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It's ALIVE!!!

Performance Rights Bill approved by Senate Committee, But chances of survival appear limited

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The American public is seriously into zombies just now – how else to account for the fact that *Zombieland* took in some \$25 million during its first weekend, and *Pride and Prejudice and Zombies* has spent considerable time on many best seller lists? So we should not be surprised that, on October 15, the Senate Judiciary Committee passed S.379, the Senate's version of the Performance Rights Act (PRA), by a 21-9 vote.

Yes, that means that S.379, like its House counterpart, H.R. 848, is still alive and kicking, in an undead sort of way. And either version could, theoretically, become law – if, that is, it survives a floor vote in its own chamber, gets approved by the other chamber, and is eventually signed by the President. Should all those stars happen to align, broadcasters would for the first time be required to pay copyright royalties for over-the-air performance of sound recordings.

No, we *still* don't know how either bill will actually survive. After all, 250 members of the House have co-sponsored the "Local Radio Freedom Act", a nonbinding statement of *opposition* to the performance right embodied in H. R. 848 and S.379. Since 250 votes constitute a majority of the House, the defeat of H. R. 848 in the House would still seem to be a mortal lock, thus pounding a stake through the PRA's heart. (For the record, we're not surprised at all that S.379 passed the Senate Judiciary Committee, since that Committee's Chairman, Patrick Leahy – like his House counterpart, John Conyers – is a supporter of the legislation, and that alone can be enough to get legislation through a committee.)

That's all we feel the need to say on the matter right now.