



ALLOCATION FOR MUSIC PRODUCERS (AMP) ACT

WHAT'S THE ISSUE?

Allocation for Music Producers (AMP) Act would amend federal copyright law to include a procedure for producers and other creative participants in the sound recording process to collect performance royalties through SoundExchange.

FORMALIZES SOUNDEXCHANGE'S LONG-STANDING INDUSTRY PRACTICE

Since our inception, SoundExchange has honored requests from recording artists to re-direct a portion of their royalty payments to producers and other participants involved in the creative process of making sound recordings. The AMP Act would codify that long-standing industry practice and give it the force of law.

- Congress passed the Digital Performance Right in Sound Recordings Act (DPRA) in 1995, which gave featured performers a statutory right to 45% of the performance royalties collected from non-interactive, digital music services for the use of sound recordings.
- In the interest of efficiency in the industry, SoundExchange has a long-standing practice of accepting "Letters of Direction" (LODs) from featured performers instructing us to divert a percentage of their royalty share to others involved in the recording process.
- Under current law, producers and engineers rely entirely on this voluntary practice to enforce provisions of their contracts with featured artists and collect performance royalties for their work.
- The AMP Act would formalize SoundExchange's practice in the law.

ESTABLISHES A PROCEDURE FOR OLDER SOUND RECORDINGS

For sound recordings made prior to the enactment of the DPRA in 1995, the AMP Act would establish a special procedure for producers and other creative participants to seek permission from featured artists or their heirs to receive a share of royalty payments from SoundExchange. The bill requires the producer to: a) have a contract providing the producer a share of artist royalties, and b) certify that they made a reasonable effort to reach the artist or their heirs in an effort to obtain an LOD. Once those steps have been certified, SoundExchange is required to make a reasonable effort to contact the artist or their heirs. If the artist or heirs do not object in response to either outreach effort, the producer may receive a set share of those royalties.

The full text of the legislation is [here](#).

BIPARTISAN AND INDUSTRY SUPPORT

The AMP Act is bipartisan legislation introduced in the House of Representatives by Rep. Joe Crowley (D-NY) and Rep. Tom Rooney (R-FL) in February 2017 and is now H.R. 881. The language of the AMP Act is also part the bipartisan Fair Play Fair Pay Act (H.R. 1836), introduced in March 2017 by Rep. Jerry Nadler (D-NY) and Rep. Marsha Blackburn (R-TN).