

111TH CONGRESS
1ST SESSION

H. CON. RES. 49

Supporting the Local Radio Freedom Act.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 12, 2009

Mr. GENE GREEN of Texas (for himself, Mr. CONAWAY, Mr. AKIN, Mr. ALEXANDER, Mr. ALTMIRE, Mr. ARCURI, Mr. AUSTRIA, Mrs. BACHMANN, Mr. BARRETT of South Carolina, Mr. BARROW, Ms. BEAN, Mr. BERRY, Mrs. BIGGERT, Mr. BISHOP of Georgia, Mr. BLUNT, Mr. BONNER, Mr. BOOZMAN, Mr. BOSWELL, Mr. BOYD, Mr. BRADY of Texas, Mr. BRIGHT, Mr. BROWN of South Carolina, Ms. GINNY BROWN-WAITE of Florida, Mr. BURGESS, Mr. BURTON of Indiana, Mrs. CAPITO, Mr. CAPUANO, Mr. CARTER, Mr. CLAY, Mr. COLE, Mr. CUELLAR, Mr. CULBERSON, Mr. DAVIS of Kentucky, Mr. DAVIS of Tennessee, Mr. DENT, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MARIO DIAZ-BALART of Florida, Mr. DICKS, Mr. EDWARDS of Texas, Mr. ELLSWORTH, Mr. FLEMING, Mr. FORTENBERRY, Ms. FOXX, Mr. GERLACH, Mr. GINGREY of Georgia, Ms. GRANGER, Mr. GRAVES, Mr. GRIFFITH, Mr. GUTHRIE, Mr. HALL of Texas, Mr. HARE, Mr. HASTINGS of Washington, Ms. HERSETH SANDLIN, Mr. HILL, Mr. HOEKSTRA, Mr. HUNTER, Ms. JENKINS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. JONES, Mr. KLINE of Minnesota, Mr. LARSEN of Washington, Mr. LATOURETTE, Mr. LATTI, Mr. LEE of New York, Mr. LOBIONDO, Mr. LOEBSACK, Mr. LUETKEMEYER, Mrs. LUMMIS, Mr. MANZULLO, Mrs. MCCARTHY of New York, Mr. MCCAUL, Mr. MCCLINTOCK, Mr. MCHENRY, Mr. MCHUGH, Mr. MCINTYRE, Mrs. McMORRIS RODGERS, Mr. MICHAUD, Mrs. MILLER of Michigan, Mr. GARY G. MILLER of California, Mr. MORAN of Kansas, Mrs. MYRICK, Mr. NEUGEBAUER, Mr. NUNES, Mr. PALLONE, Mr. PASCRELL, Mr. PITTS, Mr. POE of Texas, Mr. PRICE of North Carolina, Mr. PRICE of Georgia, Mr. RAHALL, Mr. REYES, Mr. ROGERS of Alabama, Mr. ROSS, Mr. SCHOCK, Mr. SESSIONS, Ms. SHEA-PORTER, Mr. SHULER, Mr. SHUSTER, Mr. SIMPSON, Mr. SOUDER, Mr. SPRATT, Mr. STUPAK, Mr. SULLIVAN, Mr. TERRY, Mr. THOMPSON of Pennsylvania, Mr. THOMPSON of California, Mr. TIAHRT, Mr. TIBERI, Mr. TURNER, Mr. WESTMORELAND, Mr. WILSON of South Carolina, Mr. SCOTT of Georgia, and Mr. JORDAN of Ohio) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary

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 and upsetting 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 Congress found that “the sale of many sound recordings and the careers of many performers benefited 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 September 11th, and Hurricanes Katrina, Rita, and Ike, 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 jeop-

ardized 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 American businesses, and ultimately the American consumers 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 House of Representatives (the Senate*
 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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