



## MUSIC. INNOVATION. CONSUMERS.

February 11, 2021

President Joseph R. Biden, Jr.  
The White House  
1600 Pennsylvania Ave.  
Washington, DC 20500

Dear President Biden:

On behalf of the Music. Innovation. Consumers., or “MIC”, Coalition we write to congratulate you on recently being sworn in as the 46<sup>th</sup> President of the United States and to express our deepest hopes for a successful administration.

Founded a little less than a decade ago, the MIC Coalition represents a broad-based collection of businesses who provide music in retail establishments, live entertainment venues, hotels, restaurants, bars, wineries and taverns throughout the country, as well as over the nation’s radio and television airwaves and Internet. Our members employ millions of workers in cities both large and small across America and are responsible for the vast majority of the \$2 billion in annual revenues collected by the American Society of Composers, Authors, and Publishers (“ASCAP”) and Broadcast Music, Inc. (“BMI”) in the form of licensing fees paid for the right to publicly perform music.

Issues related to music licensing might seem to pale in comparison to the ongoing COVID-19 pandemic. However, the threat that elimination of the ASCAP or BMI consent decrees pose to future competition is quite real for tens of thousands of American companies and music fans everywhere. The issue is also closely intertwined with the economic business health of those who rely on these decrees, many of whom are struggling due to the effects of the pandemic.

Weakening either decree would undoubtedly expose a countless number of licensees to anticompetitive pricing and jeopardize the financial solvency of a considerable number of small businesses that often serve as the economic lifeblood for local communities throughout the country. Such a decision would not only undermine America’s long-term economic prospects but also damage the short-term success of our country, as businesses of all sizes try to recover from the economic fallout that they are currently experiencing as a result of the ongoing pandemic.

Notwithstanding the potential for such devastating outcomes, it has recently come to our attention that some in the music community plan to petition – on a regular basis going forward – the Justice Department to conduct additional reviews of the existing consent decrees with the hope of one day weakening the longstanding protections embodied therein.

Coming on the heels of a comprehensive set of reviews recently undertaken by the Obama and Trump administrations, respectively, within the past decade, members of the MIC Coalition firmly believe that launching yet another review would be a substantial waste of precious time and government resources. We strongly agree with recent sentiments expressed by Senator Amy Klobuchar (D-MN) who asserted, upon learning of the official closing of the Justice Department’s latest review of the existing consent decrees, that this “should be enough to conclude that leaving these decrees in place best serves competition.”

Collectively, ASCAP and BMI continue to control approximately 90% of the marketplace for licensing the right to publicly perform musical works. The potential to leverage that power to engage in anticompetitive behavior remains just as much a threat to competition today as it did several years ago when the consent decrees were first established. Under such circumstances, and as two separate administrations have recently determined, now is not the time to rollback these important safeguards.

Thank you in advance for your attention to this important matter. If you have any questions or need additional information regarding the MIC Coalition, please feel free to contact Greg Barnes (greg@tlstrategies.com) or Elizabeth Frazee (elizabeth@tlstrategies.com).

Respectfully,

**The MIC Coalition**

- American Beverage Licensees
- American Hotel & Lodging Association
- Brewers Association
- Computer & Communications Industry Association
- Consumer Technology Association
- Digital Media Association
- International Association of Venue Managers
- Meeting Planners International
- National Association of Broadcasters
- National Restaurant Association
- National Religious Broadcasters Music License Committee
- National Retail Federation
- Radio Music License Committee
- Society of Independent Show Organizers
- Television Music License Committee
- WineAmerica

cc: Attorney General-designate Merrick B. Garland