



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON DC

September 4, 2019

Mike O'Rielly
Commissioner

Mr. Mitch Glazier
Chairman and CEO
Recording Industry Association of America
1025 F Street NW
Washington, DC 20004

Dear Mr. Glazier:

Recent reports from the radio industry press raise concerns regarding possible violations of federal laws and regulations that expressly prohibit payola. To the extent that payola is currently occurring within the industry, I am writing to ask for your help in ensuring that the practice be discontinued. While some have asserted that current payola restrictions violate the First Amendment to the U.S. Constitution, the Commission is obligated to comply with the governing statute until instructed otherwise by the courts or by Congress.

Past documented instances of payola range from cash payments to radio station employees, to more elaborate schemes exchanging non-monetary gifts and bribes for the purpose of obtaining recorded music airtime. In any case, federal law is clear: anyone who pays or agrees to pay for the broadcast of any content must disclose the agreement to the station airing the broadcast.¹ Similar disclosures are required when it comes to the production and distribution of programming.² However, in the time since the law was passed, the recording industry has made great strides in curtailing the practice, and it is my sincere hope that recent allegations are being overstated or misrepresented.

Your Association's members supply content to both traditional over-the-air broadcasts and streaming platforms and possess broad insight into the industry. As such, your Association is uniquely situated to survey the practices of your industry and respond to press reports regarding alleged practices in order to help determine whether allegations of non-disclosure are actually occurring. I also understand concerns have been raised regarding allegations of soliciting artist appearances and performances with implied or express threats against non-participation. I would be happy to review any information regarding these alleged practices as well.

With the changing nature of radio and the explosive impact of digital advertising, I certainly understand that the arrangements between recording companies and the stations that broadcast content can be very complex. My primary goal is to get to the bottom of existing industry practices to determine whether the law is being followed or whether any problematic conduct must be addressed.

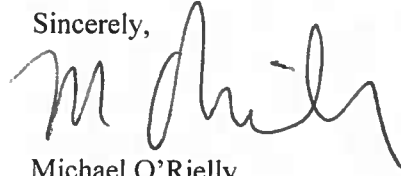
¹ 47 USC § 508(a)

² 47 USC § 508(b) and (c)

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I would respectfully request the courtesy of your reply by the end of September. Please let me know if I can be of assistance in providing more information on the issue of payola or the work of the FCC on this matter in the meantime.

Sincerely,

A handwritten signature in black ink, appearing to read "M. O'Rielly". The signature is fluid and cursive, with a large initial "M" and a long, sweeping tail.

Michael O'Rielly