

116TH CONGRESS  
1ST SESSION

# H. R. 5219

To amend title 17, United States Code, to require broadcasters to obtain permission to transmit content owned by another person, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 21, 2019

Mr. NADLER introduced the following bill; which was referred to the  
Committee on the Judiciary

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## A BILL

To amend title 17, United States Code, to require broadcasters to obtain permission to transmit content owned by another person, and for other purposes.

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 “Ask Musicians For  
5 Music Act of 2019”.

1 **SEC. 2. TRANSMISSION CONSENT FOR TERRESTRIAL**  
2 **BROADCASTS.**

3 (a) RIGHT APPLICABLE TO TRANSMISSIONS GEN-  
4 ERALLY.—Section 106(6) of title 17, United States Code,  
5 is amended by striking “a digital” and inserting “an”.

6 (b) TRANSMISSION CONSENT.—Section 114(d)(1)(A)  
7 of title 17, United States Code, is amended by adding  
8 after “transmission” the following: “, except that, in the  
9 case of a transmission made by a radio station, the radio  
10 station shall obtain the express authority of the copyright  
11 owner of that sound recording for any such transmission  
12 (unless the transmission consists of services at a place of  
13 worship (or at another religious assembly) or incidental  
14 uses of a musical work)”.

15 **SEC. 3. SMALL BROADCASTERS; PUBLIC AND EDU-**  
16 **CATIONAL RADIO.**

17 (a) SMALL BROADCASTERS.—

18 (1) IN GENERAL.—Consent required under sec-  
19 tion 2 shall be deemed satisfied by the payment of  
20 \$500 per year by any radio station with revenues in  
21 that year of less than \$1,000,000, including all reve-  
22 nues arising from or relating to the operation of the  
23 station, as calculated in accordance with generally  
24 accepted accounting principles in the United States.

25 (2) AFFILIATES.—For the purposes of calcu-  
26 lating revenues under paragraph (1) with respect to

1 affiliated broadcast stations, revenues shall be allo-  
2 cated reasonably to individual stations that are asso-  
3 ciated with those revenues.

4 (b) PUBLIC BROADCASTERS, COLLEGE RADIO, AND  
5 OTHER NONCOMMERCIAL STATIONS.—Any negotiation to  
6 obtain the express authority of a copyright owner that is  
7 required with respect to a transmission made by a radio  
8 station under section 114(d)(1)(A) of title 17, United  
9 States Code, as amended by section 2(b), may not result  
10 in the payment of compensation in an amount that is more  
11 than \$100 per year by any individual terrestrial broadcast  
12 station that is—

13 (1) licensed by the Federal Communications  
14 Commission as an individual terrestrial broadcast  
15 station; and

16 (2) a public broadcasting entity, as that term is  
17 defined in section 118(f) of title 17, United States  
18 Code.

19 (c) DESIGNATED AGENT.—Payments made pursuant  
20 to subsections (a) and (b) shall be directed to the agent  
21 designated to distribute receipts from the licensing of dig-  
22 ital transmissions in accordance with section 114(f) of title  
23 17 and used to defray administrative costs as described  
24 in section 114(g)(3)(A) of title 17.

1 **SEC. 4. CONFORMING AMENDMENTS.**

2 (a) DEFINITION.—Section 101 of title 17, United  
3 States Code, is amended by inserting after the item relat-  
4 ing to “architectural work” the following:

5 “An ‘audio transmission’ is the communication of a  
6 sound recording, whether in digital, analog, or other for-  
7 mat, whereby sounds are received beyond the place from  
8 which they are sent. An audio transmission does not in-  
9 clude the transmission of any audiovisual work.”.

10 (b) OTHER CONFORMING AMENDMENTS.—Title 17,  
11 United States Code, is amended—

12 (1) in section 112(e)(8), by striking “a digital  
13 audio transmission” and inserting “an audio trans-  
14 mission”;

15 (2) in section 114—

16 (A) in subsection (d)—

17 (i) in paragraph (1)—

18 (I) in the matter preceding sub-  
19 paragraph (A), by striking “a digital”  
20 and inserting “an”; and

21 (II) in subparagraph (B)—

22 (aa) by striking clauses (i)  
23 and (iii);

24 (bb) by redesignating  
25 clauses (ii) and (iv) as clauses (i)  
26 and (ii), respectively; and

1 (cc) in clause (ii), as so re-  
2 designated, by striking “retrans-  
3 mission, whether or not simulta-  
4 neous, is a” and inserting “re-  
5 transmission is a non-simulta-  
6 neous,”;

7 (ii) in paragraph (2)—

8 (I) in the matter preceding sub-  
9 paragraph (A), by striking “subscrip-  
10 tion digital” and inserting “subscrip-  
11 tion”; and

12 (II) in subparagraph (C)(viii), by  
13 striking “digital signal” and inserting  
14 “signal”; and

15 (iii) in paragraph (4)—

16 (I) in subparagraph (A), by strik-  
17 ing “a digital audio transmission” and  
18 inserting “an audio transmission”;  
19 and

20 (II) in subparagraph (B)(i), by  
21 striking “a digital audio trans-  
22 mission” and inserting “an audio  
23 transmission”;

24 (B) in subsection (g)(2)(A), by striking “a  
25 digital” and inserting “an”; and

- 1 (C) in subsection (j)—  
2 (i) in paragraph (6)—  
3 (I) by striking “digital”; and  
4 (II) by striking “retransmissions  
5 of broadcast transmissions” and in-  
6 serting “broadcast transmissions and  
7 retransmissions of broadcast trans-  
8 missions”; and  
9 (ii) in paragraph (8), by striking  
10 “subscription digital” and inserting “sub-  
11 scription”; and  
12 (3) in section 1401(b), in the matter preceding  
13 paragraph (1), by striking “a digital” and inserting  
14 “an”.

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