

# American Federation of Labor and Congress of Industrial Organizations



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December 1, 2009

Dear Senator:

On behalf of the more than 10 million members in the AFL-CIO, I am writing to urge you to support the Performance Rights Act (S. 379), which would guarantee that performers whose work is played on AM/FM radio can finally secure the right to be compensated for their efforts. This is an issue of basic fairness for working families.

The Performance Rights Act would correct an injustice that has been 80 years in the making. As hard as it may be to believe, musicians and performers have fought since the early 1900s for legislation that would provide this most basic right.

Shamefully, the United States stands alone among developed nations in not compensating performers for their efforts. In fact, the United States has the distinction of joining countries like China, Iran, and North Korea in this regard.

Furthermore, millions of dollars in royalties generated from radio broadcasts of U.S. recordings in other countries have been lost to U.S. performers because the United States lacks a performance right. At a time when federal and state governments face significant financial challenges and our economy is struggling, the tax revenue from these royalties, now being held overseas, is needed now more than ever. Passage of the Performance Rights Act would unlock these monies and bring them home to the U.S. where they belong.

Opponents of this legislation have suggested that establishing fairness to performers through the Performance Rights Act would somehow cause financial hardships for AM/FM broadcasters. They have focused on small and minority-owned radio stations to build support from Members of Congress who are rightly concerned about preserving these outlets.

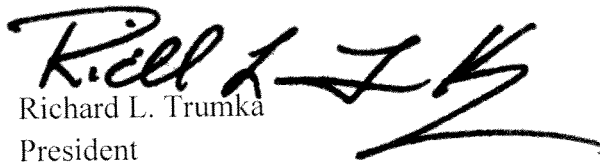
However, this argument has no basis in fact: amendments passed with bipartisan support in both the House and Senate Judiciary Committees have addressed these concerns. In fact, the amendment approved by the Senate Judiciary Committee would guarantee that the smallest broadcasters would pay as little as \$100 per year for the right to utilize performers' intellectual property.

**I ask Members who may have signed resolutions against the Performance Rights Act to take a second look at the legislation as it now stands. There is simply no argument to be made about financial hardships for broadcasters.**

In addition to the question of basic fairness for performers, there is also the question of fairness in competition. AM/FM radio is the only outlet to get a free ride; satellite radio and webcasters pay performers for use of their music. This imbalance is inconsistent with maintaining a competitive and open media environment.

Once again, I urge Congress to do what is just on behalf of hardworking performers and their families. Eighty years is too long to wait for justice.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard L. Trumka". The signature is stylized and cursive, with a long horizontal flourish extending to the right.

Richard L. Trumka  
President