

# ROLL CALL OP-ED: IT'S TIME TO CORRECT A CREATIVE INJUSTICE

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By Reps. Jim Cooper, Hank Johnson, Debbie Wasserman Schultz, Marsha Blackburn  
and Darrell Issa

Special  
to Roll Call

In the long-running feud between singers and radio broadcasters, we believe it is time to correct a historic inequity on behalf of the artists who make the music come alive. We are not against broadcasters, but we believe that performers have a right to benefit from their own labor, and that no radio station should be able to take their recordings without fair compensation. This is, fundamentally, a property-rights issue.

The right to be paid for your work is so broadly accepted that every industrialized nation except the United States requires their radio stations to pay performers when their recordings are broadcast. The international rule: You play the music, you pay the piper. In fact, other nations have already collected hundreds of millions of dollars in order to pay U.S. artists, but they will not fork it over until we reciprocate. Meanwhile, U.S. radio stations stiff our own performers as well as foreign artists.

Every year we wait to comply with international standards, we deny U.S. artists and performers \$100 million collected on their behalf. Although some famous American artists don't need this money, many lesser-known artists do. It's hard to explain to a retired blues singer or guitarist that the stubbornness of the very industry that plays their hits blocks them from receiving their own money from overseas.

The  
U.S.

is a legal renegade in other ways as well. Federal law requires all other media that transmit recorded music to compensate the performer. Satellite radio, Internet radio, cable TV music channels and mobile services all must pay performers. Only traditional radio is exempt, and even it must pay performers when that station is heard over the Internet.

Of

course, traditional radio doesn't want its costs to increase, even to pay the very artists who keep people listening to the station. We are sympathetic to their situation, particularly during a recession, and have reduced the annual charge for small radio stations, including student and nonprofit stations, to as little as \$100 a year for unlimited broadcast rights. But there's no such thing as a free lunch or a free hit.

The

response from the previous head of the National Association of Broadcasters was that he would rather "slit his throat" than negotiate. As it turns out, he is no longer head of NAB. The new head, former Sen. Gordon Smith (R-Ore.), has not tipped his hand. But overwhelming votes for reform in the House and Senate Judiciary committees are putting him under a lot of pressure.

It's

not just Congress that thinks we should treat our creative artists and performers fairly. Every administration, Democratic or Republican, that has studied this has concluded that reasonable payments are due the performers. Simply playing their songs on air is no longer sufficient compensation for their work, especially when the world acknowledges the unfairness. With a productive negotiation, performers and broadcasters could strengthen, not weaken, the symbiotic relationship that enables both industries to be successful.

Rep.

Jim Cooper (D) represents Tennessee's 5th district. Rep. Hank Johnson (D) represents Georgia's 4th district. Rep. Debbie Wasserman Schultz (D) represents Florida's 20th district. Rep. Marsha Blackburn (R) represents Tennessee's 7th district. Rep. Darrell Issa (R) represents California's 49th district.