



June 4, 2018

Honorable Chuck Grassley
Chairman
Senate Judiciary Committee
224 Dirksen Senate Office Building
Washington, DC 20510

Honorable Dianne Feinstein
Ranking Member
Senate Judiciary Committee
224 Dirksen Senate Office Building
Washington, DC 20510

Dear Chairman Grassley and Ranking Member Feinstein:

On behalf of the Copyright Alliance and our members, I write in opposition to S. 2933, the Accessibility for Curators, Creators, Educators, Scholars, and Society to Recordings Act (the “ACCESS to Recordings Act”). The bill is a fundamentally flawed attempt to address misinformed and unfounded criticisms of the Music Modernization Act (S. 2823), in particular, provisions which would enable legacy artists (who recorded music before 1972) to be paid royalties when their music is played on digital radio.

The Copyright Alliance is a non-profit, non-partisan public interest and educational organization representing the copyright interests of over 1.8 million individual creators and over 13,000 organizations in the United States, across the spectrum of copyright disciplines. In particular, we represent most of the individuals and businesses involved in the music industry, including songwriters, music publishers, performance rights organizations, recording artists, producers, record labels, and broadcasters. The Copyright Alliance is dedicated to advocating policies that promote and preserve the value of copyright and to protecting the rights of creators and innovators, including musicians, filmmakers, photographers and publishers. The individual creators and organizations that we represent rely on copyright law to protect their creativity, efforts, and investments in the creation and distribution of new copyrighted works for the public to enjoy.

Among other things, the Music Modernization Act would correct a historical injustice by requiring digital services to pay legacy artists when they stream their music under federal law. The bill is the result of many years of work by both Congress and stakeholders. This extraordinary consensus is reflected in the fact that the House passed the bill in April 415-0.

The ACCESS to Recordings Act ignores this bipartisan effort to present an alternative to the provisions effecting pre-1972 sound recordings that is ill-founded and opens the government up to Constitutional takings claims. Because the bill would substitute a federal term of protection that is less in duration than the term of protection many sound recording owners currently enjoy under state law, the bill would deprive owners of vested interests currently held under state law, without just compensation and run afoul of the protections enshrined in the Fifth Amendment.



We urge the Senate Judiciary Committee to oppose the bill and instead act on the Music Modernization Act as is.

The Copyright Alliance looks forward to working with you and other Senators to ensure that the historic reforms within the Music Modernization Act become a reality.

Sincerely,

Keith Kupferschmid
Chief Executive Officer
Copyright Alliance

cc:

Senator Orrin G. Hatch
Senator Lindsey Graham
Senator John Cornyn
Senator Michael S. Lee
Senator Ted Cruz
Senator Ben Sasse
Senator Jeff Flake
Senator Mike Crapo
Senator Thom Tillis
Senator John Kennedy

Senator Patrick Leahy
Senator Dick Durbin
Senator Sheldon Whitehouse
Senator Amy Klobuchar
Senator Christopher A. Coons
Senator Richard Blumenthal
Senator Mazie Hirono
Senator Cory Booker
Senator Kamala Harris