



Testimony of
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on

“Music Licensing under Title 17 Part One”

before the

**United State House of Representatives Committee on the Judiciary,
Subcommittee on Courts, Intellectual Property, and the Internet**

June 10, 2014

My name is Lee Thomas Miller. I grew up on a small tobacco farm in Jessamine County, Kentucky. I started playing piano by ear when I was 11. By age 15 I was writing bad songs and playing them with my even worse band. But we were kids, so the people cheered, if only out of pity.

I went to college to study Music Theory and Composition and graduated with a Bachelors degree from Eastern Kentucky University. That just meant I was overqualified to play in the honkytonks where I'd been singing. I was formally educated in classical music composition while writing country songs on the side. These are two very different things. Just ask my professors! My parents were thrilled when I finished college and mortified when I saved \$1000 and immediately moved to Nashville.

For years I wrote songs -- hundreds of songs. I played in bands and took temporary jobs to pay the bills if needed. I studied songs I heard on the radio and began meeting and learning from the songwriters who wrote them. On September 1st 1996, I became a fulltime songwriter. Then the real work started. Eleven years. From the day I moved to Nashville it took 11 years to have a hit song on that radio.

Since then I have been lucky and blessed. I have had hits and continue to earn a living by walking into a room where there is nothing and making something up out of thin air -- something that is real and tangible -- something that creates commerce. My craft fuels the entire music business. My songs generate thousands of jobs and shapes the very culture we live in because let's face it- nearly everybody loves music. But I am one of the remaining few. Since I started, nine out of ten of my colleagues don't write songs as a profession anymore, because their royalties cannot feed their families.

The current system is unjust and must be changed. Rules established in 1909, largely to prevent one player piano roll company from becoming a monopoly, require me to grant a compulsory license paying 9.1 cents for the sale of a song, which I split with my co-writers and our music publishers, regardless of what the marketplace might say my song is worth. That's not much of a pay raise from the original two cents paid in 1909.

Royalties from my song performed on an internet radio station are set under consent decrees from World War II. The judges who determine those rates are forbidden from considering what the marketplace says my song is worth. Consequently, I only receive thousandths of a penny for those performances.

I appreciate the luxury of the internet as much as you do and I suppose I am as much of a slave to my smart phone as anyone. But the current system has devalued the musical composition to the point where songwriters are being crushed. It is bad enough that it is so easy to steal music today. But a legal framework that allows songs to be streamed for nearly free will destroy the livelihood of the American songwriter if it is allowed to continue.

An important piece of legislation called the "Songwriter Equity Act" has been introduced that would allow my copyright's value, in the modern marketplace, to be considered in rate-setting proceedings. I want to thank introducing sponsors Congressmen Doug Collins and Hakeem Jeffries and all of the co-sponsors of this legislation.

While it is a great start, even bolder revisions to the current copyright law and music licensing rules are necessary to establish true equity for today's songwriters and composers. It is time for Congress to eliminate the compulsory license. It is time for Congress to eliminate or drastically alter World War II era consent decrees.

In the future songwriters should be represented on the governing bodies of music licensing and collection entities and dispute resolution committees. Future licensing and collection agencies should be able to compete with those with large market shares. There should be true transparency throughout the entire collection and payment process.

I am America's smallest small business. I sit down and make stuff up. I do not succeed if my songs are not recorded, sold and played and when I do get paid I pay self-employment income tax. With the money that remains I raise babies. I buy bread, gasoline, anniversary flowers, cough medicine, braces, and guitar strings.

I can make you laugh *or* cry. I can make you do both inside the same 3-minute story. That's the power of music, and it all begins with a song. Congress, I ask you on behalf of my family and the families of American songwriters to change the archaic government regulations that prohibit us from pursuing a fair market opportunity for the songs we create.

Thank you Mr. Chairman, Ranking Member Nadler and Members of the Committee.