

**From:** Josh Kear <[REDACTED]>  
**Sent:** Monday, August 5, 2019 4:49 PM  
**To:** ATR-LitIII-Information (ATR) <ATR.LitIII.Information@ATR.USDOJ.gov>  
**Subject:** ASCAP and BMI Consent Decrees

Dear Assistant Attorney General Delrahim:

My name is Josh Kear. I'm a professional songwriter, and a member of the American Society of Composers, Authors and Publishers (ASCAP) for the past 23 years. Songwriters often labor in the shadows of the music industry. While you may not know who I am, I am grateful to have co-written songs that connected with music fans around the world, including "Before He Cheats" for Carrie Underwood, "Need You Now" for Lady Antebellum and "Most People Are Good" for Luke Bryan.

Songwriting has been good to me, so I'm passionate about giving back. Last year, I testified before Congress in support of the Music Modernization Act. **Today, I'm writing to ask you to modernize the outdated DOJ consent decrees that govern ASCAP and BMI.**

Songwriting success didn't come overnight for me. It took a decade of honing my craft and making the right connections before I had my first significant hit with "Before He Cheats." That song changed my life. It meant that I could rely on a steady stream of performance royalties from ASCAP, which allowed me to continue with my songwriting, further develop my craft and have the fortune to write more songs that found an audience.

But I'm concerned that the DOJ's consent decrees with ASCAP and BMI are preventing talented songwriters from holding out hope for fair compensation from their hard work, even if they do find success. If nothing changes, I believe that a generation of music creators will give up on their songwriting dreams before they have that breakthrough hit.

That is why I urge you to support the ASCAP and BMI proposals to modernize the consent decrees. These regulations were written more than 75 years ago and make no sense in the context of the modern music marketplace. People stream music now instead of buying it, so the income songwriters make off these streams is crucial to our livelihood. But the decrees have made it next to impossible for us to earn the fair market value of the songs we write.

ASCAP and BMI are suggesting a practical transition to a free-market licensing framework, like nearly every other part of the music industry enjoys today. Their proposal also maps out a sensible transition period to help every stakeholder in the music business – including music creators, publishers and businesses that use our music – adapt to the change. I wholeheartedly support their proposal, and I ask the DOJ to consider these important changes to the music licensing framework.

Thank you for considering my views as part of this review.

Sincerely,  
Josh Kear