



**Testimony of**

**Tom Douglas**

**Songwriter**

**Member, Nashville Songwriters Association International**

**on**

***“Music Policy Issues: A Perspective from Those Who Make It”***

**before the**

**United State House of Representatives Committee on the Judiciary**

**January 26, 2018**

Chairman Goodlatte, Ranking Member Nadler, and Members of the House Committee on the Judiciary:

Thank you for this opportunity to testify about the Music Modernization Act of 2017, which I will refer to today as the MMA. This legislation is critically important for songwriters, addresses multiple areas of the music licensing ecosystem and is a bi-partisan bill supported by an unprecedented collection of songwriter groups, other music industry groups and the digital services themselves.

My story is similar to that of most American songwriters. I began writing songs at an early age while I was still in school. After graduation, I moved to Nashville to try to make songwriting my profession. After a few years with little success at songwriting and wanting to marry and raise a family, I had to turn away from my dreams and moved to Dallas to work in real estate. Attending a songwriter conference in Austin six years later, I handed a cassette tape copy of one of my songs to a noted music producer named Paul Worley. Thankfully he listened to that song when he returned to Nashville. That song "Little Rock," became a #1 hit for Collin Raye in 1994. About a man in recovery, it still serves as an anthem for individuals and their families dealing with substance abuse. And while I was not dealing with substance abuse, I guess part of the song was really about me adapting to a life without songwriting as my job.

People don't know the songwriter Tom Douglas, but their lives have been enriched by my songs such as: "The House That Built Me," "I Run To You," "Raise 'Em Up," "Grown Men Don't Cry" and "Southern Voice." This is true of all songwriters, especially those who are not artists. Our songs identify American culture and move hearts and minds across the globe. Our songs have value. That's why adoption of the MMA is critical.

The Music Modernization Act includes:

- A new rate standard for songwriters' digital mechanical streaming royalties. The Copyright Royalty Board will be able to utilize the willing-buyer, willing-seller rate standard that should result in more equitable rates because it is based on what my song would be worth in a free market.
- Song ownership issues are addressed through a new blanket licensing entity called the MUSIC LICENSING COLLECTIVE. Governed by music publishers and songwriters the Collective will assume responsibility for finding owners and keeping track of ownership data. Digital services will be relieved from copyright infringement liability if they adhere to best practices.
- The U.S. Copyright Office mass "Notice of Intent" (NOI) program that created many burdens on songwriters and resulted in millions of dollars of unpaid royalties, will be eliminated.
- Songwriters will, for the first time, be legally entitled to at least half of all unclaimed funds from digital mechanicals to be equitably distributed based on songwriter activity.
- And ASCAP and BMI rate court judges will be randomly selected instead of being appointed for life. By eliminating Section 114i of the Copyright Act, those judges will be able to consider market factors like what record labels and artists earn for performances of the song I wrote.

When my first hit song, "Little Rock", was climbing the charts, artists sold millions of albums and broadcast radio was not being challenged by streaming companies yet to exist. My royalties for record sales or terrestrial radio broadcasts were counted in pennies. When my song is streamed, royalties are counted in micro-pennies. For songwriters, it is not uncommon for millions of streams to equal only hundreds of dollars in royalty payments.

For many years songwriters have begged Congress for relief. The entire American songwriter community is hopeful we will begin finding that relief in the Music Modernization Act.

The MMA won't immediately or completely solve songwriters' digital rate woes, but it sets us on the right path. The present standard of evidence to set my mechanical royalty rates was established by Congress in 1909 for player piano rolls. Why so long? Because reaching agreements between songwriters, music publishers, performing rights societies, record labels, streaming companies and their representative organizations is Herculean. But, the MMA represents precisely such a compromise.

Congressman Doug Collins should be commended for his ability to navigate the differences these groups held. He and Congressman Hakeem Jeffries have led our industry into a new era of cooperation with the introduction of the Music Modernization Act of 2017.

On behalf of American songwriters, I ask the House Committee on the Judiciary to swiftly adopt this historic legislation.

## THE NASHVILLE SONGWRITERS ASSOCIATION INTERNATIONAL

### ABOUT NSAI

The Nashville Songwriters Association International (NSAI) is the world's largest not-for-profit trade association for songwriters. NSAI was founded in 1967 by 42 songwriters including Eddie Miller, Marijohn Wilkin, Kris Kristofferson, Felice and Boudleaux Bryant and Liz and Casey Anderson as an advocacy organization for songwriters and composers. NSAI has around 5,000 members and 140 chapters in the United States and abroad.

The Nashville Songwriters Association International is dedicated to protecting the rights of songwriters in all genres of music and addressing needs unique to the songwriting profession. The organization recently created the first "group" copyright infringement insurance policy for songwriters and formed a partnership for affordable health care for its members.

The association, governed by a Board of Directors composed entirely of professional songwriters, features a number of programs and services designed to provide education and career opportunities for songwriters at every level.

NSAI owns The Bluebird Café, a legendary songwriter performance venue in Nashville, Tennessee. The Music Mill, at 1710 Roy Acuff Place in Nashville, where the careers of Alabama, Reba McEntire, Toby Keith, Shania Twain and Billy Ray Cyrus were launched, serves as headquarters for the Nashville Songwriters Association International.