

Congress of the United States
Washington, DC 20515

July 20, 2016

The Honorable Loretta E. Lynch
Attorney General of the United States
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Attorney General Lynch,


During your July 12, 2016, appearance before the House Judiciary Committee, several Committee Members expressed concern regarding the Antitrust Division's apparent decision not to make even modest amendments to the ASCAP and BMI consent decrees, and instead reinterpret the ASCAP and BMI consent decrees to require these organizations to license one hundred percent of a jointly owned musical work, even when they do not represent all joint owners of those works.

We are writing to formally register our concerns about this decision and to request that your office independently review this matter to carefully examine the impacts of this decision on the music marketplace.

The government's copyright expert, the Register of Copyrights, believes interpreting the consent decrees in the manner proposed by the Antitrust Division would present "a host of legal and policy concerns" and "seemingly vitiate important principles of copyright law, interfere with creative collaborations among songwriters, negate private contracts, and impermissibly expand the reach of the consent decrees." The Register of Copyrights also concluded, in her February 2015 report on Copyright and the Music Marketplace, that many aspects of the current consent decrees are problematic. We cannot fathom how, after a nearly three year investigation, the Antitrust Division could come to the opposite conclusion, and decide that the only change needed to the more than 70 year old consent decrees is one that will dramatically hurt songwriters and further disrupt the market.

We request a response in writing no later than Friday, July 29, 2016.

Sincerely,


Doug Collins
Member of Congress


Hakeem Jeffries
Member of Congress



Trent Franks
Member of Congress



Judy Chu
Member of Congress



Steve Cohen
Member of Congress

Cc: Sally Q. Yates, Deputy Attorney General
Stuart Delery, Acting Associate Attorney General
Peter Kadzik, Assistant Attorney General for Legislative Affairs
Renata Hesse, Deputy Assistant Attorney General, Antitrust Division