

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.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 21, 2019

Mr. NADLER introduced the following bill; which was 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.**

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”.

○