

It appears to have gone well in the first year. Both the Department and the services have been very supportive.

The Department service has been good and timely. Our services have been very supportive, helpful, and extremely courteous and polite.

"Department has been very responsive. They have listened to our suggestions and modified the software when needed. The draw down of cash has been simple."

"Very good service! Everyone has been helpful and responds quickly. We have been very pleased. This was one area I had a concern about, but Direct Loan Task Force, NCS, and the Direct Loan Servicer have been responsive and very professional."

TIPS OFFERED FOR COLLEGES PLANNING TO BECOME FUTURE PARTICIPANTS IN DIRECT LENDING

"Plan ahead! Test your plan! Take advantage of training opportunities. Make sure you involve the financial aid office, business officers, and computer technology staff from the beginning!"

"Take the time to plan. Call those of us involved now. Get top-of-the-line computer for software."

"We honestly feel this program is successful and should be continued in 100% participation. This program provides students with funds for education in an efficient, responsible, and cost-efficient system."

"Start early planning. Buy the biggest/fastest hardware you can afford."

"Attend all training sessions. Conduct on-site visits to first-year schools comparable to yours."

"The process is more efficient and timely. Our students receive disbursement in a more timely manner. Out staff enjoy working with the program because it is computerized."

"Yes, we recommend this program. Our advice is to plan for several months prior to implementation. That is, set up institutional task force (financial aid, business office, computer support, etc.) and review current operating procedures. How will these change? How will the tasks be split among the various offices? Contact like institutions already in the program."

THE MESSAGE COMMUNITY COLLEGE AID ADMINISTRATORS WOULD SEND TO CONGRESS

"Do not cap this program. Interest groups are lobbying for a cap on the direct lending program. Who would benefit from a limit on this program? Ask current participants to evaluate the program. Let the FFELP and William D. Ford Direct Loan program exist together and schools will choose the program that best meets the needs of their students."

"Direct lending should be encouraged at the legislative level. It is refreshing to think that a program like this is more efficient, cost effective, and a valuable service to the student. Many programs never reach the students as rapidly as this has. Be bipartisan and keep the best interest of the students up front."

"This is the first time in my experience that a program was started where institutions could select how they participated and really had institutional flexibility and control. This program works and works well for students. It does not depend upon outside agencies as to whether institutions participate, drop from the program, merge with others, farm out originations, or sell to various other agencies. It is easy for the student to grasp the concept that they owe the federal government. I truly believe that this simplification will go a long way toward helping with 'paper' defaults."

"This has been the freshest breath of air in a long time. Finally, a program that the financial aid office controls. We like that and the students like it."

"I have been very pleased with the program. I enjoy the fact that there is no third party."

"Finally, financial aid offices have a program that works with us and not against us. Also, this loan program is student friendly."

"My school's experience with Direct Loan has been a positive one. We are pleased with the benefits this program offers the students and the school. We experience far fewer difficulties than we did with FFELP, i.e., many problems with lenders, slow or a lack of response from guarantors, big problems with servicers that provide students with little or no service, and enormous paperwork."

TRIBUTE TO LEON DAY

HON. KWEISI MFUME

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 1995

Mr. MFUME. Mr. Speaker, it is rare that you find an individual with talent, ambition and humility. But those are just some of the defining and wonderful qualities of Leon Day, one of Baltimore's true heroes.

Baseball legend Leon Day died this week, he was 78. It was only five days earlier that Leon had his day and was elected into the Baseball Hall of Fame. His sister said it was "what he was waiting for." He was the 12th Negro league star elected to the Baseball Hall of Fame and the first since 1987. His election into the Hall of Fame was a fitting end to a life of quiet achievement, pride and skillful performance.

For persons such as myself, who grew up in the little leagues and went on to coach inner city youngsters, Mr. Day was the personification of athletic excellence and someone who made us especially proud.

Leon Day moved to Baltimore in 1917 when he was 6 months old. His father worked in the segregated community of Westport and the family lived in Mount Winanas, a poor neighborhood in Southwest Baltimore. Although his house on Pierpont Street had no electricity or running water it was overflowing with both pride and purpose.

When Day was 12 or 13 he began playing baseball at a local athletic club. After two years at Frederick Douglass High School he left to play semi-pro ball with the Silver Moons. At 17 he joined the Baltimore Black Sox and was promised \$60 a month (in reality he was lucky to get paid \$2 or \$3 a week). The team soon disbanded and young Leon was off to play for the Brooklyn Eagles.

In 1963, the eagles moved to Newark and Mr. Day began getting paid regularly and was able to help his family financially. When he returned home to play against the Baltimore Elite Giants he was nothing short of a hero. He struck out 18 batters in one game and set the Negro National League record. The hometown fans went wild.

He defeated the legendary pitcher Satchel Paige in three of their four recorded meetings. And, he put his heart into every game. He was a players' player. Although Leon Day was known for his blazing fastball he was said to have a curve ball that dropped off the table. He had a unique talent of pitching the ball without winding up, which often made batters look bad, fooled and intimidated.

After the 1943 season, Mr. Day went to Europe to fight in World War II. After participating

in the Normandy invasion, Mr. Day played in an integrated game at Nuremberg Stadium against white major leagues. He pitched a four-hitter and bet the major leagues 2-1.

After the war, Day returned to the United States and the Eagles. Although the war had taken its toll on his strength, he was able to pitch a no-hitter on opening day against the Philadelphia Stars. After his victory, his teammates carried him off the field on the shoulders in triumphant recognition of an achievement few have ever realized.

In an era of social segregation he was a part of the athletic avant guard, who had rejected the mediocrity of second class citizenship. In doing so, he helped re-define the American past time as we know it, proving once and for all that only the ball was white.

When Mr. Day received word of his election into the Hall of Fame, tears of joy rolled his cheeks. To say he was elated, would be to overstate the obvious. "I never thought it would come," he said. "This has been in the back of my mind for a long time."

It did come and not a moment too soon. Mr. Day is and always will be one of baseball's quiet heroes. A man who strived to be his best, despite his humble beginnings. A man who showed excellence on the baseball field and unmatched modesty when off it. Mr. Day is a man all of Baltimore can be proud of.

On July 30th of this year in Cooperstown, NY, Leon Day will be officially inducted into the Baseball Hall of Fame. Although he will not be among the throngs of well wishers who will travel from across the nation to be there, let us resist the urge to mourn him.

Instead, on that hot July day, know that not far away still sits a field of dreams. A place where the men of winter become the boys of summer. Where for nine innings, the problems of the world go away. And, where Ruth, Cobb, Paige and Gehrig all rush to the mound to welcome their newest team-mate, Leon Day, the gentle giant from Baltimore.

THEATRICAL MOTION PICTURE AUTHORSHIP ACT OF 1995

HON. JOHN BRYANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 1995

Mr. BRYANT of Texas. Mr. Speaker, today I am pleased to introduce legislation, Theatrical Motion Picture Authorship Act of 1995, to amend the Copyright Act to add to the definition of author of motion pictures the director, screenwriter, and cinematographer—for non-economic purposes.

I am introducing this bill to stimulate discussion on an issue that remains contentious between film artists and film financiers; also between the United States and our advanced trading partners.

This is one of those hot button issues that invariably emerges at international copyright meetings as we try to achieve a higher degree of copyright harmony internationally.

This is also an issue which must be addressed as we move into the digital age of the information superhighway.

I am introducing this proposal because it is the right thing to do. Because of the work-for-hire doctrine under which our creative artists

work, U.S. law regards corporations as the legal author of a film.

We then end up with situations which are absurd. Is the Sony Corporation the author of "The Bridge on the River Kwai"? Is the Turner Corporation the author of "Citizen Kane"? Is Universal Studios the author of "E.T."?

My legislation does not overturn the work-for-hire doctrine or in any way disturb the economics of moviemaking or the export of any film product.

The measure does seek to give directors, screenwriters, and cinematographers the legal tools necessary to defend the integrity of their work, if there is an egregious effort to alter it for other distribution purposes after its theatrical release.

I regard filmmaking as an art form—and filmmakers are artists. Those who finance films rhetorically agree with this statement, but their real interest is in making as much money from a film product as possible.

If this desire to maximize profits requires a radical alteration in the film, the financial owner may make that alteration with no consideration of the resulting creative mayhem.

I understand that there will be substantial opposition to this measure from the financial interests, but the discussion and debate that its introduction will inspire will be healthy and valuable.

I trust this legislation will lead to a negotiated resolution of the legal role of the creative artists in the film industry. However, we ought to at least examine the issue of giving non-economic rights to filmmakers. These are the men and women who care most passionately about their work as a part of our country's culture.

Let the artists be the guardians of their art.

I will ask Chairman MOORHEAD for a hearing on this issue in the near future so that all parties may fully address the rights of creative artists. I hope Senator HATCH will do the same in the Senate.

I invite my colleagues to join me in supporting this bill and thereby preserve the integrity of our creative artists in our wonderful film industry.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Theatrical Motion Picture Authorship Act of 1995".

SEC. 2. THEATRICAL MOTION PICTURE DEFINED.

Section 101 of title 17, United States Code, is amended by inserting after the paragraph defining "State" the following:

"A 'theatrical motion picture' is a motion picture of 60 minutes duration or greater intended for public exhibition, public performance, public sale, or lease, and includes made for television motion pictures, but does not include episodic television programs of less than 60 minutes duration (exclusive of commercials), motion pictures prepared for private commercial or industrial purposes, or program-length commercials."

SEC. 3. NONECONOMIC INTERESTS OF THEATRICAL MOTION PICTURE ARTISTS.

(a) IN GENERAL.—Chapter 1 of title 17, United States Code, is amended by inserting after section 106A the following:

§ 106B. Noneconomic interests of certain theatrical motion picture artists

"(a) NONECONOMIC INTERESTS.—Subject to section 107 and independent of the exclusive rights provided in section 106, the principal

director, screenwriter, and cinematographer of a theatrical motion picture have the non-economic interests in that motion picture. The non-economic interests in a theatrical motion picture that are referred to in the preceding sentence are of the principal director, screenwriter, or cinematographer—

"(1) the right of the principal director, screenwriter, or cinematographer (as the case may be) of that motion picture to claim that he or she was the principal director, screenwriter, or cinematographer (as the case may be) of that motion picture;

"(2) the right of the principal director, screenwriter, or cinematographer (as the case may be) of that motion picture to prevent the use of his or her name as the principal director, screenwriter, or cinematographer (as the case may be) of a theatrical motion picture of which he or she was not the principal director, screenwriter, or cinematographer (as the case may be); and

"(3) the right of the principal director, screenwriter, or cinematographer (as the case may be) of that motion picture to prevent any intentional distortion, mutilation, or other modification of that motion picture which would be prejudicial to his or her honor or reputation.

"(b) SCOPE AND EXERCISE OF RIGHTS.—Only a physical person may exercise the rights conferred by subsection (a) in a theatrical motion picture, but such rights may be exercised whether or not that person is the copyright owner.

"(c) DURATION OF RIGHTS.—The duration of the noneconomic interests in a theatrical motion picture shall be coextensive with, and shall expire at the same time as, the rights conferred by section 106 in that motion picture.

"(d) TRANSFER AND WAIVER.—The non-economic interests in a theatrical motion picture may not be transferred, but they may be exercised by the heir of the principal director, screenwriter, or cinematographer, as the case may be. Those rights may be waived if the principal director, screenwriter, or cinematographer, as the case may be, expressly agrees to such waiver in a written instrument signed by such person, except that—

"(1) such written instrument may not be executed before the first public performance of the motion picture (after previews and trial runs); and

"(2) no consideration in excess of one dollar may be given for the grant of the waiver. Such instrument shall specifically identify the theatrical motion picture and the uses of that motion picture to which the waiver supplies, and the waiver shall apply only to the motion picture and uses so identified.

"(e) DEFINITION.—As used in this section, the term 'heir' means the person to whom the noneconomic interests conferred by this section are bequeathed by will or pass by the applicable laws of interstate succession."

(b) CONFORMING AMENDMENT.—The table of sections at the beginning of chapter 1 of title 17, United States Code, is amended by inserting after the item relating to section 106A the following:

"106B. Noneconomic interests of certain theatrical motion picture artists".

SEC. 4. CLARIFICATION OF AUTHORSHIP.

Section 201(b) of title 17, United States Code, is amended—

(1) by striking "In the case of a work made for hire," and inserting "In the case of a work made for hire, except in the case of the theatrical motion pictures with respect to the noneconomic interests in the work,"; and

(2) by adding at the end the following:

"(2) In the case of theatrical motion pictures with respect to ownership of non-economic interests in the work, the author shall be the principal director, principal

screenwriter, and principal cinematographer."

SEC. 5. INFRINGEMENT ACTIONS.

Section 501(a) of title 17, United States Code, is amended in the first sentence by inserting "or in section 106B(a)" after "of the author as provided in section 106A(a)".

"SHOWCASE MORGAN HILL AWARDS"

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 1995

Ms. LOFGREN. Mr. Speaker, I rise today in congratulating the eight winners of the Second Annual Morgan Hill Awards. These awards are presented by the Morgan Hill Chamber of Commerce.

The female volunteer of the year is Mrs. Elena Moreno, a longtime educator and resident of Morgan Hill, who has served the community for 60 years. She has been and is currently on numerous boards ranging from the American Association of University Women to Head Start to the California Retired Teacher's Association. Mrs. Moreno was instrumental in instituting the wildflower program in Morgan Hill area schools. She has also served as a docent for school groups at the Morgan Hill Historical Museum. As part of a dance troupe called the Fabulous Flappers, she performs tap, jazz, rock, and Latin dances for retirees functions, convalescent homes, benefits and many other events in the area.

The male volunteer of the year is Mr. Curtis Wright, another longtime resident of the Morgan Hill area. Mr. Wright is a past mayor of the city of Morgan Hill, former city councilman for Morgan Hill, past president of the Morgan Hill chapter of the American Heart Association and past president of the Pet Assisted Therapy. He has also been instrumental in encouraging businesses to relocate in Morgan Hill by forming the Economic Development Council. As president of an advertising agency in San Jose, he has used his promotional abilities and advertising expertise to help launch successful events in the Morgan Hill area.

Mr. James Yinger has been selected to receive the Educator of the Year Award. Mr. Yinger is currently the principal of the Nordstrom School, currently a regional nominee for the California School Recognition Program. This school, under Mr. Yinger's tenure, has been recognized for its outstanding integrated GATE, Gifted and Talented Education, program. As an education leader, he takes the initiative to make changes that will have a positive effect in the school system from organizing a safety patrol program to extending daycare for disadvantaged students.

The Bridge Counseling Center, which is a private non-profit community-based mental health agency, has been awarded the Non-Profit of the Year Award. This center has become one of the largest and most extensive mental health agencies in the South County region part of Santa Clara County. Recently, the United Way of Santa Clara County presented the distinguished VIDA award to this counseling center. This counseling center has a plethora of services including prevention programs, intervention and treatment. Recently, The Bridge Counseling Center has