



June 26, 2023

The Honorable Darrell Issa
Chairman
Subcommittee on Courts, Intellectual
Property, and the Internet
House Committee on the Judiciary
2108 Rayburn House Office Building
Washington, D.C. 20515

The Honorable Hank Johnson
Ranking Member
Subcommittee on Courts, Intellectual
Property, and the Internet
House Committee on the Judiciary
2240 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Issa, Ranking Member Johnson, and Members of the Committee:

Nearly five years ago, when the Music Modernization Act's (MMA) was signed into law, the United States took a historic step forward in its effort to safeguard the rights of music creators and bring music law into the 21st century. Now, as you prepare to examine the revolutionary impact of this critical piece of legislation during tomorrow's hearing, "Five Years Later – The Music Modernization Act," we urge you to also consider the ways in which artists' fight for compensation for the use of their work continues. We appreciate your support on behalf of the artists.

By failing to pay artists anything at all when their music is played domestically, American artists also lose out on royalties abroad. The vast majority of foreign nations — those who *do* already pay artists for radio plays — withhold royalties from American music artists whose songs are played in their countries, simply because the United States does not pay their artists here. Annually, this amounts to approximately \$200 million in lost income for American artists.

Thankfully, a common sense piece of legislation is poised to address this outstanding issue. The American Music Fairness Act (AMFA) — a bipartisan bill that was re-introduced at the start of the year by Representatives Darrell Issa (R-CA) and Jerry Nadler (D-NY) in the House of Representatives and Senators Alex Padilla (D-CA) and Marsha Blackburn (R-TN) in the Senate — would finally require U.S. broadcasters to recognize the property rights of music artists and compensate them for the use of their songs on domestic AM/FM radio. The bill would bring radio in line with the times, and with all other music platforms — such as streaming services and digital platforms — that already pay artists for the use of their music.

Notably, the legislation treats small radio stations differently than Big Radio. Under the AMFA, small, non-commercial, community stations will be able to play unlimited music for less than \$2 per day (a maximum of \$500 annually). Amid the continued threat of consolidation at the hands of the largest broadcasting corporations, this model will provide small stations with predictability and affordability that will help them survive and continue serving local



communities long into the future.

Much like the united movement that made the MMA a reality, the push for fair pay for AM/FM radio plays is a bipartisan effort broadly backed by artists, community broadcasters and their allies, worker advocates and labor unions, and the American public. According to musicFIRST's latest polling, roughly 6 in 10 voters (59%) say they would support Congress passing legislation that would require broadcasters to pay artists for AM/FM radio plays. A mere 15% say they would not support such a law.

As you reflect upon close to five years of the MMA, it's critical that we also recognize the work that remains to ensure hard working American music artists are compensated for the use of their songs across *all* platforms, including terrestrial radio. We urge you to continue building upon the MMA's progress by supporting the balanced, bipartisan and bicameral American Music Fairness Act. We look forward to working with you and your staff on this essential next step in the continued effort to modernize the music industry.

Sincerely,

The musicFIRST Coalition

Members Include:

American Association of Independent Musicians

American Federation of Musicians

Christian Music Trade Association

The Latin Recording Academy

Music Managers Forum—US

Recording Academy

Rhythm & Blues Foundation

Recording Industry Association of America

SAG-AFTRA

SoundExchange

The Vocal Group