

# EXTENSIONS OF REMARKS

## THE COPYRIGHT TERM EXTENSION ACT, H.R. 2589

**HON. HOWARD COBLE**

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 5, 1998*

Mr. COBLE. Mr. Speaker, I would like to extend my remarks regarding H.R. 2589, the "Copyright Term Extension Act," which was passed by the House on March 25, 1998.

The writers, screen actors, and directors guilds have expressed concern about their inability to obtain residual payments that are due to their members in situations where the producer of the motion picture fails to make these payments, for example where it no longer exists or is bankrupt. The guilds may be unable to seek recourse against the exclusive distributors, transferees of rights in the motion picture, because those parties are not subject to the collective bargaining agreement or otherwise in privity with the guilds. Although the collective bargaining agreements generally require the production company to obtain assumption agreements from distributors that would effectively create such privity, some production companies apparently do not always do so.

Section 5 of H.R. 2589 would address this problem without interfering with the collective bargaining process and the ability of the parties to determine the terms of their relationships. It would, in certain circumstances, impose on distributors the obligations to make residual payments and provide related notices that are currently required by the collective bargaining agreements governing the motion picture. It does so by making the distributor subject to the applicable obligations under the assumption agreements, incorporating the applicable terms into the transfer instrument by operation of law. The provision would not affect broadcast and cable licensees because it excludes transfers that are limited to public performance rights.

The "reason to know" language is intended to be interpreted in light of common sense and industry practice. Because many motion pictures made in the United States are produced subject to one or more collective bargaining agreements, the distributor would ordinarily perform some check on whether the motion picture is subject to such an agreement, for example by inquiring of the producer. The provision would not, however, require a burdensome or exhaustive investigation. Publicly available information that indicates a work's status, such as records of a guild's security interest in the motion picture filed with the Copyright Office, would ordinarily provide "reason to know" within the meaning of the Act. The guilds may wish to provide an easily accessible source of information, such as a World Wide Web Site, that identifies which motion pictures are subject to a collective bargaining agreement. If the existence of such a site is made known in the industry, the listing of a particular motion picture would clearly give reason to know of that picture's status.

In order to protect distributors who have negotiated transfers based on misrepresentations, the provision makes the producer who fails to inform distributors of its collective bargaining agreement obligations liable to those distributors for any resulting damages. Disputes about the application of the provision and claims for damages from misrepresentation would be resolved in federal district court, with the court having discretion to award costs and reasonable attorneys' fees.

## TRIBUTE TO EL CAMINO REAL HIGH SCHOOL

**HON. BRAD SHERMAN**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 5, 1998*

Mr. SHERMAN. Mr. Speaker, I rise today to pay tribute to the students of El Camino Real High School, winners of the National Academic Decathlon title. I would like to take this opportunity to acknowledge this team of champions made up of Taimur Baig, Michael Beatty, Steve Chae, Nancy Fu, Bruce Ngo, Elana Pelman, Carina Yuen and Adi Zarchi, who were led by coaches David Roberson, Mark Johnson and Principal Ron Bauer.

The academic decathlon is the equivalent of an intellectual Olympics. Students are asked to compete in a variety of areas, including analyzing poetry, solving complicated trigonometry problems and answering questions about the lives of great composers. They are also tested on various aspects of global economies, including inflation, interest rates, the North American Free Trade Agreement and the International Monetary Fund.

The El Camino Conquistadors are to be commended for their dedication, hard work and discipline. In preparation for this grueling competition, students have spent 50 hours a week throughout this past year studying everything from music theory to chemical equations. In addition, each student also read "Jane Eyre" five times, and together the team took more than 450 multiple choice practice tests. Their success has been recognized on the front page of every newspaper in the area, by local radio and television stations, and most recently by President Clinton.

President Kennedy once said that we should think of education as the "... means of developing our greatest abilities, because in each of us there is a private hope and dream which, fulfilled, can be translated into benefit for everyone and greater strength for our nation." I would like to commend the Conquistadors for going after their dreams, individually and as a team. This commitment to their education and pursuit of their goals is an inspiration to other students, teachers and the rest of the country.

Mr. Speaker, distinguished colleagues, please join me in offering our highest accolades to the students of El Camino Real High School.

## ADDRESS OF AMBASSADOR ELIAHU BEN-ELISSAR AT THE NATIONAL CIVIC COMMEMORATION OF THE DAYS OF REMEMBRANCE

**HON. TOM LANTOS**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 5, 1998*

Mr. LANTOS. Mr. Speaker, on Tuesday, April 23, Members of Congress joined with representatives of the diplomatic corps, executive and judicial branch officials, and hundreds of Holocaust survivors and their families to commemorate the National Days of Remembrance in the rotunda of the United States Capitol. This moving ceremony featured a stirring address by His Excellency Eliahu Ben-Elissar, Israel's distinguished Ambassador to the United States, who reminded us all of the horrors of the Holocaust and the need to ensure that the suffering of Hitler's victims will never, never be forgotten.

Ambassador Ben-Elissar, a native of Poland, has represented his nation in government and the diplomatic corps for over thirty years. A longtime public servant for his country, he has helped to guide Israel to the outstanding economic, political, and foreign policy accomplishments which have marked its first fifty years as a State. Ambassador Ben-Elissar was a Member of the Knesset for fifteen years, compiling an exemplary record as Chair of the Foreign Affairs and Defense Committee and as a member of Israel's delegations to the United Nations General Assembly and the Madrid Peace Conference in 1991. Prior to this outstanding service he played a significant role in the historic peace agreements with Egypt, first as the Director-General of the Prime Minister's office under Menachem Begin and later as Israel's first Ambassador to Egypt in 1980-81.

Mr. Speaker, I insert Ambassador Ben-Elissar's solemn and dignified remarks for the RECORD, and I urge my colleagues to carefully note the observations of this fine statesman.

AMBASSADOR BEN-ELISSAR'S ADDRESS AT THE ROTUNDA OF THE CAPITOL ON THURSDAY, APRIL 23, 1998

In the late 20s and early 30s of this century no one paid attention to Hitler. In spite of his growing influence over the masses in Germany, no one really cared to take a good look at his ideas and plans described in detail in "Mein Kampf." When the general boycott of the Jews was declared in Germany on April 1, 1933, and subsequently, all Jewish physicians, lawyers, and professionals were prohibited to practice their professions, no one thought it was more than a temporary measure taken by an interim government. No one really reacted when, in 1935, the infamous laws on race and blood were adopted in Nuremberg.

No country in the world declared itself ready, at the Evian Conference on Refugees, in July 1938, to take in a significant number of Jewish refugees from Germany and the recently annexed Austria. The Kristalnacht, in

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Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

November 1938, opened the eyes of some, but then, when gates to a safe haven were rapidly closing, when for the first time in history Jews were denied even the "right" to become refugees, the world remained silent. The only country to recall its ambassador from Berlin was this country—The United States of America.

There is a lesson to be learned—Whenever a potential enemy wants to kill you—Believe him. Do not disregard his warnings. If he says he wants to take away what belongs to you—Believe him. If he claims he will destroy you—Believe him. Do not dismiss him and his threats by saying he cannot be serious—He can!

In 1945, the world was at last liberated from the yoke of the most evil of empires ever to exist in the annals of human history. But for us it was too late. We were not liberated. By then we already had been liquidated.

In 1948, we actually arose from the ashes. Destruction was at last ending. Redemption was at hand. After two thousand years of exile, wandering and struggle the State of Israel was reborn.

We look back with indescribable pain on the terrible tragedy that has left its mark in us forever. Had the State of Israel existed during the 30s, Jews would not have had to become refugees. They could have simply gone home to their ancestral land. They would have not been massacred. They would have had the means to defend themselves.

Yesterday, the general staff of the Israeli army convened in Jerusalem at the Yad Vashem Holocaust memorial. Tough soldiers vowed that the Jewish people will never be submitted to genocide again.

Today, while we are celebrating the 50th anniversary of the State of Israel and commemorating the Holocaust, in the presence of United States senators and representatives, survivors, members of my Embassy and commanders in the Israeli Defense Forces, may I state, that for us, statehood and security are not merely words, for us, they are life itself—and we are determined to defend them.

#### THE NORTH MIAMI FOUNDATION FOR SENIOR CITIZENS' SERVICES

#### HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 5, 1998*

Mrs. MEEK of Florida. Mr. Speaker, on Wednesday, May 6, 1998, the North Miami Foundation for Senior Citizens' Services will recognize the many volunteers who have provided assistance to the area's elderly for nearly a quarter century. This will be their 20th annual Volunteer Recognition Luncheon.

In 1997, the volunteers donated 18,601 hours of chore service, 34,615 hours of friendly companionship visits, and 60,186 telephone reassurance calls. In addition, 6,750 hours of special projects were conducted by local organizations and schools. Truly a community partnership, these volunteer hours are equivalent to 42 full-time staff positions.

The overwhelming commitment of the Foundation's volunteers is inspiring and should serve as an example of what is possible when a community truly cares. The character of a community is directly reflected in the efforts of its citizens to assist those who are most in need. In this instance, North Miami, Miami

Shores, Biscayne Park, and Miami-Dade County have demonstrated their mettle.

As these United States celebrate Older Americans Month during May, I tip my hat to the efforts of the North Miami Foundation. Theirs is a noble commitment.

#### MONMOUTH COUNTY URBAN LEAGUE FIFTH ANNUAL EQUAL OPPORTUNITY AWARDS DINNER

#### HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 5, 1998*

Mr. PALLONE. Mr. Speaker, on Thursday, April 30, the Monmouth County Urban League held its Fifth Annual Equal Opportunity Awards Dinner at Gibbs Hall Officers Club at Fort Monmouth, NJ.

This year's Founder's Awards were presented to Dr. Donald Warner, Superintendent of the Red Bank Regional High School, and Mr. Jack Kaye, Vice Chairman of the Shrewsbury State Bank, for their dedicated services over the last five years. The Corporate Award was presented to Monmouth Medical Center and Core States National Bank, in recognition of their strong support for the last five years which has contributed significantly to the Urban League's success. The Community Service Award was presented to The Asbury Park Press for "Crossroads," a weekly column that deals with multi-cultural issues of interest to the people of Monmouth County. Finally, the Youth Award honored three outstanding high school seniors for their achievement and community service: Aaron Rouse of Monmouth Regional High School, Corrine Burton of Long Branch High School, and Laura C. Nieves of Long Branch High School.

Mr. Speaker, the Monmouth County Urban League is a non-profit agency with its headquarters in Red Bank, NJ. It was officially chartered by the National Urban League of July 1995. The Monmouth County Urban League is one of 115 affiliates of the National Urban League, which was founded in 1910 to assist African Americans and other people of color to achieve economic and social self-sufficiency. The mission will be achieved by forming partnerships with other organizations that target the unmet needs and gaps in service with a strategic focus in Health Education and Prevention, Advocacy, Youth, Economic and Community Development along with Community Mobilization.

Mr. Speaker, it is an honor and a privilege to pay tribute to all of these fine award recipients, and to cite the accomplishments of the Monmouth County Urban League in the pages of The CONGRESSIONAL RECORD.

#### TRIBUTE TO JANET AND HENRY ROSMARIN

#### HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 5, 1998*

Mr. SHERMAN. Mr. Speaker, I rise to pay tribute to Janet and Henry Rosmarin for their

bravery, their commitment to the community, and their dedication to ensuring that our memories of the Holocaust will never be forgotten or silenced. Through all of their hardships they have endured not only to survive, but to live such full lives that their example of love and loyalty to themselves and others is a high standard that the rest of us can only hope to achieve.

Henry was Henryk Rosmarin and Janet was Jadzia Jakubowicz when they met in her father's apartment in the little shtetl of Czeladz in Poland. Henryk was there for High Holiday services that were being held in secret by Jadzia's father because they had been banned by the Nazi administration. She laughed two years later when he proposed that "When this is all over we should find each other and we should get married and make a life together." Just a few weeks after his marriage proposal they were forcibly deported from their homes.

Janet spent years in Auschwitz and Birkenau while Henry was sent to Gross-Rosen and Buchenwald. Henry survived by using his harmonica and his voice to entertain his captors in return for his life. Both of them lost most of their families, but true to his word Henry returned to Czeladz where he searched for months before finding Janet.

That is where a fairy tale would end, but to sum up the following two years of searching and resettlement, and the fifty years thereafter, in a phrase like, "They lived happily ever after," would understate both the Rosmarins and the realities of our times. There have been good times, homes and children, but also a struggle that has followed them though their lives together. Their lives have been tightly bound with the life and history of the Jewish people.

In Southern California they founded a synagogue with Temple Ner Maarav and a life's purpose with the Survivors of the Shoah Visual History Project. Henry contributes to the Temple Choir with the musical talents that allowed him to survive the concentration camps, and uses his music to speak for those who did not. Similarly, for the Shoah foundation, he serves as a goodwill ambassador, speaking on its behalf and reviewing Visual History contributions, especially those recorded in Polish.

Simon Wiesenthal said that, "survival is a privilege which entails obligations. I am forever asking myself what I can do for those who have not survived. The answer that I have found for myself is: I want to be their mouthpiece, I want to keep their memory alive, to make sure the dead live on in that memory." The Rosmarins have formed a new community to replace the one that they lost so many years ago in Poland. They have not allowed their suffering to prevent them from living life and loving God. Their efforts to preserve the testimonies of Holocaust survivors are a service to all of us who can listen so that we may never forget our part, or those who can no longer tell us of their sufferings.

Mr. Speaker, distinguished colleagues, please join me in paying tribute to Janet and Henry Rosmarin. They are an example of strength, love, and devotion to us all.