

112TH CONGRESS  
1ST SESSION

# S. CON. RES. 7

Supporting the Local Radio Freedom Act.

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IN THE SENATE OF THE UNITED STATES

FEBRUARY 28, 2011

Mr. BARRASSO (for himself and Mr. NELSON of Nebraska) submitted the following concurrent resolution; which was referred to the Committee on Commerce, Science, and Transportation

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## CONCURRENT RESOLUTION

Supporting the Local Radio Freedom Act.

Whereas the United States enjoys broadcasting and sound recording industries that are the envy of the world, due to the symbiotic relationship that has existed among these industries for many decades;

Whereas for more than 80 years, Congress has rejected repeated calls by the recording industry to impose a performance fee on local radio stations for simply playing music on the radio, as such fee would upset the mutually beneficial relationship between local radio and the recording industry;

Whereas local radio stations provide free publicity and promotion to the recording industry and performers of music in the form of radio air play, interviews with performers, introduction of new performers, concert promotions, and

publicity that promotes the sale of music, concert tickets, ring tones, music videos, and associated merchandise;

Whereas committees in the Senate and House of Representatives have previously reported that “the sale of many sound recordings and the careers of many performers have benefitted considerably from airplay and other promotional activities provided by both noncommercial and advertiser-supported, free over-the-air broadcasting”;

Whereas local radio broadcasters provide tens of thousands of hours of essential local news and weather information during times of national emergencies and natural disasters, such as on September 11, 2001, and during Hurricanes Katrina and Rita, as well as public affairs programming, sports, and hundreds of millions of dollars of time for public service announcements and local fund raising efforts for worthy charitable causes, all of which are jeopardized if local radio stations are forced to divert revenues to pay for a new performance fee;

Whereas there are many thousands of local radio stations that will suffer severe economic hardship if any new performance fee is imposed, as will many other small businesses that play music including bars, restaurants, retail establishments, sports and other entertainment venues, shopping centers, and transportation facilities; and

Whereas the hardship that would result from a new performance fee would hurt businesses in the United States, and ultimately the consumers in the United States who rely on local radio for news, weather, and entertainment, and such a performance fee is not justified when the current system has produced the most prolific and innovative broadcasting, music, and sound recording industries in the world: Now, therefore, be it

1        *Resolved by the Senate (the House of Representatives*  
2 *concurring)*, That Congress should not impose any new  
3 performance fee, tax, royalty, or other charge relating to  
4 the public performance of sound recordings on a local  
5 radio station for broadcasting sound recordings over the  
6 air, or on any business for such public performance of  
7 sound recordings.

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