

# Congress of the United States

Washington, D.C. 20515

August 8, 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:

We write regarding the Department of Justice's thorough multi-year review of the ASCAP and BMI antitrust consent decrees. Assessing potential harm to competition arising from coordinated behavior of competitors – as would most certainly arise were the decrees modified to permit fractional licensing – is the responsibility of the Antitrust Division and we commend you for your diligence in this thorough review.

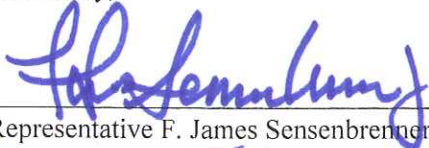
Last week's announcement upholding the decrees with no modification is appropriate at this time. Further, we support the Department's clarification that under the decrees, ASCAP and BMI must use "100% licensing," and that this obligation has always been inherent in the consent decrees.

We commend the Department's efforts to guarantee the fair and efficient licensing of public performance rights for musical works. Preserving the decrees as currently written will protect licensees acting in good faith, ensure that music is performed legally, and see that creators are compensated for their work.

Moreover, we commend your staff for reaffirming that the consent decrees require ASCAP and BMI to license all of the works in their repertory. So-called "fractional licensing" would hamstring the music marketplace. It is our understanding that the current blanket licenses allow for the "100% licensing" of a work by any one partial owner of the work. Were the Department to propose modifying the consent decrees to allow fractional licensing, it would paralyze the market for licensed music.

We thank you for your efforts to enforce our antitrust laws, which will make way for a competitive and successful music market.

Sincerely,



Representative F. James Sensenbrenner Jr.



Representative Blake Farenthold



Representative Dave Trott



Representative Suzan DelBene



Representative Gene Green



Representative Jared Polis

