**The Honorable Gordon H. Smith**
President and CEO

NATIONAL ASSOCIATION OF BROADCASTERS

August 9, 2019

*By email*

The Honorable Makan Delrahim, Esq.,
Assistant Attorney General,
Antitrust Division,
950 Pennsylvania Avenue, N.W.,
Washington, D.C. 20530-0001

Re: Comment on Antitrust Consent Decree Review
(ASCAP and BMI 2019 Review)

Dear Assistant Attorney General Delrahim:

The National Association of Broadcasters (NAB) represents the nation's free, over-the-air radio and television broadcasters. As licensees of music, our members have a tremendous interest in the outcome of the Department of Justice's ASCAP and BMI Consent Decrees Review.

The Department of Justice should neither terminate nor modify the ASCAP and BMI consent decrees (the "Decrees"). Instead, the Department of Justice should defer to Congress's expertise in this area and allow Congress to determine whether fundamental changes should be made to an industry that millions of Americans rely on every day.

In the 78 years since the Southern District of New York entered the Decrees that the Department of Justice then proposed, the entire music-licensing ecosystem has organized and grown around them. Forty years ago, the Decrees were already so embedded in the industry that the Supreme Court was able to characterize them as "an acceptable mechanism for at least a large part of the market" in a decision rejecting a private challenge to ASCAP and BMI.[1] The Department of Justice reiterated that conclusion

[1] Broadcast Music, Inc. v. CBS, Inc., 441 U.S. 1, 24 (1979).

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just three years ago, finding that "the current system has well served music creators and music users for decades and should remain intact."[2]

The Department of Justice should adhere to the principle that where an industry is structured around a longstanding precedent, it is Congress's role to make any fundamental change. Moreover, this principle is only augmented where, as in this instance, Congress has let that precedent stand and even legislated in reliance on it.

Those considerations apply here with great force. The issues involving music licensing are complex and nuanced. They have been the subject of significant Congressional consideration over many years. In just the past two years, Congress has held two significant oversight hearings about the industry, engaged in robust discussion on the topic during Attorney General Barr's confirmation hearing, and passed major bipartisan legislation regarding the industry and the Decrees. To the extent that the Department of Justice has views about appropriate legislation that it believes would improve the industry, the Department is, of course, free to share these with Congress—as Congress has invited the Department to do. Further, in the event that the Department wishes actively to facilitate Congressional consideration in this area, it could convene an advisory committee of industry and other expert stakeholders to discuss and collaborate on possible changes the Department could recommend to Congress. But the Department of Justice should defer to Congress about whether to restructure a significant part of the U.S. economy impacting a myriad of stakeholders, including songwriters, broadcasters, restaurants and other small businesses.

Finally, should the Department of Justice decide to move forward with its review of the Decrees, it must proceed with a more robust process than what has to date been indicated. The high-level questions and lack of guidance about any specific policy change that the Department of Justice is considering prevents the public from providing meaningful input to inform the Department's decision-making. At a minimum, if the Department of Justice is considering proposing specific changes to the Decrees to the Southern District of New York, the Department should articulate exactly what changes it is considering, along with the perceived problems those changes seek to address.[3] Absent a more fulsome process, interested parties, Congress and the public lack the ability to provide meaningful feedback about these important issues. A fair process is particularly important in light of the concern, repeatedly articulated by members of Congress, that modifying or withdrawing the Decrees without having another structure in place is likely to cause significant disruption across many industries.

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[2] Statement of the Department of Justice and the Closing of the Antitrust Division's Review of the ASCAP and BMI Consent Decrees, Department of Justice, at 3 (Aug. 4, 2016) (DOJ Statement).

[3] The Department of Justice did provide a full explanation of its proposed changes just four years ago when it undertook a review of the same Decrees.

## I. The Decrees Are Essential to the Music Licensing Marketplace.

The Decrees serve a critical role in the music-licensing marketplace. As NAB and others have previously explained, broadcasters and other licensees do not have practical control over what music they play—an industry dynamic fostered by the Decrees themselves.[4] Licensees generally obtain licenses from both ASCAP and BMI to protect themselves against potential copyright-infringement claims. The Decrees help reduce transaction costs for music licensors and licensees, including those related to licensing, enforcement and administration of rights. At the same time, the Decrees also help protect licensees against the full exercise of ASCAP's and BMI's market power.

While there may be ways in which this overall regime can be improved, there is no question that the music-licensing regime under which we live today would be thrown into disarray without the Decrees absent a carefully structured replacement. The Department of Justice recognized that reality just three years ago, observing that Congress would need to "develop … a comprehensive legislative solution that ensures a competitive marketplace" before "continued Division oversight" through the Decrees would become unnecessary.[5] In its 2015 report addressing the Decrees, the Copyright Office similarly found that, "in light of the significant impact of the decrees in today's performance-driven music market," it is important that "Congress, not the DOJ … address the full range of issues that encumber our music-licensing system, which go far beyond the consent decrees."[6] These prior conclusions of the Department of Justice and the Copyright Office are consistent with a long history of Congressional consideration and action on music-licensing issues.

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[4] *See* Comments of the National Association of Broadcasters, *Antitrust Consent Decree Review: American Society of Composers, Authors and Publishers/Broadcast Music, Inc.*, at 2 (Aug. 6, 2014); Comments of Steven R. Peterson, Ph.D, on Behalf of the National Association of Broadcasters, at 1, 5-8 (Aug. 6, 2014); *The ASCAP and BMI Consent Decrees Remain Essential to Protect Consumers and Promote Competition*, Submitted to The Department of Justice Antitrust Division on behalf of Radio Music License Committee, Inc., Television Music License Committee, LLC, Pandora Media, Inc., Spotify USA Inc., at 12-16 (July 13, 2018).

[5] *See id*. at 22.

[6] *Copyright and the Music Marketplace*, U.S. Copyright Office, at 150 (February 2015), available at https://www.copyright.gov/policy/musiclicensingstudy/copyright-and-the-music-marketplace.pdf. Additionally, Register of Copyrights, Karyn Temple, has testified before both the House and Senate Judiciary committees within the past month regarding the implementation of the MMA. *See Oversight of the United States Copyright Office: Hearing Before the Subcom. On Intellectual Property of the S.Comm. on the Judiciary*, 116th Cong. (2019), available at https://www.judiciary.senate.gov/meetings/oversight-of-the-united-states-copyright-office; *Oversight of the United States Copyright Office: Hearing Before the H.Comm. on the Judiciary*, 116th Cong. (2019) available at https://judiciary.house.gov/legislation/hearings/oversight-us-copyright-office.

## II. Congress Has Repeatedly Considered and Legislated Based on the Decrees During Their Nearly 80-Year History.

Since the Decrees were entered in 1941, Congress has repeatedly authored legislation built upon the market structure created by the Decrees. In 1995, Congress passed the Digital Performance Right in Sound Recordings Act (the "DPRA") in response to the rise of internet and satellite radio.[7] The DPRA created a new exclusive performance right under copyright law "to perform the copyrighted work publicly by means of a digital audio transmission."[8] The system of aggregating and licensing of rights established under the Decrees empowered Congress to create these additional rights. And as discussed in greater detail below, Congress approved the Orrin G. Hatch – Bob Goodlatte Music Modernization Act (the "MMA") in 2018 to respond to the rise of streaming and other innovations in the music-licensing industry. Among other things, the MMA altered how judges are selected for rate-setting disputes under the Decrees and allowed the presentation of evidence relating to sound-recording royalty rates to the judges for consideration in such disputes.

In the last five years, Congress has also taken several other significant actions related to music licensing. In 2014 alone, Congress held two hearings "specifically dedicated to music licensing" and an additional three hearings with music industry representatives under the umbrella of a broader copyright review, which ultimately culminated in passage of the MMA.[9] In 2015, the Senate held a hearing on "The Antitrust Decrees That Govern the Market for Music," where they considered the Decrees themselves in the context of the Department's previous review.[10] The hearings included multiple constituencies which the Decrees serve: performing artists, industry executives,

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[7] Digital Performance Right in Sound Recordings Act of 1995, Pub. L. No. 104-39 (1995); Digital Millennium Copyright Act, Pub. L. No. 105-304 (1998).

[8] 17 U.S.C. § 106(6).

[9] *Copyright and the Music Market Place*, at 14 (Music Licensing Under Title 17 (Part I & II): *Hearing Before the Subcomm. on Courts, Intell. Prop., and the Internet of the H. Comm. on the Judiciary*, 113th Cong. (2014), *Moral Rights, Termination Rights, Resale Royalty, and Copyright Term: Hearing Before the Subcomm. on Courts, Intell. Prop. and the Internet of the H. Comm. on the Judiciary*, 113th Cong. (2014); *Section 512 of Title 17: Hearing Before the Subcomm. on Courts, Intell. Prop. and the Internet of the H. Comm. on the Judiciary*, 113th Cong. (2014); *The Scope of Fair Use: Hearing Before the Subcomm. on Courts, Intell. Prop. and the Internet of the H. Comm. on the Judiciary*, 113th Cong. (2014)).

[10] How Much for a Song: Hearing Before the Subcomm. on Antitrust, Competition Policy and Consumer Rights of the S. Comm. on the Judiciary, 114th Cong. (2015), available at https://www.judiciary.senate.gov/meetings/how-much-for-a-song-the-antitrust-decrees-that-govern-the-market-for-music.

and other interested stakeholders who represented a broad array of voices that would be impacted by changes in the industry.

Congress has also been very vocal about its specific concerns regarding any possible modifications or termination of the Decrees. After the Department of Justice announced an initiative to terminate "legacy" antitrust judgments in 2018,[11] members of Congress repeatedly cautioned against changing the Decrees without fully considering the impact on the marketplace. Senator Blumenthal noted in May of 2018 that the Decrees "form the foundation of the public performance licensing marketplace," and that "[t]hey are central to the structure that we have now."[12] He also added that he had "serious concerns about the DOJ undertaking [change], particularly if it doesn't first work with Congress to ensure we have a framework in place to prevent market chaos."[13]

Similarly, in June 2018 Senators Amy Klobuchar, Patrick Leahy, Richard Blumenthal and Cory Booker noted in a letter that "music licensing legislation before Congress assumes the continued existence of the framework established under [the] consent decrees" and therefore "urge[d] the Division to allow consumers, industry representatives, and members of Congress to negotiate and develop an alternative solution—without the threat of litigation or the market disruption that would result from altering the current regime—before the Division takes any action to weaken or terminate" the Decrees.[14]

Further, in a separate bipartisan and bicameral June 2018 letter, Senators Chuck Grassley and Dianne Feinstein and Representatives Bob Goodlatte and Jerrold Nadler emphasized that "the marketplace for licensing public performance rights in musical works has been shaped for decades" by the Decrees, and their termination "without a

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[11] *Department of Justice Announces Initiative to Terminate "Legacy" Antitrust Judgments*, Department of Justice Office of Public Affairs (April 25, 2018), available at https://www.justice.gov/opa/pr/department-justice-announces-initiative-terminate-legacy-antitrust-judgments.

[12] *Congress Urges DOJ to Keep ASCAP-BMI Consent Decrees in Place*, INSIDE RADIO (May 16, 2018), available at http://www.insideradio.com/congress-urges-doj-to-keep-ascap-bmi-consent-decrees-in/article_a85ac87c-58d9-11e8-b1f6-ff8344d4b072.html.

[13] *Id*.

[14] Letter from Senators Amy Klobuchar, Patrick Leahy, Richard Blumenthal & Cory A. Booker to Makan Delrahim, Assistant Attorney General, Antitrust Division, United States Department of Justice (June 7, 2018).

clear alternative framework in place would result in serious disruption in the marketplace, harming creators, copyright owners, licensees, and consumers."[15]

These concerns also are reflected in the MMA, which the President signed into law in October 2018. The MMA requires the Antitrust Division to notify the House and Senate Judiciary Committees a "reasonable time" before filing a motion to terminate the Decrees with the district court.[16] Then-Senator Hatch, the namesake of the legislation, stated on the Senate floor that "'a reasonable time' means at least 90 days before a motion to terminate is filed, in order to provide adequate notice to Congress."[17] This notification must be a written report that includes "an explanation of the process used … to review the consent decree," "a summary of the public comments received … during the review" and "information regarding the impact of the proposed termination on the market for licensing the public performance of musical works should the motion be granted."[18] The legislation also requires the Department of Justice to, within a reasonable time, provide briefings to and share relevant documents with any member of the House or Senate Judiciary Committees.[19] The MMA's committee report prepared by then-Chairman Grassley noted the "serious concern that terminating the Decrees without a clear alternative framework in place would result in serious disruption in the marketplace, harming creators, copyright owners, licensees, and consumers" and further observed that "sections of the [MMA] assume the continued existence of the decrees."[20] Further, as then-Senator Hatch noted, "in the event DOJ elects to undertake a review of the ASCAP or BMI consent decree, the MMA instructs DOJ to consult with and report to Congress throughout that review."[21] Senator Hatch emphasized that Congressional consideration was "a precursor to DOJ action to terminate the decrees."[22]

During Attorney General Barr's confirmation process in January 2019, Senators repeatedly stressed their interest in participating in any Department review of the Decrees. Former Judiciary Committee Chairman Grassley specifically asked whether Attorney General Barr could "ensure that DOJ will provide this Committee with ongoing updates and

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[15] Letter from Senators Chuck Grassley and Dianne Feinstein, and Representatives Bob Goodlatte and Jerrold Nadler, to Hon. Makan Delrahim, Assistant Attorney General, Antitrust Division, United States Department of Justice (Jun. 8, 2018)

[16] Orrin G. Hatch – Bob Goodlatte Music Modernization Act, Pub. L. 115-264, 132 Stat. 3676 (2018).

[17] 164 Cong. Rec. S6335 (daily ed., Sept. 26, 2018) (statement of Sen. Hatch).

[18] *Id*.

[19] *Id*.

[20] S. Rep. No. 115-339, at 16 (2018).

[21] 164 CONG. REC. S6335 (daily ed., Sept. 26, 2018) (statement of Sen. Hatch).

[22] *Id*.

meaningful advanced notice regarding any proposed modification or termination" of the Decrees and whether he would "commit to working closely with this Committee if DOJ decides to modify or terminate these consent decrees so that Congress can take any necessary legislative action prior to modification or termination."[23] Similarly, Senator Blumenthal again expressed his concern that "terminating the ASCAP and BMI consent decrees could undermine the Music Modernization Act and permit the accumulation and abuse of market power."[24] Senator Blumenthal specifically asked that the Department of Justice "work with Congress to develop an alternative framework prior to any action to terminate or modify the ASCAP and BMI consent decrees."[25] Attorney General Barr agreed to keep the Committee informed "a reasonable time before it takes any action to modify or terminate the decrees" and to "provide this Committee with technical assistance on any legislative proposal regarding music licensing."[26] Further, the Attorney General "assured" Congress "that there would be a process of timely consultation and substantial stakeholder input under which these consent decrees would be considered prior to any possible termination" consistent with the requirements of the MMA.[27]

In February 2019, Judiciary Committee Chairman Graham wrote of the Decrees that "the current market is functioning rather well" and the Senate explicitly "require[d] the [Department of Justice] to consult with Congress before sunsetting or terminating these two consent decrees."[28] He "express[ed] [his] concern that moving to terminate or even sunset the ASCAP & BMI consent decrees, without first working with [the Senate Judiciary Committee] and the Congress as a whole to establish an alternative licensing framework[] could severely disrupt the entire music-licensing marketplace."[29] In June 2019, Representative Zoe Lofgren tasked the United States Copyright Office with providing input, asking its director in June 2019 to study whether and how to modernize the Decrees, and report back to Congress.[30] And, on July 30, 2019, Senator Tillis asked the Register of

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[23] William P. Barr, *Responses to Questions for the Record*, at 2 (January 27, 2019) (questions from Sen. Grassley), available at, https://www.judiciary.senate.gov/imo/media/doc/Barr%20Responses%20to%20QFRs.pdf.

[24] *Id*. at 169 (questions from Sen. Blumenthal).

[25] *Id*.

[26] *Id*. at 2 (questions from Sen. Grassley).

[27] *Id.*

[28] Letter from Sen. Lindsey O. Graham, Senate Judiciary Committee Chairman, to Makan Delrahim, Assistant Attorney General, Antirust Div., U.S. Dep't of Just. (Feb. 12, 2019).

[29] *Id*.

[30] *See Oversight of the U.S. Copyright Office: Hearing Before the H. Comm. on the Judiciary*, 116th Cong. (statement of Karyn A. Temple, Register of Copyrights and Director of the U.S. Copyright Office, Library of Cong.) (question by Representative Zoe Lofgren), available at https://judiciary.house.gov/legislation/hearings/oversight-us-copyright-office.

Copyrights about the decrees, emphasizing the importance of not disrupting settled business expectations.[31]

As it did in September 2018, NAB again urges the Department of Justice to convene an advisory committee of industry stakeholders to discuss and collaborate on a way forward. By bringing together interested parties, the Department can use both its experience in enforcing the Decrees as well as stakeholder input in recommending possible avenues for progress to Congress. That approach is consistent with past advisory committees convened by the Division, including the International Competition Policy Advisory Committee and the Antitrust Modernization Commission. Allowing a focused committee of interested stakeholders, including music licensors, licensees and consumers, to explore a workable legislative framework to tackle the competitive issues underlying the Decrees would minimize the risk of significant disruption to our nation's economy and maximize the chance of reaching a fair solution for all parties.

For many decades, Congress has been thoroughly engaged and invested in the dynamics of music licensing. The Department of Justice should not remove the foundation on which the current market depends and cross its fingers, hoping that procompetitive and efficient licensing will emerge. The Department should instead look to Congress's expertise and authority before determining whether to modify or eliminate the Decrees.

## III. Congress's "Positive Inaction" on This Specific Topic Is Telling, and the Supreme Court Has Repeatedly Stated That Congressional Inaction Needs to Be Respected.

The Supreme Court first mentioned the relevance of Congressional acquiescence in 1819, and it has been an oft-invoked rationale for other branches of government to defer ever since. In 1819, the Court confronted action that had been "sanctioned by upwards of thirty years' practice … by the decisions of state and federal courts; [and] by the acquiescence of Congress."[32] In 1956, the Supreme Court held that an Executive Branch Department's efforts to alter an administrative interpretation "cannot stand" in part because "the original interpretation has had both express and implied congressional acquiescence."[33] In 1985, the Supreme Court cited "over 40 years of congressional acquiescence" in its conclusion that it was "unwilling to abandon" a doctrine that had been relied on over forty years.[34]

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[31] *Oversight of the United States Copyright Office: Hearing Before the Subcomm. on Intellectual Property of the S. Comm. on the Judiciary*, 116th Cong. (2019), available at https://www.judiciary.senate.gov/meetings/oversight-of-the-united-states-copyright-office.

[32] *Sturges* v. *Crowninshield*, 17 U.S. 122, 162 (1819).

[33] *U.S.* v. *Leslie Salt Co.*, 350 U.S. 383, 396 (1956).

[34] *Southern Motor Carriers Rate Conference, Inc.* v. *U.S.*, 471 U.S. 48 (1985).

Here, too, the Department should not seek to unilaterally alter the Decrees because Congress has clearly acquiesced in them.

The Supreme Court has also emphasized the importance of Congressional review, even if it ultimately results in inaction, in situations in which "Congress, although it ha[s] actively considered the [treatment], ha[s] not seen fit to reject it by amendatory legislation."[35] While generally, "congressional inaction lacks persuasive significance in most circumstances," "in any inquiry respecting the likely or probable intent of Congress, the silence of Congress is relevant" and can be "telling."[36] On an issue where "Congressional interest has been frequent and intense, and some of that interest has been directed" at a particular issue, any "silence is notable because it is likely that high-level policies will attract the attention of Congress. There is no question, here that Congressional interest has been frequent and intense. Thus, when Congress fails to provide a damages remedy in circumstances like these, it is much more difficult to believe that 'congressional inaction' was 'inadvertent.'"[37]

As shown above, Congressional interest in and attention to music licensing and the Decrees has been "frequent and intense," and the interest has been directed at the Decrees themselves. There is no reason "to believe that congressional inaction" on this issue has been "inadvertent." Instead, the record establishes that a Congressional unwillingness to replace the structure created by the Decrees has followed serious study and consideration. Simply put, Congress has occupied the field here, and the Department of Justice should not contradict Congress's decision not to change the Decrees.

The rationales for relying on Congressional action articulated by the Supreme Court in these situations are important here.[38] The music-licensing industry has been built around the bedrock of the Decrees, and "with full and continuing congressional

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[35] *Flood*, 407 U.S. at 275 (quoting *United States* v. *Shubert*, 348 U.S. 222, 229 (1955)).

[36] *Star Athletica, L.L.C.* v. *Varsity Brands, Inc.*, 137 S.Ct. 1002, 1015 (2017) (quoting *Pension Benefit Guaranty Corp.* v. *LTV Corp.*, 496 U. S. 633, 650 (1990)) (alteration in original); *Ziglar* v. *Abbasi*, 137 S. Ct. 1843, 1862 (2017).

[37] *Id*. (quoting *Schweiker* v. *Chilicky*, 487 U.S. 412, 423 (1988)).

[38] Such an example has played out before. In *Federal Baseball Club* v. *National League*, the Supreme Court held that the Sherman Antitrust Act generally did not apply to Major League Baseball. 259 U.S. 200, 208 (1922). In *Flood* v. *Kuhn*, the Supreme Court declined to overturn *Federal Baseball Club* because the industry, "with full and continuing congressional awareness, ha[d] been allowed to develop and to expand unhindered by federal legislative action." 407 U.S. 258, 283 (1972). The Supreme Court wrote that "[i]f there is any inconsistency or illogic in all this, it is an inconsistency and illogic of long standing that is to be remedied by the Congress." *Id.* at 284. Congress did just that when it passed the Curt Flood Act of 1998. The Act overruled the long-standing antitrust precedent around which the industry had grown, and was the result of a public and deliberative process incorporating all stakeholders.

awareness, has been allowed to develop and to expand unhindered by federal legislative action."[39] The Supreme Court has recognized that in situations such as these, Congressional action is the appropriate process by which to consider changes to the structure of a regime because "[t]he whole scope of congressional action would be known long in advance, and effective dates for the legislation could be set in the future without the injustices of retroactivity and surprise."[40] Further, "Congressional processes are more accommodative, affording the whole industry hearings and an opportunity to assist in the formulation of new legislation."[41]

While these Decrees may not be what the Department would prefer if it were writing on a clean slate today, for nearly eight decades an entire market has oriented itself around them, and Congress has clearly acquiesced to this market structure. The Copyright Office has previously stated that "as tempting as it may be to daydream about a new model built from scratch, such a course would seem to be logistically and politically unrealistic."[42] Given these intricate market dynamics, the inevitability of significant market disruption in the event of any abrupt changes to the Decrees and Congress's repeated, deliberate inaction, it is only appropriate to leave any possible alterations to the consideration of Congress and the President in unison.

## IV. If the Department Moves Forward With Its Review, It Must Provide for More Meaningful Participation by Industry Stakeholders.

The Department's current process does not provide sufficient notice allowing stakeholders to comment meaningfully on the unknown potential changes under consideration. As set forth in our June 17, 2019 letter to the Antitrust Division, NAB continues to believe that at a minimum, commenters must have notice of any proposed changes to comment meaningfully, as was the case during the Department's 2014-2015 review. We continue to urge the Department to convene an advisory committee of industry stakeholders to discuss and collaborate on a way forward.

Even in the absence of an advisory committee, the Department must employ a more transparent process than its current general review and comment period suggests. The Department of Justice's notice seeking comments asks a series of general questions about the continued necessity of the Decrees, without identifying any possible changes, or even particular provisions of specific interest. To enable the Department to gain meaningful insight from stakeholders, stakeholders need to know what specific changes, if any, the Department is considering proposing to the Southern District of New York and the

[39] *Flood*, 407 U.S. at 283.

[40] *Id*. at 279 (quoting *Radovich*, 352 U.S. at 452).

[41] *Id*.

[42] Copyright and the Music Marketplace at 133.

issues those changes are intended to address. This is an inquiry that requires thoughtful attention and robust discussion, which can only occur after stakeholders can engage in a focused way on the provisions of interest to the Department. Accordingly, NAB renews its request for an additional 90-day comment period if the Department decides to move forward with consideration of any specific changes. A second comment period will allow for a fulsome consideration of the issues and provide the Department a more complete record upon which to determine any future action. Only by providing commenters sufficient notice of any proposed changes can the Department have a worthwhile and reliable record with which to determine its next steps. Similarly, fairness dictates that all interested parties have notice of the specific changes under review.

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Unilateral action by the Department of Justice would unnecessarily unmoor an entire industry based on these Decrees. Because Congress has chosen not to act, the Department of Justice should respect that decision rather than encroach on Congressional power.

If you have any questions regarding this letter, please contact me at (202) 429-5300.

Regards,

Gordon H. Smith
President and CEO
National Association of Broadcasters

cc: The Honorable William P. Barr, Attorney General
The Honorable Jeffrey A. Rosen, Deputy Attorney General
The Honorable Stephen E. Boyd, Assistant Attorney General
Senator Lindsey Graham, Chairman, Senate Judiciary Committee
Senator Dianne Feinstein, Ranking Member, Senate Judiciary Committee
Senator Chuck Grassley
Senator Patrick Leahy
Senator Amy Klobuchar
Senator Richard Blumenthal
Senator Cory Booker
Senator Sheldon Whitehouse
Senator Lamar Alexander
Senator Christopher Coons
Senator John Kennedy

Senator Kamala Harris
Senator Richard Durbin
Senator Johnny Isakson
Senator Mike Crapo
Senator Doug Jones
Senator Thom Tillis
Senator David Perdue
Senator Shelley Moore Capito
Senator Roy Blunt
Senator Kyrsten Sinema
Representative Jerrold Nadler, Chairman, House Judiciary Committee
Representative Doug Collins, Ranking Member, House Judiciary Committee
Representative Zoe Lofgren
Representative Tom Rice
Representative Hakeem Jeffries
Representative Earl Blumenauer
Representative Jeff Duncan
Representative Kenny Marchant
Representative Marc Veasey
Representative Rick Allen
Representative Henry Johnson, Jr.
Representative Joe Wilson
Representative Bradley Byrne
Representative Sanford Bishop
Representative Grace Napolitano
Representative James Clyburn
Representative Jody Hice
Representative Terri Sewell
Representative Michael Simpson
Representative Drew Ferguson IV