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NEWSLETTER

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ARIZONA CONGRESSIONAL MEMBERS NOW IN MAJORITY IN OPPOSING PERFORMERS PLEA FOR FEES

Arizona House Members Rep. Trent Franks (R-2nd) & Rep. Harry Mitchell (D-5th) in majority as co-sponsors against performers' royalty fees.

A House resolution opposing a broadcast radio performance royalty now has the backing of a majority of the chamber's 435 members; the measure has added four new co-sponsors for a total of 219. "Today's announcement sends a powerful message to foreign-owned record labels that Congress is not falling for their bogus campaign to blame local radio stations for their financial woes," said NAB spokesman Dennis Wharton. "NAB thanks those members of Congress who appreciate the fact that free radio airplay of music generates untold millions into the wallets of performers and record labels. We will continue to educate policymakers on the devastating impact this RIAA tax would have on America's hometown radio stations." [Radio Ink](#)

ABA & NAB ALIGNED TO FIGHT "PERFORMANCE TAX"

The ABA continues to work with members of the Arizona Congressional delegation on this all important issue. To keep things in perspective on this argument in Congress here's a report from NAB on the happenings Thursday morning.

H.R. 4789, which would impose a performance tax on local radio broadcasters, was cleared today by Chairman Berman's subcommittee by voice vote. As a reminder, the subcommittee is made up of a significant number of members of Congress who represent artist and record label populations.

Although today's outcome was expected, NAB, our consultants and allies worked aggressively prior to the mark-up to raise questions and concerns among the members and staff to ensure that members of the full committee fully appreciate the degree of controversy over this issue. As a result of this effort, there was considerable discussion during today's mark-up by members on both sides of the aisle regarding a variety of concerns with the bill. Additionally, several members expressed reservations for advancement of H.R. 4789 to full committee prior to addressing substantive concerns, such as the bill's impact on smaller broadcasters, the unintended consequences of upsetting the current structure, the need for further consideration of the promotional value provided by radio, the dynamics of a distribution process, the need for greater balance and several other matters.

In short, while there was a consensus among the members of the subcommittee on a desire to move a bill, there appeared to be a reasonable amount of discourse and lack of certainty on the actual content of the bill.

The bill still must be considered by the full House Judiciary Committee. If passed by the full committee the bill would then need to be scheduled to go to the House floor for consideration, and currently more than a majority of the House of Representatives is on record supporting the anti-performance tax measure, H. Con. Res. 244, which currently has the support of 220 members of the House. We continue to work support for the resolution and picked up an additional cosponsor late yesterday.

SAVE THE DATE!!
ABA FOUNDATION 19TH ANNUAL HALL OF FAME RECEPTION & DINNER
Thursday, October 16, 2008 - The Buttes Marriott Resort, Tempe, AZ

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