my contributions to our country and my contributions world-wide for the songs I wrote that broke down racial barriers and touched people all over the world who know how to sing the songs, even though English is not their first language. This is what makes me exist, and it is with this, that I am able to get up every

morning, raise my children to be people with integrity and to urge them to contribute wisely to our country. It is going to take a lot for each and every one of us to keep the faith, and to teach the young ones to be strong and positive. I feel that my music has done that for all of these years, and I feel that I deserve to be compensated for my contributions to millions of lives, even if they are not buying my old records, just listening to my old songs on radio stations that play my music.

Again, I thank you from the bottom of my heart for taking the time to read my letter, and I hope that it will help you in your crusade to enlighten those who need to know "what it is like to be a sixty year old songwriter" who needs to live on BMI performance income.

Very sincerely yours,
LAMONT HERBERT DOZIER,
Holland-Dozier-Holland.

A TRIBUTE TO DEPUTY CHIEF
JOHN "JACK" F. MCCARTHY

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 2001

Mr. LIPINSKI. Mr. Speaker, I rise today to pay my respects to a distinguished leader, family man, and deputy fire chief in my district, John "Jack" F. McCarthy, who recently passed away.

Born in 1927, in the Ogden Park Neighborhood, John had a long record of faithfully serving his country and community. He joined the Fire Department in 1951 after serving as a mechanic in the U.S. Army. In 1961 he was promoted to the rank of Captain, and three years later he was made battalion chief. In 1985, John retired from the fire department as deputy chief, having served for 34 years.

Mr. McCarthy was respected and loved by those who had the privilege to work with him and by his family. He was known for his even-handed leadership, willingness to help other, and for his studious approach to firefighting. John is survived by Patricia, his wife of 34 years, his son Kenneth, and his three daughters, Patricia McCarthy, Pamela Amico, and Marie Connolly.

Mr. Speaker, John "Jack" McCarthy's strong dedication to his family, fire department, and the community as a whole will be sorely missed. I am certain that his legacy will live on for many years to come.

ADDRESS OF FORMER SECRETARY
OF STATE MADELEINE
ALBRIGHT AT THE MEMORIAL
SERVICE OF YITZHAK AND LEAH
RABIN

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 2001

Mr. LANTOS. Mr. Speaker, at a singularly moving memorial service for the late Prime Minister Yitzhak Rabin and his lifelong partner Leah at the Embassy of Israel, our former dis-

tinguished Secretary of State, Madeleine Albright, spoke eloquently and with deep feeling about the contribution of this extraordinary couple, to peace and civilized life in the turbulent Middle East. I am delighted to share with my colleagues Dr. Albright's remarks.

ADDRESS OF FORMER SECRETARY OF STATE
MADELEINE ALBRIGHT AT THE MEMORIAL
SERVICE OF YITZHAK AND LEAH RABIN

Ambassador Ivory, Sara Ehreman, distinguished guests and friends, I am honored to be here with you tonight. Many of you had the privilege of knowing former Prime Minister Rabin better than I, but I do have some wonderful memories of my own about this warrior who made a strategic decision for peace.

I met the Rabins when he served as Ambassador here, and we had a number of encounters when I was UN Ambassador, some formal, some less so. I kept a picture of the two of us at dinner in New York, in my office throughout my tenure as Ambassador and Secretary. In my mind, however, the most dramatic picture of him was on that September day on the White House lawn, when he at first reluctantly and then firmly shook hands with Chairman Arafat. As he would say, you do not make peace with your friend.

Although by the time I knew Yitzhak Rabin, he had gray hair; I fully understand why Leah had years before fallen in love with a man with a full head of hair and what she described as "the eyes of David." He still had those amazing eyes.

Four years ago, when I made my first major speech on the Middle East, I wore this pin, shaped like a dove, a gift from Leah. Soon thereafter, I saw her in Israel, and she gave me this necklace, along with a note saying that sometimes a dove needs reinforcements. So I am in debt to the Rabins, but for far more than the jewelry.

I will not presume to speak for any of you, but for myself. I am in debt to Yitzhak Rabin for what he has given me, which is an abiding and perhaps illogical sense of hope. In my new life, I still give speeches, and am expected to make sense, even about the Middle East. But I have begun to think, "what is there left to say?" Remember what King Hussein called for that day in Aqaba when Israel and Jordan made peace? "No more death, no more misery, no more suspicion, no more fear, no more uncertainty of what each day may bring." Seven years later, what is it we have, except death, misery, suspicion, fear and uncertainty of what each day may bring? If there is any answer to that question it is the example of Yitzhak Rabin.

The former Prime Minister was no dreamer or sentimentalist. He was a doer and a realist. No one was more dedicated to Israel's survival, security and success. No one was more rigorous in drawing the distinction between right and wrong. No one was more fiercely patriotic on Israel's behalf. And no Israeli leader, before or since, has inspired such trust among Palestinians and Arabs.

It is making too much of one man to believe that if Rabin were still here, it would all be different. But how I wish we could test that hypothesis. I suspect, however, that if he WERE here tonight, he would scoff and tell us that our responsibility is not to honor him, or to think about what might have been. Our responsibility is to clean up the mess we are now in.

He would tell us, Israeli and American, to put aside any differences we might have, and to stand together, with all who love freedom and cherish peace, to defeat terror, and conquer the hate outside us while preventing its

growth within us. He would remind us that our common fate is in our hands. Our common inspiration is in the history of resilience and determination that characterize our two nations. Our common strength is in our shared faith that free people working together can achieve miracles.

According to scripture there is a season to everything. Now is not the season for pious platitudes and empty words. It is a time of testing, of walking through the wilderness, of avoiding the sinking sand, and searching for solid rock. And yet, as we gather here tonight to honor a man, share memories, and rededicate ourselves to the principles for which he died, we are not afraid; we are confident, because we know from experiences what terror can and cannot do. Terror can turn life to death, laughter to tears, and shared hopes to sorrowful memories. It can destroy a marketplace and bring down towers that scraped the sky. It can even cause us to hold our breath while opening an envelope. But it cannot deprive us of our love for liberty or our solidarity with one another; it cannot make us retreat from our responsibilities or abandon our commitments; it cannot drive a wedge between America and Israel; and it will not prevail.

Last night we turned our clocks back a single hour, marking the end of daylight savings time. It's all we have the power to do. We cannot turn back the calendar to September the eleventh, 2001, or November the fourth, 1995. We cannot alter the past. We cannot bring back the countrymen and leaders we have lost. We have no choice but to face reality.

But we CAN choose to be animated by hope, not fear; to acknowledge the presence of evil in this world, but never lose sight of the good; to endure terrible blows, but never give in to those who would have us betray our principles or surrender our ideals. We can choose the path that we know in our hearts would have been chosen by Yitzhak Rabin. The path of strength matched by compassion, of courage reinforced by faith. By so doing, we can be sure that the perpetrators of terror will fail in whatever purpose they have; and that America, Israel and all who love freedom will continue toward our rightful purpose of creating a more just and peaceful future for us and for all people.

MEDAL OF HONOR RECIPIENTS 2001
ELLIS ISLAND

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 2001

Mr. BURTON of Indiana. Mr. Speaker, standing on the hallowed grounds of Ellis Island—the portal through which 17 million immigrants entered the United States—cast of ethnic Americans who have made significant contributions to the life of this Nation were presented with the coveted Ellis Island Medal of Honor at an emotionally uplifting ceremony.

NECO's annual medal ceremony and reception on Ellis Island in New York Harbor is the Nation's largest celebration of ethnic pride. Representing a rainbow of ethnic origins, this year's recipients received their awards in the shadow of the historic Great Hall, where the first footsteps were taken by the millions of immigrants who entered the United States in the latter part of the 19th century. "Today we