

Statement of

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Before the
U.S. House of Representatives
Committee on the Judiciary

Hearing on
"Music Policy Issues: A Perspective from Those Who Make It"
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Chairman Goodlatte, Ranking Member Nadler and members of the Committee. My name is Neil Portnow. As President and CEO of the Recording Academy, I have the privilege of speaking today on behalf of the talented songwriters, artists and studio professionals who comprise our membership.

Three and a half years ago, I had the honor of testifying before this committee as the opening witness in the first hearing on music licensing. As I speak to you today, at probably the *last* music hearing during the Chairman's tenure, I come to you with a very different – and more hopeful – message. It's a message of optimism that our industry is ready to work with you in a unified manner, and ready to work together to pass comprehensive music legislation.

During the 15 years I have been coming to Washington for music creators, one constant I've heard from our friends on both sides of the aisle is that our industry needs to be united. A few years ago, at GRAMMYS on the Hill, Majority Leader McCarthy and Democratic Leader Pelosi both cautioned the audience of industry members that "unity is what this community needs to pass legislation." It's a message that I've heard repeatedly from many of you here today.

Members of the Judiciary Committee: We listened.

The ongoing march toward consensus reached an historic marker earlier this month, when more than 20 music organizations officially supported resolving a number of music licensing issues, including those embodied in the Fair Play Fair Pay Act, the Music Modernization Act, the AMP Act, and the CLASSICS Act. The letter was signed by the Recording Academy, RIAA, NMPA, A2IM, ASCAP, BMI, SONA, NSAI, SoundExchange, SAG-AFTRA AFM and others. I'm sure you'll hear more about these endorsed proposals today from the actual creators affected.

Even more promising, the unity goes far beyond just the music industry itself. Thanks to tireless work by Representatives Collins and Jeffries, the Music Modernization Act is endorsed not just by songwriters and publishers, but by digital music services. Thanks to Representatives Issa and Nadler, the CLASSICS Act is supported not just by artists and labels, but by Pandora and the Internet Association as well. And thanks to Chairman Goodlatte, we are – as has been widely reported in the press – having productive discussions with the broadcasters over the long-standing issue of a radio performance right for artists.

As I testified in 2014, the lack of a radio performance royalty in the U.S. discredits our commitment to intellectual property. We are the only nation in the developed world where radio can use an artist's work without permission or compensation.

We know that this untenable inequity must change. Congress knows that this must change. But here's what's different today. Many in the broadcast community also know that this must change.

As radio transitions to new business models, they know their future depends on working with – not against – the artist community. I believe the longstanding solution to the performance right issue can be resolved if both sides work in good faith to find a solution – and if Congress continues to demonstrate its commitment to resolve this issue once and for all. I thank the Chairman and the Ranking Member for their efforts to build consensus. This is an issue that artists will never stop fighting for until it's resolved.

With our optimism from this historic consensus on so many issues, and our ongoing negotiations to resolve those issues that remain, what's next? Well today's hearing is called, "Music Policy Issues: A Perspective from Those Who Make It." I am certain, both as a musician and producer myself, as well as someone who works every day for creators, that to understand the creators' perspective, you must understand the creators themselves.

In Washington, we often put music makers into categories – songwriter, artist, producer, engineer. In the real world, this is rarely the way it works. Just take a look at the panelists testifying before you today. Booker T. Jones started his career as a working studio musician at the legendary Stax Records recording studios in Memphis. Since then he's made his living as a recording artist, as a touring musician, as a songwriter and arranger, and as a producer. Aloe Blacc is a chart-topping singer, but he's also a songwriter, musician, and record producer. Tom Douglas is a hit Nashville songwriter, but you'll hear Tom's voice and keyboards backing some of his tracks. And, Mike Clink has been a producer, engineer, and mixer for the biggest rock bands in the world, but he's written and sang on songs too.

Just as creators can't be compartmentalized, neither should music legislation. There are issues of consensus that would help all creators, and they're ready to be marked up by this Committee. When included in one unified package, you'll have a unified corps of songwriters, artists, and producers working each and every day to pass it. I urge this Committee to mark up one comprehensive music licensing package of the consensus issues. Dividing the issues will divide our community. Uniting the issues will create an advocacy force so powerful that its passage would be all but guaranteed.

Members of the Committee: In two days, and a few blocks from here, music creators will recognize their peers with music's highest honor – the GRAMMY. Now you may not know it, but the United States Gramophone Company was actually created in Washington, DC. more than 100 years ago. But the GRAMMY today represents the pinnacle of music of *our* time. Similarly, some of our music regulations, also created in Washington, DC, go back more than 100 years. But Congress can make those laws reflect *our* time as well. I urge this Committee to seize this unique moment of consensus, and pass comprehensive music licensing reform that will benefit *all* music creators.