

119TH CONGRESS
2D SESSION

H. R. 9253

To empower independent music creator owners to collectively negotiate with dominant online platforms regarding the terms on which their music may be distributed.

IN THE HOUSE OF REPRESENTATIVES

JUNE 10, 2026

Ms. ROSS (for herself, Mr. COHEN, Mr. DOGGETT, and Mr. GOLDMAN of New York) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To empower independent music creator owners to collectively negotiate with dominant online platforms regarding the terms on which their music may be distributed.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Protect Working Musi-
5 cians Act of 2026”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) Music is a cultural treasure and a unique
9 source of spiritual inspiration, emotional comfort,

1 community connection, and joy. It is also a powerful
2 economic driver that directly and indirectly supports
3 nearly 2 million American jobs and almost \$150 bil-
4 lion in annual economic activity.

5 (2) A healthy music ecosystem is a fundamental
6 bedrock for a healthy society.

7 (3) Fair and competitive markets for the use
8 and licensing of recorded music and musical works
9 are integral to a healthy music ecosystem.

10 (4) As music distribution has moved online, the
11 market for use and licensing has become distorted
12 and imbalanced. The largest Dominant Online Music
13 Distribution Platforms use their market power to
14 distort legal requirements and force music creators
15 into licensing agreements that do not reflect market
16 value. Those agreements essentially dictate a price
17 to music creators. If music creators do not agree to
18 licensing terms, the online platforms profit from un-
19 licensed uploads of music anyway.

20 (5) These platforms game the system created
21 by the Digital Millennium Copyright Act, which al-
22 lows dominant online platforms to ignore and profit
23 from unlicensed use of music and places the respon-
24 sibility for finding each and every instance of unli-
25 censed use of music on music creators. This “notice

1 and takedown” scheme has been described as a gig-
2 abit-speed game of whack-a-mole.

3 (6) The trade association for the major record
4 labels spends millions of dollars engaged in this ef-
5 fort which it says has grown to be “largely useless.”
6 The trade association for the independent record la-
7 bels agrees, calling it a “dysfunctional relic”.

8 (7) An effort that is largely useless for major
9 and independent record labels is an exercise in futil-
10 ity for Independent Music Creator Owners—those
11 who own the copyrights to musical works or sound
12 recordings and market their work themselves. Inde-
13 pendent Music Creator Owners lack the economic,
14 legal, and political resources to stand up to the
15 Dominant Online Music Distribution Platforms and
16 have no way to meaningfully negotiate fair licensing
17 rates for their work.

18 (8) That power imbalance means that Inde-
19 pendent Music Creator Owners are forced to take
20 whatever terms dominant online platforms offer for
21 their work. If they decline, the platforms simply ig-
22 nore them since in most cases lacking access to any
23 single artists’ work does not present a threat to the
24 platforms’ overall attractiveness to consumers.

1 (9) This imbalance has decimated careers in
 2 music at an untold cost to our society and culture.
 3 Multi Grammy-award winning musician Rosanne
 4 Cash recently lamented: “I see young musicians give
 5 up their missions and dreams all the time because
 6 they can’t make a living.”.

7 (10) The antitrust laws were intended to and
 8 do provide important economic and civic benefits.

9 (11) A central purpose of these laws is to pro-
 10 mote, protect, and strengthen fair and open mar-
 11 kets, including those for music.

12 (12) While antitrust exemptions are generally
 13 disfavored, should the application of the antitrust
 14 laws ever be applied in a manner that conflicts with
 15 their purpose—such as protecting the online market-
 16 place for creative works—it is the duty and preroga-
 17 tive of the Congress to resolve the conflict.

18 **SEC. 3. SAFE HARBOR FOR CERTAIN COLLECTIVE NEGOTIATIONS.**
 19

20 (a) DEFINITIONS.—For purposes of this section:

21 (1) The term “antitrust laws” has the meaning
 22 given such term in subsection (a) of the first section
 23 of the Clayton Act (15 U.S.C. 12), and includes—

24 (A) section 5 of the Federal Trade Com-
 25 mission Act (15 U.S.C. 45) to the extent that

1 such section applies to unfair methods of com-
2 petition; and

3 (B) any State law, rule, or regulation that
4 prohibits or penalizes the conduct described in,
5 or is otherwise inconsistent with, subsection (b)
6 of this section.

7 (2) The term “Dominant Online Music Dis-
8 tribution Platform” means any entity that—

9 (A) operates an app, website or other on-
10 line service that is used by members of the pub-
11 lic to listen to sound recordings, whether via a
12 digital audio transmission, an audio-visual pres-
13 entation, or any other means;

14 (B) has annual revenues related to the dis-
15 tribution of music of more than \$100 million;
16 and

17 (C) is not eligible for a license under sec-
18 tion 114(d)(2) of title 17 of the United States
19 Code.

20 (3) The term “generative artificial intelligence”
21 means an artificial intelligence system that is capa-
22 ble of generating novel text, video, images, audio,
23 and other media based on prompts or other forms of
24 data provided by a person.

1 (4) The term “Individual Music Creator
2 Owner” means—

3 (A) any musician or group of musician,
4 producers, mixers, and sound engineers or any
5 corporation, partnership or other entity engaged
6 in the business of using a sound recording for
7 commercial purpose that—

8 (i) owns the copyrights to one or more
9 sound recordings; and

10 (ii) either—

11 (I) has earned less than
12 \$1,000,000 in licensing revenues asso-
13 ciated with these copyrights in the
14 prior year; or

15 (II) qualifies as a small business
16 under the Office of Management and
17 Budget North American Industry
18 Classification System (NAICS) code
19 512250; or

20 (B) any songwriter or group of songwriters
21 and producers or any corporation, partnership
22 or other entity engaged in the business of using
23 a musical work for commercial purpose that—

24 (i) owns the copyrights to one or more
25 musical works; and

1 (ii) either—

2 (I) has earned less than
3 \$1,000,000 in licensing revenues asso-
4 ciated with musical work copyrights in
5 the prior year; or

6 (II) qualifies as a small business
7 under the Office of Management and
8 Budget North American Industry
9 Classification System (NAICS) code
10 512230.

11 (5) The term “musical work” means a song’s
12 underlying composition created by a songwriter or
13 composer along with any accompanying lyrics.

14 (6) The term “sound recording” has the mean-
15 ing given such term in section 101 of title 17 of the
16 United States Code.

17 (7) The term “songwriter” has the meaning
18 given such term in section 115(e)(32) of title 17 of
19 the United States Code.

20 (b) LIMITATION OF LIABILITY.—An Individual Music
21 Creator Owner shall not be held liable under the antitrust
22 laws for agreeing with other Individual Music Creator
23 Owners to collectively negotiate music licensing terms with
24 a Dominant Online Music Distribution Platform or a com-
25 pany engaged in development or deployment of generative

1 artificial intelligence, or agreeing with other Individual
2 Music Creator Owners to collectively refuse to license their
3 music to a Dominant Online Music Distribution Platform
4 or a company engaged in development or deployment of
5 generative artificial intelligence, if—

6 (1) the negotiations are not limited to price, are
7 nondiscriminatory as to similarly situated inde-
8 pendent creator/owners;

9 (2) the coordination among Independent Music
10 Creator Owners is directly related to and reasonably
11 necessary for negotiations with a Dominant Online
12 Music Distribution Platform that are otherwise con-
13 sistent with the operation of the Antitrust laws; and

14 (3) the negotiations do not involve any person
15 that is not an Independent Music Creator Owner or
16 a Dominant Online Music Distribution Platform.

17 (c) RULE OF CONSTRUCTION.—Except as provided in
18 this Act, this Act shall not be construed to modify, impair,
19 or supersede the operation of the antitrust laws.

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