



August 9, 2019

Assistant Attorney General Makan Delrahim  
Department of Justice Antitrust Division  
950 Pennsylvania Ave. NW  
Washington, DC 20530-0001

Dear Assistant Attorney General Delrahim,

By way of this submission, we affiliate ourselves with the views expressed in a March 2019 letter submitted to the Department of Justice by the League of American Orchestras.

I represent the Association of Performing Arts Professionals, the not-for-profit service organization for the Presenting industry. Founded in 1957, the Association is one of the largest arts service organizations in the U.S. with over 1500 organizational members such as the Kennedy Center in Washington, DC and Lincoln Center in New York. As well as presenters, our membership consists of performing artists, producers, agents, artists managers and many others. Our member organizations are located in all 50 states and we have international members from over 30 countries. The audiences we impact number in the millions.

Regarding the ASCAP and BMI consent decrees, APAP has been following your public comments related to the Department of Justice review. Presenting organizations and performing arts centers pay the public performance license fees associated with the compositions embodied in the works they perform. We rely on the protections provided by the ASCAP and BMI consent decrees in securing licenses from ASCAP and BMI.

At a December 2018 antitrust enforcement oversight hearing conducted by the House Judiciary Subcommittee on Regulatory Reform, Commercial, and Antitrust Law, committee members called on the Department to ensure that any changes to the consent decrees would not detrimentally disrupt activity in the music sector. From reports of that meeting, it was our understanding that you have begun meeting with interested parties related to the consent decrees, and that you had not yet formed any conclusions related to the ASCAP and BMI consent decrees, which remain under review.

We share with our sister national performing arts service organizations a concern that the outcome of that review and related actions by the Department could have a significant impact on presenting organizations and performing arts centers throughout the country. As organizations that encompass both content creators and music presenters, we urge you to ensure an outcome that will balance fair compensation with ongoing protection from anticompetitive activity. We would welcome an opportunity to meet with you to discuss why it is so important that the protections of the existing consent decrees be maintained, whether via the continuation of the consent decrees or legislative reform.

America is flourishing with extraordinary artists, live concerts and orchestral presentations as unique as the communities they serve. As the Department takes next steps related to the review of ASCAP and BMI consent decrees, we ask that you ensure that the perspective of presenting organizations and performing arts centers of all sizes is taken into consideration.

I stand ready to be of assistance and can be reached at [mdurham@apap35.org](mailto:mdurham@apap35.org).

Sincerely,

A handwritten signature in black ink, consisting of several fluid, overlapping loops and a long, sweeping horizontal stroke that curves upwards at the end.

Mario Garcia Durham  
President and CEO