

Testimony of

Sen. Bob Corker

July 29, 2008

STATEMENT OF SENATOR BOB CORKER

BEFORE THE COMMITTEE ON THE JUDICIARY

UNITED STATES SENATE

ON

"MUSIC AND RADIO IN THE 21ST CENTURY: ENSURING FAIR RATES AND RULES ACROSS PLATFORMS"

July 29, 2008

Senator Feinstein and Senator Brownback, thank you for giving me the opportunity to testify today on the importance of valuing music. I applaud this committee for its work in this area that is so very important to my state. In the past decade, the evolution of music delivery has been amazing to watch. We have evolved from the favorite local AM/FM station to a large number of available stations on satellite, cable, and Internet radio platforms. The growth of radio on different platforms has been tremendous, and we can only imagine what offerings await us around the corner. But one basic fact we simply cannot ignore is that the fundamental element - the reason we all tune in - is the music.

We often take it for granted. We turn the knob, hit the button, click the mouse, and our favorite songs are there, as if conjured up at our whim. It is so easy to forget what goes into creating music. In fact, these works are the product of countless people and countless hours of hard work. Their songs are the record of their struggles, hopes, and dreams.

There are very few places where the power of music is as strong and evident as it is in Tennessee. Our state has been blessed with numerous songwriters, musicians, and small and large business entities that work to bring us the music we listen to on a daily basis. During my time in the Senate I have had numerous briefings to learn how the music industry works. It is a complex and multi faceted industry. It is also an industry that is in severe crisis. Due to advances in technology, this industry faces numerous challenges, most dramatic of which has been the

impact of piracy and the evolution of technology affecting the revenue streams of the various industry entities.

When debating these issues I believe it is very important to keep in mind that without the songwriters, performers, and various businesses that create the music there would be no music for us to listen to over our radios.

The Senate, in its wisdom, created the Copyright Royalty Board, and in March 2007 that Board made a decision and set royalty rates for entities that "webcast" music. The board's process for setting rates was an exhaustive one that involved 18 months of hearings and meetings and at the end produced a result.

I understand that certain groups are not pleased with this result, however, there is an appeals process in place and that process is currently being played out and utilized by both sides. I urge this committee to allow this process to take its course instead of forwarding legislation that would overturn a decision that has already been made by the Copyright Royalty Board. Furthermore the House Judiciary Committee is currently facilitating negotiations between the parties. I applaud those efforts, and remind my colleagues that this entire process is to provide fair compensation for the hard work and sacrifice of musical artists and those who invest in them.

It is in everyone's interest to maintain a vibrant marketplace for music. However, while we are considering legislative action that would drastically affect this industry; we must remember the creators and performers who bring us this music. Without them there would be no music for webcasters to play and build their businesses around.