



September 13, 2022

Senate Judiciary Committee
U.S. Senate
Washington, D.C. 20510

AMERICAN COMMITMENT

Dear Committee Member,

The Senate companion bill to H.R. 4130, the American Music Fairness Act will be introduced shortly. On behalf of the millions of members of the undersigned groups, we strongly encourage you to support this legislation to address inequities in copyright royalties for recorded performances of music.



Intellectual property (IP) rights are protected by the Constitution, in Article I, Section 8, Clause 8, which specifically delegates to Congress the authority to protect creative works and the rights of its creators. As such, owners of IP should receive fair compensation for their work product.



When a given work is transmitted, common sense and basic fairness dictate that the medium of transmission should not affect the existence of these rights. Yet, under the current regime, copyright owners of sound recordings do not hold effective or enforceable rights to their creative product when it is distributed through terrestrial radio. Existing law has created a disparate system for music royalty payments, giving terrestrial broadcast radio stations the right to broadcast these creative works without appropriate compensation, even though such compensation is provided by other broadcast media, including satellite radio and digital streaming services.



The American Music Fairness Act addresses this inequity by treating terrestrial broadcast the same as other transmissions, including satellite or digital streaming formats, while providing small terrestrial broadcast stations incremental financial adjustments for royalty payments based on the general revenues earned by the station's operator. This balanced approach to providing appropriate reimbursement for music played on terrestrial radio is long overdue.

For these reasons, we strongly urge you to support the American Music Fairness Act. It provides a fair solution to protecting the copyright ownership of creative performers whose works are played by terrestrial radio.

Sincerely,

Thomas A. Schatz
President
Council for Citizens Against Government
Waste

Phil Kerpen
President
American Commitment

Jeff Mazzella
President
Center for Individual Freedom

Gerard Scimeca
Chairman
Consumer Action for a Strong
Economy

David Williams
President
Taxpayers Protection Alliance