

## **Senate Committee on the Judiciary**

### **Hearing on Protecting and Promoting Music Creation for the 21st Century**

#### **Response to Questions for the Record for Mr. Justin Roberts**

##### **Question from Senator Grassley:**

We know there are music creators in California, New York and Tennessee. You grew up in Iowa, can you talk about creators in other parts of the country?

##### **Mr. Roberts:**

Music is made everywhere. I got my start in Iowa, first falling in love with music there when I learned to play instruments at public school in Des Moines. I eventually sang with community choruses and started bands with friends. I went on to work in music in Ohio and Minnesota before starting my full-time career as a children's musician in Illinois. And there are thousands of individual music creators just like me—performers and musicians, songwriters and composers, producers and engineers—living in all 50 states. We are always working, always creating and perfecting our craft. We are decidedly middle class—the average studio professional earns \$53,000, and a full-time songwriter just \$50,000—and in many ways walking small businesses looking to earn enough to support our families and make ends meet.

That's why the Music Modernization Act is so important. It is not just about our peers in LA, NYC and Nashville, but about the songwriter in Minnesota, like Mason Jennings, who has seen his/her royalties get decimated in the streaming era. It is about the producer in Iowa, like Bo Ramsey, working, and creating, for long hours in studio without copyright protection. It is about the performer and musician in Texas, like Sara Hickman, who needs fair market value to keep up a career. And it is about our older peers, who need to get paid what they're due and can finally retire from the grueling demands of life on the road.

As a Trustee of the Recording Academy I see this first-hand. We have members throughout the country making up our 12 chapters that represent creators at a local level. These are the creators who will benefit the most from the reforms outlined in the Music Modernization Act. And that's why each fall my fellow members and I participate in the Academy's District Advocate program where we meet with legislators in their district offices. In 2017, we hit all 50 states in one day. And our message was simple: creators need fair market pay. The Music Modernization Act delivers that.

**Question from Senator Blumenthal:**

As you know, Assistant Attorney General Makan Delrahim—the head of the Department of Justice’s (DOJ) Antitrust Division—is considering terminating the ASCAP and BMI consent decrees. For many decades, these consent decrees have governed how the largest performance rights organizations, ASCAP and BMI, operate within the music industry.

If the DOJ were to terminate the consent decrees governing ASCAP and BMI, would these organizations be able to operate in an unregulated manner without violating any antitrust laws?

**Mr. Roberts:**

As a BMI-affiliated songwriter, I have experienced how the current consent decrees constrain BMI and ASCAP from securing fair market value for the work of the songwriters they represent. While I am not an antitrust lawyer, I know first-hand that the consent decrees do not reflect the modern music marketplace and should be updated or sunsetted to ensure that the PROs can adapt to changes in the market and adequately serve their songwriters.