

116TH CONGRESS
1ST SESSION

S. 2932

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

IN THE SENATE OF THE UNITED STATES

NOVEMBER 21, 2019

Mrs. BLACKBURN introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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; PAYMENTS.**

17 (a) SMALL BROADCASTERS.—

18 (1) DEFINITION.—

19 (A) IN GENERAL.—In this subsection, the
 20 term “small broadcaster” means a radio station
 21 with revenues in a year of less than \$1,000,000,
 22 including all revenues arising from or relating
 23 to the operation of the station, as calculated in
 24 accordance with generally accepted accounting
 25 principles in the United States.

1 (B) AFFILIATES.—For the purposes of cal-
2 culating revenues under subparagraph (A) with
3 respect to affiliated broadcast stations of a
4 radio station described in that subparagraph,
5 revenues shall be allocated reasonably to indi-
6 vidual stations that are associated with those
7 revenues.

8 (2) AMOUNT OF PAYMENT.—With respect to an
9 effort to obtain the express authority of a copyright
10 owner that is required with respect to a transmission
11 made by a radio station under section 114(d)(1)(A)
12 of title 17, United States Code, as amended by sec-
13 tion 2(b), if the radio station seeking that authority
14 is a small broadcaster, the small broadcaster shall
15 make a payment of \$500 per year to obtain that au-
16 thority.

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

1 (1) licensed by the Federal Communications
2 Commission as an individual terrestrial broadcast
3 station; and

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

7 (c) PAYMENTS.—A payment made under subsection
8 (a) or (b) shall be directed to the nonprofit collective des-
9 ignated by the Copyright Royalty Judges to distribute re-
10 ceipts from the licensing of transmissions in accordance
11 with section 114(f) of title 17, United States Code, and
12 that collective shall distribute that payment in accordance
13 with paragraphs (2) and (3) of section 114(g) of that title.

14 **SEC. 4. CONFORMING AMENDMENTS.**

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

18 “An ‘audio transmission’ is the communication
19 of a sound recording, whether in digital, analog, or
20 other format, through which sounds are received be-
21 yond the location from which the sounds are sent.
22 An audio transmission does not include the trans-
23 mission of any audiovisual work.”.

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

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

4 (2) in section 114—

5 (A) in subsection (d)—

6 (i) in paragraph (1)—

7 (I) in the matter preceding sub-
8 paragraph (A), by striking “a digital”
9 and inserting “an”; and

10 (II) in subparagraph (B)—

11 (aa) by striking clauses (i)
12 and (iii);

13 (bb) by redesignating
14 clauses (ii) and (iv) as clauses (i)
15 and (ii), respectively; and

16 (cc) in clause (ii), as so re-
17 designated, by striking “retrans-
18 mission, whether or not simulta-
19 neous, is a” and inserting “re-
20 transmission is a non-simulta-
21 neous,”;

22 (ii) in paragraph (2)—

23 (I) in the matter preceding sub-
24 paragraph (A), by striking “subscrip-

1 tion digital” and inserting “subscrip-
2 tion”; and

3 (II) in subparagraph (C)(viii), by
4 striking “digital signal” and inserting
5 “signal”; and

6 (iii) in paragraph (4)—

7 (I) in subparagraph (A), by strik-
8 ing “a digital audio transmission” and
9 inserting “an audio transmission”;
10 and

11 (II) in subparagraph (B)(i), by
12 striking “a digital audio trans-
13 mission” and inserting “an audio
14 transmission”;

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

17 (C) in subsection (j)—

18 (i) in paragraph (6)—

19 (I) by striking “digital”; and

20 (II) by striking “retransmissions
21 of broadcast transmissions” and in-
22 serting “broadcast transmissions and
23 retransmissions of broadcast trans-
24 missions”; and

1 (ii) in paragraph (8), by striking
2 “subscription digital” and inserting “sub-
3 scription”; and

4 (3) in section 1401(b), in the matter preceding
5 paragraph (1), by striking “a digital” and inserting
6 “an”.

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