

Statement of

The Honorable Patrick Leahy

United States Senator

Vermont

July 29, 2008

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Chairman, Senate Judiciary Committee

Hearing on "Music and Radio in the 21st Century:

Assuring Fair Rates and Rules Across Platforms"

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Earlier in this Congress, I introduced S. 2500, the Performance Rights Act, with Senators Hatch, Feinstein and Corker. Musicians should be compensated fairly for the use of their work, whether it is transmitted by broadcast radio, Internet radio, satellite radio, or cable radio. The Performance Rights Act would codify that important right. Today's hearing focuses on the related and important topic of parity in the rate standards across those platforms. Senator Feinstein has been a leader on this issue, and I want to thank her for chairing this important hearing.

Today's hearing also fulfils a commitment I made to Senator Brownback. When the Judiciary Committee considered, and unanimously approved, the Shawn Bentley Orphan Works Act, Senator Brownback requested that we hold a hearing on public performances of songs on Internet radio. I have long been a strong supporter of the development of Internet radio. A robust Internet radio system could be, and should be, good for both consumers and for artists. I share the interest of Senators Feinstein and Brownback in how the rates paid to artists for public performances are calculated, and I am pleased that the hearing will address this issue.

I am disappointed that another unrelated intellectual property bill, the Shawn Bentley Orphan Works Act, is being stalled from Senate passage by an anonymous Republican hold. It was during the Judiciary Committee's consideration of that legislation that Senator Brownback requested that we hold this hearing. I have held it. I hope he will now join with Senator Hatch and me and will work to remove the

impediment to passage of the Shawn Bentley Orphan Works Act so that we can make progress on behalf of the American people without further delay.

I appreciate the testimony of today's witnesses, and I anticipate that this hearing will move us closer to considering legislation that ensures artists are compensated fairly when their work is performed, regardless of the platform over which the performance takes place.

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