

United States Senate
WASHINGTON, DC 20510

January 30, 2025

The Honorable Brendan Carr
Chairman
Federal Communications Commission
45 L Street, NE
Washington, DC 20554

Dear Chairman Carr,

Thank you for your leadership at the Federal Communications Commission (“FCC”). I am writing to bring attention to an issue critically impacting Tennessee’s content creators, particularly its songwriters and music community.

Federal law prohibits radio stations from accepting payment for airtime without disclosing the transaction—a practice commonly known as “payola.”¹ As you know, the FCC considers payola a violation of the Sponsorship Identification Rules.²

From what we have learned, it appears that to sidestep these restrictions, radio stations and networks have adopted a troubling new tactic. Instead of demanding cash or lavish perks from record labels in exchange for airplay, they now pressure artists to perform “free radio shows”—also referred to as “listener appreciation shows” or “charitable concert events.”

We have heard the new scheme works in this manner: radio stations and networks offer more airtime for an artist’s songs if the artist performs a free show. There is often an implicit suggestion that declining to perform could result in reduced airplay. Radio stations and networks often receive the financial benefit of these shows through ticket sales, sponsorships, and other income while the artists and record labels frequently absorb the expense.

This forced quid pro quo applies to essentially all artists, regardless of their level of success. Artists in the industry have told me that it is not unusual for them to perform anywhere from 10 to 50 such shows in any given year. Those just starting out in their career will often perform more, while those that have had more success will have to perform fewer, but they will still be expected to do them.

¹ 47 U.S. Code § 317

² FCC SPONSORSHIP IDENTIFICATION; LIST RETENTION; RELATED REQUIREMENTS, 47 C.F.R § 73.1212 (1975)

This practice is exploitative and should not be tolerated. Federal law and FCC rules prohibit radio stations from receiving undisclosed compensation for broadcasting songs, and this principle must extend to free performances for radio stations and networks. Artists should not be extorted into providing free labor in exchange for airplay.

I urge you to take swift action to end this abuse and protect our music community. Thank you for your attention to this pressing matter.

Sincerely,

A handwritten signature in blue ink that reads "Marsha Blackburn". The signature is fluid and cursive, with a long, sweeping underline that extends to the right.

Marsha Blackburn
United States Senator