

CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Peter A. Feldman, of the District of Columbia, to be a Commissioner of the Consumer Product Safety Commission for a term of seven years from October 27, 2019. (Reappointment)

Mitch McConnell, Richard C. Shelby, Todd Young, Pat Roberts, Thom Tillis, Cory Gardner, Roger F. Wicker, Mike Rounds, David Perdue, John Boozman, Roy Blunt, Jerry Moran, Lamar Alexander, John Thune, Tim Scott, John Barrasso, Steve Daines.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Peter A. Feldman, of the District of Columbia, to be a Commissioner of the Consumer Product Safety Commission for a term of seven years from October 27, 2019, (Reappointment), shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Arizona (Mr. FLAKE).

The PRESIDING OFFICER (Mr. HOEVEN). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 50, nays 49, as follows:

[Rollcall Vote No. 216 Ex.]

YEAS—50

Alexander	Gardner	Paul
Barrasso	Graham	Perdue
Blunt	Grassley	Portman
Boozman	Hatch	Risch
Burr	Heller	Roberts
Capito	Hoeven	Rounds
Cassidy	Hyde-Smith	Rubio
Collins	Inhofe	Sasse
Corker	Isakson	Scott
Cornyn	Johnson	Shelby
Cotton	Kennedy	Sullivan
Crapo	Kyl	Thune
Cruz	Lankford	Tillis
Daines	Lee	Toomey
Enzi	McConnell	Wicker
Ernst	Moran	Young
Fischer	Murkowski	

NAYS—49

Baldwin	Gillibrand	Merkley
Bennet	Harris	Murphy
Blumenthal	Hassan	Murray
Booker	Heinrich	Nelson
Brown	Heitkamp	Peters
Cantwell	Hirono	Reed
Cardin	Jones	Sanders
Carper	Kaine	Schatz
Casey	King	Schumer
Coons	Klobuchar	Shaheen
Cortez Masto	Leahy	Smith
Donnelly	Manchin	Stabenow
Duckworth	Markey	Tester
Durbin	McCaskill	
Feinstein	Menendez	

Udall	Warner	Whitehouse
Van Hollen	Warren	Wyden

NOT VOTING—1

Flake

The PRESIDING OFFICER. On this vote, the yeas are 50, the nays are 49. The motion is agreed to.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Peter A. Feldman, of the District of Columbia, to be a Commissioner of the Consumer Product Safety Commission for a term of seven years from October 27, 2019. (Reappointment)

The PRESIDING OFFICER. The Senator from Utah.

ORRIN G. HATCH MUSIC MODERNIZATION ACT

Mr. HATCH. Mr. President, this week, the House of Representatives will pass and send to the President the most important copyright reform in decades. The name of the bill, which passed this body by unanimous vote last week, is the Orrin G. Hatch–Bob Goodlatte Music Modernization Act.

As the Senate was considering the bill, my good friend from Tennessee, Senator ALEXANDER, asked to rename the bill in my honor. I was touched by this kind gesture from my good friend and by the willingness of my colleagues to agree to this suggestion. It wasn't necessary though.

We are also adding to the bill the name of the retiring House Judiciary Committee chairman, BOB GOODLATTE, in recognition of all he has done to get this bill across the finish line and to improve our Nation's copyright laws.

The Music Modernization Act was years in the making. It was the result of countless hours of hard work and many late nights by staff, stakeholders, and Members of this body. My friend from Tennessee, Senator ALEXANDER, did an outstanding job last week here on the floor explaining the need for the bill and how it will improve the music marketplace. I will provide a brief summary at this time.

Our current music licensing laws are badly out of date. Too often, songwriters don't get paid when their songs get played, and even when they do get paid, they don't get paid at a fair market rate. This has made it increasingly difficult for songwriters to make a living doing what they love and has harmed our entire music industry. Some have even left the field of writing songs. They have given up, and I really lament that.

Songwriters are the lifeblood of American music. In order to have a great single or a great album, you first have to have a great song. You need the music. You need the lyrics. And you need them to fit together in a way that makes you feel something, that tugs at your heart and your heartstrings, that makes you feel excited or peaceful or nostalgic.

Songwriting is an art. I know this because I have done it myself. I have written dozens of songs over the years, and I even earned a gold and a platinum record. I know firsthand how small the royalties are, even when your song is a success. It is time to change that. The Music Modernization Act will do so.

The heart of the bill is the creation of a mechanical licensing collective to administer reproduction and distribution rights for digital music. One of the driving forces in recent years of the decline in songwriter royalties has been the transition to digital music. This may seem a bit surprising as one might think that the availability of millions of songs at the click of a mouse will lead to more royalties, given that more music than ever before is now available instantaneously.

The problem is that these big digital music companies, like Pandora and Spotify, with their catalogs of millions of songs, simply don't have the capability to find every single songwriter for every single one of the songs they play. Tracking down the recording artist—that is, the singer—usually can be done, but finding songwriters is a different story.

The bill creates a mechanical licensing collective that is tasked with identifying songwriters, matching them to sound recordings, and then ensuring that a songwriter actually gets paid as he or she should. Importantly, this collective will be run by songwriters themselves and by their representatives in the publishing community.

This is an enormous victory for songwriters. For the first time in history, songwriters and their representatives will be in charge of making sure they get paid when their songs get played.

This is not the only thing the bill does, not by a long shot. It also changes the rate standard for reproduction and distribution rights to ensure that songwriters get paid a fair market rate, and it provides important protections to digital music companies. It creates a blanket digital license for companies like Pandora and Spotify so that they can have certainty that they will not be sued when they offer songs for download or interactive streaming. It also provides a liability shield against past infringement, provided certain conditions are met—again, so that digital music companies can have certainty in going forward.

The Music Modernization Act also makes important changes to performance rights. It creates a Federal performance right for pre-1972 sound recordings and moves our licensing laws away from the patchwork of inconsistent State laws and toward a more uniform, coherent Federal standard. It ends the rate carve-out that legacy cable and satellite providers have enjoyed for two decades that has allowed them to pay below-market rates and stave off meaningful competition. This will result in fairer rates for recording artists and create a more level playing field for new market entrants.

The bill also provides that rate proceedings for performance rights will rotate among judges and that judges may consider sound recording royalty rates when setting corresponding rates for musical works, and it makes a clear statement that the Department of Justice should work with Congress to ensure there is a proper framework in place to administer performance rights for musical works in the event the Department decides it is time to sunset the ASCAP and BMI consent decrees.

Lastly, the bill puts in place a formal process for producers, sound engineers, and other behind-the-scenes players to receive a share of the performance royalties. This will help to ensure that all of the participants in the music-making process are fairly compensated for their contributions.

As one can see, the Orrin G. Hatch-Bob Goodlatte Music Modernization Act is a comprehensive piece of legislation that will have wide-ranging impacts across the music landscape. It touches all sectors of the music industry and makes important reforms to ensure that songwriters, musicians, and other key contributors to American music are treated fairly.

There is a reason this bill passed the Senate unanimously and why it will pass the House with overwhelming support, which is that all sides of the music industry came together to find a way to make our music laws better, to make them function properly, and to update them for the digital age. No side got everything it wanted, but everyone got something. At the end of the day, we have a piece of legislation we can all be proud of.

Now, the fact that this bill passed unanimously does not mean that it was an easy lift—not by any means. This was an extraordinarily complex, multifaceted piece of legislation with dozens of moving parts and cross-cutting issues that impacted stakeholders in varying ways. Each component of the bill was crucial to its passage, which made negotiating and revising the legislative text an exceedingly delicate process. There were numerous unexpected developments along the way, each of which had to be handled in a manner that did not upset the bill's careful balance. So I need to spend some time today in thanking everyone who made it possible for us to get to this point. How often does the Senate pass a 186-page bill unanimously? Almost never. That alone tells you how well the bill's sponsors and their staffs managed this process.

I first need to thank Senator ALEXANDER, my dear friend from Tennessee. He has been by my side throughout the entire process. Senator ALEXANDER is a tireless advocate for songwriters in his State and for music in general in his State. This bill would not be on its way to the President's desk in short order without all of his hard work. I acknowledge it and compliment him in every way for it.

Senator ALEXANDER's staff has been outstanding as well. In particular, I

need to recognize David Cleary, his chief of staff; Lindsay Garcia, his general counsel; and Paul McKernan, his former legislative assistant. They were wonderful to work with and deserve tremendous credit for this victory.

I next need to thank Senator WHITEHOUSE, who has been with me throughout this entire journey as well. His chief counsel, Lara Quint, has been a terrific help and an important liaison with my Democratic colleagues.

I need to thank Chairman GRASSLEY, who shepherded this bill through the committee and made important contributions to the bill's oversight and transparency provisions. His deputy staff director and chief civil counsel, Rita Lari, put a lot of work into this bill and into the accompanying committee report. Her determination and dedication made this bill better and helped to bring us to this point today.

Ranking Member FEINSTEIN deserves significant credit as does her counsel, Anant Raut. They helped to make this bill a bipartisan success.

Senator COONS played a pivotal role in this legislation. He was a champion of title II, the CLASSICS Act, which creates a Federal performance right for pre-1972 sound recordings. Special recognition goes to Jamie Simpson, in his office, who led us through some challenging negotiations and made sure we came out all right.

Senator KENNEDY was the Republican lead on the CLASSICS Act, and I am glad to have had this opportunity to work with him and with Nick Hawatmeh and Brittany Sadler from his staff.

I also need to recognize two House colleagues. The first is Representative DOUG COLLINS, who has fought tirelessly for this bill. He and his staff have been unstoppable. Every obstacle, every hurdle they have worked to overcome. Even after the bill passed the House, they did not let up. They were 100 percent committed to this legislation, and I cannot thank them enough for everything they have done. Brendan Belair, Representative COLLINS' chief of staff, and Sally Rose Larson, his legislative director, have been absolutely outstanding.

The other House colleague I need to recognize is my good friend BOB GOODLATTE, the chairman of the House Judiciary Committee. Like me, Bob is retiring this year. He has been a wonderful chairman. I have had the privilege of working with him on a number of initiatives that have become law—a whole raft of them. I am so glad to have had the opportunity to work with him on this legislation before we leave office, and I am so pleased to share my name with his on the bill.

I would like to give a special shout-out to his chief counsel for intellectual property, Joe Keeley, who played a crucial role in shepherding this bill through the House.

Now I need to turn to the industry stakeholders who came together to make the compromises that made this

bill possible and who did a superb job of educating Congress on the need for this bill and how it is going to make a difference for songwriters and musicians.

The first are the Nashville Songwriters Association International and Songwriters of North America, which helped me and my colleagues to understand how our current laws are hurting songwriters and what we needed to do to help them. Next is the National Music Publishers Association, which refused to give up on this bill even when the path forward looked murky at best. ASCAP and BMI were also crucial players that helped to energize tens of thousands of songwriters to support this effort.

I next need to thank the Recording Industry Association of America, as well as SoundExchange and the Recording Academy, for their work on behalf of recording artists and their willingness to make the necessary compromises to get this bill through.

The Digital Media Association and its member companies, including Amazon, Apple, Microsoft, Pandora, Rhapsody, Spotify, and YouTube, also deserve special recognition. They were essential in helping me and my colleagues to understand the uncertainties of the current digital music marketplace and why the reforms in the Music Modernization Act are necessary to the continued growth and success of the digital music ecosystem. The Internet Association similarly played an important educative function, and I thank the association and its members for their support.

The final industry stakeholder I would like to thank is the National Association of Broadcasters. In particular, I would like to thank the association for its willingness to compromise and for the support it lent to later stages of the legislative process. The 50-State support that the NAB gave to the bill made an important difference to a number of my colleagues, and I thank the NAB for its advocacy.

The final thanks I need to offer is to my staff. This bill would not have happened without them and their tireless dedication.

I would first like to highlight my communications team, Matt Whitlock and Ally Riding. They did a terrific job in putting together materials to help other offices and the public understand this bill and its importance. They also showed some pretty serious video production chops.

I would next like to thank my legislative director, Matt Jensen. Matt worked diligently behind the scenes to identify the proper vehicle and offset for the bill. He reviewed just about every fund and fee in the entire Federal Government and would not give up.

Next up is my chief of staff, Matt Sandgren. Matt has been with me now for 15 years. He is one of the finest aides I have ever had. He spent years as my go-to intellectual property counsel before becoming my chief of staff and has been an essential part of this process. He had the foresight and strategic

know-how to get this bill across the finish line. No last-minute obstacle was going to stop him.

Finally, I would like to thank my chief counsel, Chris Bates. Chris oversaw this bill from start to finish—from the very first stakeholder meetings, where we talked about broad outlines, to last week, when he sat next to me here on the floor while the Senate passed the bill by voice vote. For well over a year now, he has dealt expertly with dozens of stakeholders and 100 Senate offices. He has had the judgment to know when to strike deals and when to push forward. As the careful lawyer that he is, he has made sure, at every step along the way, that the bill's text has been precise, accurate, and tightly drafted.

This bill has been as complicated an endeavor as any bill I have done during my 42 years in the Senate, and Chris deserves immense credit for the way he has seen this bill through to enactment.

Let me just say that this bill means so much to me. It was a number of years ago that a wonderful woman songwriter named Janice Kapp Perry came to me and said: You write poetry. I would like you to write some songs with me.

I thought that was a really nice offer. So I sat down and wrote 10 songs that weekend, all of which were put into recorded form, and we have written a lot of songs ever since.

Then, all of a sudden, I had people from all over the country come to me and say: I want to write some music with you. I have had artists and songwriters and just good people come and really help me to learn this business and learn what to do. It has been one of the great joys of my life because I love music.

When I was a kid, my mother had an old violin, and I learned to play that violin all the way through grade school, high school, and even in college. I also had piano lessons—6 months of them. I have been able to play most of the popular music on the piano ever since. I am not an accomplished pianist like Senator ALEXANDER, but I certainly enjoy plinking on the keys.

Then, I had others on my staff who really helped me to understand that music is a tremendously wonderful thing for people. It is uplifting. It is inspiring. It can be humorous. There are so many things it can be.

I have also enjoyed writing the lyrics for well over 100 songs. I have one gold and one platinum record and a number of others that are on their way, and I just feel really good that I have had the help of all of these people to be able to do something that really brings me a great deal of joy.

I thank Senator ALEXANDER. He has been an inspiration to me. He is a wonderful leader for his State and for Nashville. They couldn't have a better leader in Senator ALEXANDER, plus his being a wonderful person too. He has

been a great aide to me—a great help to me—throughout this process, and I care for him a great deal.

There are others, of course, I would like to mention, but I will do that separately at a later date.

I am grateful for music in my life. I am grateful I have had this privilege of writing songs, some of which have been heralded and acclaimed. I am grateful for those who have had the patience to work with me. I am grateful the Mormon Tabernacle Choir has sung a number of my songs—and they don't sing junk, let me tell you. You have to really make the grade to have your song sung by the Mormon Tabernacle Choir. They have done a few of my songs, and I am grateful for that.

There are so many others I would like to compliment at this time. Let me say this. I have taken enough time, but I am very grateful for this privilege of learning how to write music and having written a number of songs that are really popular today. I am grateful for my friends in the Senate who have tolerated me. I am grateful for the poetry in my life, which I have written since I was a kid. I am just grateful to God for the many blessings I have had.

I am grateful to be a U.S. Senator. I am very grateful for the privilege of associating with all of these wonderful people and for those in the past who have served with us as well.

I would like to say more, but I will yield the floor.

THE PRESIDING OFFICER. The Senator from Tennessee.

MR. ALEXANDER. Mr. President, building on Senator HATCH's comments, we are grateful for his service to the U.S. Senate for more than four decades and grateful he is a songwriter. Of course, he comes from a culture and a faith that emphasizes music.

As a little boy in the East Tennessee mountains, I remember every week listening on the Zenith radio to the Mormon Tabernacle Choir. I think everybody in Utah and in the Mormon faith actually grows up learning to sing and to enjoy music.

ORRIN HATCH is not just a U.S. Senator, he is a genuine songwriter. He has a gold and a platinum record. I know many national songwriters who have cowritten with him, and they admire him greatly.

I can think of no more important tribute to him than the Hatch-Goodlatte Music Modernization Act, which should pass the House this week and be on its way to the President. Then it will be, as Senator HATCH said, the single-most important piece of legislation in decades or in a generation that changes copyright law in a way that is fair to songwriters.

Senator HATCH is correct. This has not been easy. It has taken several years. There are a great many different people to it. The heavy lifts and the unexpected developments were occurring all the way down to about 30 minutes before it passed last Tuesday night.

It has been a great privilege to work with Senator HATCH and his staff on this legislation whom I will have more to say about in a minute.

The Senator from Utah has done a very good job of explaining what the bill does, but the truth is, copyright law is complicated. About the first 25 times somebody explains to you the law governing songwriting, you will not have a clue what they are talking about. So let me tell a couple of stories about songwriting that might help make it clear.

Right after World War II, two national songwriters, Pee Wee King and Redd Stewart, were driving from Memphis to Nashville, back before the interstates were created, and one said to the other: Well, Missouri has a waltz and Kentucky has a waltz, why doesn't Tennessee have a waltz? So on that drive—probably about a 5-hour drive then—they took a matchbox, an old penny matchbox that held wooden matches, threw the matches on the floorboard, and on the back of it they wrote the words to the "Tennessee Waltz."

Now, the "Tennessee Waltz" was already a waltz. It was called the "No Name Waltz." People played it and sang it in different places. It was just a random song, but they added these few words to it. Then, that night when he got back, Pee Wee King wrote it on a lead sheet. That is what you call a blank page of music. He took it in to Fred Rose the next day, who was his publisher. Fred Rose was the publisher for Hank Williams, Roy Acuff—all kinds of people. He made one change in the words. Where it said: "Oh, the Tennessee waltz, the Tennessee waltz," he changed the words to "I remember the night and the Tennessee waltz."

That song went nowhere for a while. It was performed around by Pee Wee King until Mercury Records decided they had a song, a different song, called "Boogie Woogie Santa Claus." They wanted the hottest young female singer in America to sing it so they flew Patti Page to New York in about 1950. She sang "Boogie Woogie Santa Claus" on Mercury Records, but they had nothing to put on the back of the record. So somebody suggested they just throw on the back of the record this "Tennessee Waltz."

Well, the "Tennessee Waltz" sold 5 million copies. It became the most recorded song ever by a female artist. In many ways, it is the Magna Carta of country music.

So the question is, How did that happen? What is the mystery that causes a waltz that is just kicked around for a long time, has a few words placed on it by a few songwriters driving from Memphis to Nashville, to suddenly sell 5 million copies? Well, none of us really knows. It is just a magnificent form of art.

All over my State of Tennessee, there are thousands and thousands and thousands of teachers, taxi drivers, waitresses, people thinking of songs, getting together and writing songs, hoping to have the next No. 1 hit.

I saw Bob DiPiero at the Bluebird Cafe a week ago Saturday.

I say to Senator HATCH, he was a guitar teacher in RiverGate Mall, outside of Nashville, in the early 1980s. At about 3, he would take a bus from downtown Nashville out to RiverGate Mall, and he would teach guitar lessons to all of these kids after school until 9. Then, during the day, he would write songs. He didn't do well at all until one day he wrote a song with the lyrics: "My baby is American made, born and bred in the U.S.A." Well, everybody knows that song now, and Bob DiPiero is a great songwriter. So I guess he makes a living off of songwriting, but lots of people don't.

This bill is about songs that are played over the internet. The way Bob DiPiero or Redd Stewart or Pee Wee King's descendants would get paid for their creative work is whenever the song is played over the internet, this Hatch-Goodlatte legislation says: We have a way to make sure you get paid if you are the songwriter or you own the rights, and, No. 2, we have changed the law to make it more likely that you will get a fair market value for what you get paid—those two things.

I have asked several of the songwriters and the people in the music industry: Do you really think this will make a difference? They, to a person, say yes.

Will it make it as good as it was? No, it probably will not, but it will be fair, and it will create an environment where not just Bob DiPiero can get paid for "My baby is American made" but where a lot more songwriters can make a decent living because they get paid and get paid a fair market value for their work.

I will tell you another story I have repeated on the floor about that. Unfortunately, I don't have a gold record, and I don't have a platinum record, but I can play the piano. I am as grateful for music as Senator HATCH is. When I was 4, my mother took me to the Maryville College, and I began piano lessons, which I continued until I was 16.

Senator MCCONNELL, the majority leader, who had a wonderful and sainted mother who helped him recover from polio, once told me the one thing he regrets about his mother is she allowed him to stop taking piano lessons.

I said back to Senator MCCONNELL: I don't ever remember ever having a choice. I made a deal with my mother that I would practice 30 minutes in the morning, and I would get to do what I wanted to in the afternoon, and I had a wonderful time with music.

I say to the Senator from Utah, when I was Governor, I was trying to think what could unite our State. The Presiding Officer probably had thoughts

like that when he was Governor of his State. All I could think of that would unite our big, long State, from Memphis to Bristol, was music, from Beale Street in Memphis through Music City in Nashville, to the home of country music in Bristol, TN, where they brought a recording machine in 1927 and called for the hillbillies to come down out of the mountains. Among the hillbillies who came and had their music recorded were Jimmie Rodgers and the Carter family. That was the beginning of what we call country music, what you hear on the radio in Nashville.

So as I was thinking about what united Tennessee, I thought, well, music. I asked the legislature in our State in the 1980s—and they did it—to appropriate some moneys for endowments for all of our community orchestras. There are about two dozen of them. If we give the Nashville Symphony or the Greenville Community Orchestra some State dollars, if they matched it, then they would have a little endowment that would support that music. I went around the State and played the piano with all of those community orchestras and had a good time when people came out to see the Governor make a mistake or miss a chord or that kind of thing.

So music is terribly important to our State, as it is to Utah and as it is to our country.

Ken Burns has a new film coming out. I think Ken Burns is America's greatest storyteller today. I mean, we have other good ones, but today he is. He has done more than 30 films. There is one about the Mayo Clinic that is out today. There is the Civil War, National Parks, all of those films—Vietnam more recently. His new film is the film he thinks may be the most popular film of all he has produced, of the 30, and it is about country music. It is about the stories and the lives of the people whom country music is about.

I think of Jessi Alexander, whom I just heard play a song at the Bluebird Cafe. She had heard on the radio about the father from Texas whose son was killed in Afghanistan, and they asked him how he grieved, and he said: I drive his truck. She wrote a song, "I Drive Your Truck," about that father and his son who had been killed defending our country. It won the song of the year, as it should have.

So these emotional stories about life and death and whiskey and love and romance and cheating and everything that goes into human nature, these are the stories that make it into these songs.

Sometimes—sometimes—they are like the "Tennessee Waltz." You put some words with a waltz that has been around for a while, and out comes 5 million records sold.

Sometimes it is more like this story. I was coming out of the drugstore in Maryville, TN, and I ran into an old couple in a pickup truck. I walked by them, and I said: How are you all doing?

The older lady said: Well, we are just falling apart together.

So I told that story to Lee Brice and some songwriters who were at our home for the weekend writing songs.

They said: We could do something with that, and they wrote a song, "Falling Apart Together." Lee Brice is a pretty well-known singer. He and Billy Montana and John Stone wrote it. According to Nashville tradition, they gave me a fourth of the royalties because that is what they do. If you make any contribution to the song, you get a little piece of the action.

I thought: Well, this is good. I can actually do that as a U.S. Senator. That is legal. The Ethics Committee will approve that. So in 2016, the royalty I received for "Falling Apart Together," which was recorded by Lee Brice and is on one of his albums, was \$101.75. You can't make a living on that.

What Senator HATCH and the Senate has done, and the House is about to do and it will go on to the President, is to change the law.

First, it will create an entity. Those two songwriters who wrote the "Tennessee Waltz" after World War II, let's say their great-grandchildren now own all of the rights, and they are spread all over the place. Let's say Spotify wants to play the "Tennessee Waltz." Now all they have to do is to go down to this new entity to get a license. They have a right to do it, and nobody can sue them. It is the entity's job to go find all of these 100 descendants and pay them the royalty.

Then we changed the law to try to make sure the royalties are a fair market value. Now, in that case, if some company owns that, it might be easier to find them, but that is why everybody came together to pass this bill.

Specifically, the legislation will help make sure songwriters are paid when their songs are played by creating a new simplified licensing entity.

This new licensing entity will make it easier for digital music companies to obtain a license to play songs and ensure songwriters are paid when their music is played.

This new entity helps songwriters because it will collect royalties each time a song is played, look for the songwriter, and hold on to their royalties for 3 years until they can be found.

This new entity also helps digital music companies because it makes sure songwriters get paid, which means fewer lawsuits.

Second, the legislation will help make sure songwriters are paid a fair market value for their work by doing three things.

The legislation revises outdated songwriter royalty standards to ensure songwriters are paid a fair market rate for their work. The new royalty payments will be based on what a willing buyer and willing seller would agree to in a free market—not the statutory below-market standard of today.

The legislation allows ASCAP and BMI—the two largest performing rights

organizations—to present new evidence about the fair market value of a songwriter's works—like what the performer earns for their songs—to a Federal rate court judge when there is a dispute about royalty rates for songwriters.

The legislation allows ASCAP and BMI to have Federal judges in the Southern District of New York randomly assigned to hear their rate cases, rather than have all the proceedings occur before the same judge each time. This should lead to better outcomes for songwriters.

This change in the law made sense in the internet world. Today, in the world we live in, more than half of the revenues in the music business are for songs played over the internet. The internet has changed music just like it has changed everything else. This changes the law to put us into the internet age. It changes some laws that have been around for centuries, since the days of the player piano.

Since there are others who will be wanting to speak, I have had other chances to talk about the bill. I have said most of what I wanted to say, except for a couple of thank-yous.

First, ORRIN HATCH is exactly the right leader for this bill in the Senate for a variety of reasons. He is chairman of one important committee and nearly ranking on another. Through his prestige and his position in the Senate and through the respect we have for him, he was able to ask Senators to step back and allow us to do this very complex piece of legislation in a situation where any one Senator could have blocked it—and many did for a while, until they were persuaded not to.

I want to thank Chairman GRASSLEY and Senator FEINSTEIN for moving it through the Judiciary Committee expeditiously. This could not have happened if Senator McCONNELL and Senator SCHUMER had not created an environment in which we could do this. Senator HATCH mentioned Senator WHITEHOUSE and Senator COONS, who were among the lead Democratic cosponsors. We had 82 cosponsors of this bill. We only have 100 Senators, and we had 82 cosponsors of the bill.

I want to particularly thank Senator DURBIN, who may be a Democrat from Illinois, but he loves to go to Nashville and go to the Grand Ole Opry, and he jumped on early. He is the No. 2 Democrat, and he has been a big help.

DOUG COLLINS, HAKEEM JEFFRIES, and DARRELL ISSA in the House of Representatives were real leaders from the beginning, and, of course, BOB GOODLATTE and Ranking Member NADLER were as well.

I think it is important to join Senator HATCH in mentioning again those music groups whom we sat down with more than 2 years ago and said: Look, we have been here for a long time, and we could continue to argue about what you disagree on or we could try to pass what you can agree on. And for the last 2½ years, they have worked to com-

promise, to agree on what they could agree on, and they have done that in an important way.

I thank the Nashville Song Writers Association International—Bart Herbison especially, but a whole bunch of them, including the National Music Publishers Association, ASCAP, BMI, the Recording Academy, Sound Exchange, Digital Media Association, Song Writers of North America, Internet Association, Recording Industry Association of America, and the National Association of Broadcasters, which came with a strongly support recommendation in the end, which was a big, big help.

Senator HATCH was correct. The most valuable players in all of this most likely have been the staff members on both sides of the aisle and in both Houses who helped put the competing interests together—and there were many—in a way that produced this bill.

I would especially like to thank Lindsey Garcia, who is sitting here with me, and Paul McKernan, who worked on this for a long time, and David Cleary and Allison Martin on my staff.

Chris Bates, Matt Jensen, and Matt Sandgren on Senator HATCH's staff have been terrific and essential.

I thank Rita Lari from the Senate Judiciary staff. We were joking the other day. When we first talked to her about this, she said: Are you sure you can pass a bill like this? Most people didn't think it was possible to get all of the competing interests here to agree.

Congressman DOUG COLLINS and his staff have really been at the forefront of this, including Sally Rose Larson.

Republican floor staff Megan Mercer was a big help.

A special shout-out to Reema Dodin, who works for Senator DURBIN and who was a consistent help but was especially helpful on last Tuesday afternoon when we only had a little bit of time and we needed to get some last-minute changes cleared in the Democratic cloakroom as well as the Republican cloakroom.

This would be a good exercise for a chapter in a book on legislation sometime. But it is going to be the Hatch-Goodlatte Music Modernization Act, and the result is going to be that thousands and thousands of songwriters in this country for the first time in a long time are, A, going to get paid for their work, and, B, they are going to get paid more of a fair market value, as they should.

I am deeply grateful for the opportunity to have worked on it, and I thank all of my colleagues for working so well with Senator HATCH and me to get it done.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

REMEMBERING JOHN ABRAMS

Ms. DUCKWORTH. Mr. President, I am here today to honor the life of GEN John Abrams—a father, a husband, a friend, a soldier, and to so many, a

hero. He passed away last month at the age of 71 after spending more than half of his life in the U.S. Army.

Rising from the son of a general to become himself a four-star general, John Abrams embodied the spirit of selflessness and of sacrifice for which our military is known. He spent his life fighting to defend the freedoms that we all too often take for granted. He was wounded in battle, returned to duty, and then wounded again, but he refused to let any injury deter him. He was a soldier's soldier from the very start, and those who knew him were made better by being in his orbit.

He served in the Armed Forces for 36 years, first enlisting in 1966 before becoming commissioned as an officer just 1 year later. He made it to four stars the hard way: by starting as a private—the lowest rank.

Soon after he was commissioned, he deployed to Vietnam, where he served two consecutive tours and volunteered for a third before being sent home. Then, he was off to a Korean province just north of Seoul. After that, he went to Germany for five tours, serving in Hungary, Bosnia, and Kuwait as well—all this in service to his country, all in an effort to add to the greater good.

He made history, becoming just the second American ever to command the same unit as his father when he was promoted to lieutenant general and tasked with commanding the V Corps in Germany—yes, that V Corps, the same unit that stormed the shores near Normandy and fought at Omaha Beach, that liberated Paris and took on the German troops during the Battle of the Bulge.

His own heroism in Vietnam did not go unnoticed. He was decorated with a Silver Star and a Purple Heart. But he would tell you that his greatest decoration was that of being a father, a husband, and a leader of soldiers.

He went on to lead the U.S. Army Training and Doctrine Command, overseeing the Army's training in its entirety. He continued to rise in the ranks alongside his own brothers, one of whom just testified in front of the Senate today and is set to be confirmed as the next commander of U.S. Forces Korea.

Looking back, it is little wonder where General Abrams' strength of character came from. His father served as the Army Chief of Staff, commanding all forces across Vietnam from 1968 through 1972. His mother founded the Army's chapter of the Arlington Ladies around that same time, organizing volunteers to attend funerals to make sure that no troop was ever buried alone. He combined his father's courage with his mother's compassion, and in the process, he made this Nation a better, safer place for the rest of us—for his children and their children and my children.

He couldn't have done any of this without the loving support and service of his family, his wife Cecelia and his two daughters. As the quintessential

military family, they served alongside of him. To each of them, I express my gratitude and that of this grateful Nation.

My thoughts are with all of General Abrams' loved ones today, along with my deep gratitude. Thank you for sharing your father, your husband, your brother with the rest of this country that he served so valiantly for so long. God bless him and his legacy. God bless the troops he cared so deeply about and led so ably. God bless the United States of America.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

FAA REAUTHORIZATION

Mr. MARKEY. Mr. President, I rise today to express my frustration—my outrage—that this body is poised to miss a historic, once-in-a-generation opportunity to stop the major airlines from gouging Americans with exorbitant fees every time they fly.

In the dark of night early Saturday morning, House and Senate committee leadership released a Federal Aviation Administration reauthorization bill that does not include a commonsense, bipartisan provision to protect passengers from having to pay \$200 to change a ticket that costs \$250—a provision that would have protected a family from paying \$200 to cancel a flight because another family member had fallen seriously ill and a vacation had to be canceled.

Instead, after months of lobbying against my bipartisan FAIR Fees provision, the airlines won and airline passengers lost. I would compare it to the Christians and the lions, but in this story, the Christians even had to pay extra to enter the amphitheater.

What once were considered the basic services of flying have now become optional and with a massive price tag—checking a bag, carrying on a bag, flying standby for an earlier flight, printing a boarding pass, early boarding, seat selection, changing or canceling your flight, even a blanket and pillow.

Air travelers are being nicked-and-dimed, but the real cost is in the billions of dollars. That is because the major airlines have turned fees into a multibillion-dollar industry. Last year, the airlines raked in \$7.4 billion in fees. More than \$4.5 billion came from now having to pay to check your bag, and \$2.9 billion was extra fees if you wanted to change your ticket or if you wanted to cancel your ticket. That is billions of dollars. That is actually the equivalent of 11 million flights from Washington, DC, to Boston. That is the cost that is now imposed upon consumers. Passengers think they are buying low-cost fares, but they are really just victims of airline greed in support of a new multibillion-dollar profit center.

Even in the past few weeks, as we worked in Congress to include important consumer protection measures in this final FAA legislation, the airlines continued to raise their fees.

Last month, JetBlue Airways raised its change and cancellation fees from

\$150 to \$200 for certain flights. They also raised fees for a passenger's first checked bag from \$25 to \$30 and increased the fees for a second checked bag from \$35 to \$40. That is \$140 to check two bags for a round trip. Shortly after, United Airlines, Delta Airlines, and American Airlines followed suit, raising their bag fees to match JetBlue's.

In college, I might have spent more time being interested in politics than economics, but I thought competition was supposed to drive prices down and not up. So why are the airlines charging these fees? Well, the first answer is, because they can, but the real answer is, because there is no competition among domestic airlines.

In the past 10 years, we have gone from 10 major airlines down to just 4. Only four airlines control 85 percent of traffic in the skies. The only thing competitive about the current airline industry is the fight for overhead compartment space. Americans have more choice in where to eat at the airport than which airline they can take.

We know that when choice goes down, fees go up. And these sky-high fees bear almost no resemblance to the cost of the services being provided. The Government Accountability Office, GAO, recently released a report confirming what countless passengers across the country already know to be true: Airlines are gouging captive passengers to line their pockets, not to cover the actual cost of the services provided.

Does it really cost \$200 for American Airlines to change a ticket? Does it really cost Delta Air Lines \$40 to load that second bag—\$10 more than processing the first bag? Airlines are increasing their fees in order to match their competitors. They are actively seeking to deceive passengers by offering artificially low fares and then charging exorbitant fees on the back end.

Enough is enough. It is time we put a stop to these abusive practices. That is why Republican Senator ROGER WICKER of Mississippi and I joined together to get our provision ensuring change and cancellation fees are reasonable into the Senate FAA reauthorization bill.

When a liberal from New England and a Republican from the Deep South can agree on policy, we are on the right side of history. Yet the airline industry had other plans. They stated their No. 1 priority in the FAA reauthorization was defeating our FAIR Fees provision.

What is it about this provision that they would stop at nothing to block it from becoming law? Why would the airline industries band together on this one issue? They don't compete truly against each other in the marketplace. Here, they could all come together on one policy. It is because they don't want the Department of Transportation to assess whether change and cancellation, baggage, and other fees are reasonable and proportional to the costs of the services provided. They

don't want to ensure change and cancellation fees are reasonable. That is all that our provision does—ensure that these fees are reasonable and proportional to the cost of the services being provided by the airlines to the customer. That is it. It is as commonsense and as straightforward as you would want an airline passenger to receive from their airline—fair and reasonable.

No price is determined by this amendment—only that it has to be fair and reasonable and related to the cost that is, in fact, borne by the airlines in order to provide that service. How onerous could that be on an airline? Why can't we get that passed through this body so that consumers don't get tipped upside down at the counter as they try to change a ticket or to cancel a ticket? Why can't we get that passed?

If a child gets sick and a passenger has to change or cancel a flight weeks in advance, does it really cost Delta Air Lines \$200 to cancel that ticket? If a meeting gets postponed so a ticket has to be canceled 2 weeks before departure, is it fair for United Airlines to charge \$200 for a ticket that costs about that same amount? Are those fees proportional when the airlines can still resell the vacated seat, even if the passenger cancels weeks ahead of time?

Think about that. The passenger gives the airline 2 weeks' notice. Then, they have to pay a fine, \$200. Then, the airline resells the ticket to another passenger. What is the cost to the airline in that kind of situation? Or are they just exploiting the vulnerability of the passenger who has to change it? They have resold the ticket for the same price or higher to another passenger.

The answer is no. Passengers have no choice. They have no alternative.

The market has failed, leaving these flyers vulnerable to fee gouging and corporate greed from the airlines. You are at the counter, and they can say: Go to another airline.

And you say: Well, there are no other airlines at this airport that fly to my destination. It is the only airline I can rely upon.

Well, then, pay the cancellation fee, pay the change fee because you are not at a marketplace where you can then say: There is another airline I can go to right here at this airport that will take me to that destination nonstop.

In fact, the only thing the airline industry was more committed to doing than raising airline fees was defeating the consumer protection provision in the FAA bill. We still have an opportunity to right this wrong. Tomorrow the House of Representatives will consider the FAA reauthorization bill. On behalf of the flying public—the millions of Americans who are subjected to ridiculous airline fees—I call on the House to add the FAIR Fees provision to the FAA reauthorization bill, and I call on my Senate colleagues to support it. It is time to stop nickel-and-dime American families and ensure

that they are flying the fair and friendly skies. Otherwise, these billions of dollars, year after year, will come out of the pockets of consumers who have no choice.

Senator WICKER and I worked together to build it into the Senate bill. We should not have receded to the position of the House. That was a mistake. This history is going to continue because the anger of the flying public is only going to build as each and every month and year goes by. The day is going to come, I vow to you, where we are going to have this in a bill that passes this Chamber and the House of Representatives.

This is an issue whose time has come. If it has been blocked, it is only temporarily. We are going to return to this issue. Everyone in the Congress will be made accountable to the flying public so that they are not given this offer they can't refuse every time they are at the counter: Pay or don't fly. It is absolutely wrong.

At this point, I yield back.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. TILLIS). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. JOHNSON). Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. MCCONNELL. Mr. President, I ask unanimous consent that all postcloture time on Executive Calendar No. 941 be considered expired at 1:45 p.m. on Wednesday, September 26; that if confirmed, the motion to reconsider be considered made and laid upon the table; and that the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

MORNING BUSINESS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to legislative session for a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO JIM PAXTON

Mr. MCCONNELL. Mr. President, at the end of this month, my friend Jim Paxton will end his 32-year tenure with the Paducah Sun newspaper in western Kentucky. Through his service as the paper's editor and publisher, Jim has shown a dedication to his community and his organization, and he deserves our sincere gratitude. Looking back at

his experience with the paper, Jim called it, "the best job a person could ask for." It is my privilege to congratulate him on his remarkable career in journalism.

Founded more than 120 years ago as the Paducah Evening Sun, Jim's newspaper has always been a family business. Before joining the paper, Jim worked with other news organizations in Nashville and Lexington and went to law school. However, after a tragic aviation accident that claimed the life of the Sun's previous editor, Jack Paxton, Jim left his legal career behind and agreed to lead the local institution.

Jim began at the Sun in 1986 and soon after earned the title of editor. With his brothers David and Richard, who later joined the company, the family expanded their media offering to better serve their community. The story of Paducah is intertwined with the region's river system, and the Sun has the news that its readers need for their day. There is a great deal of local news to cover. Paducah is the heart of our Nation's inland waterways network, and it is home to both the National Quilt Museum and the U.S. Department of Energy's Gaseous Diffusion Plant. Further, in 2013, the U.N. Educational, Scientific, and Cultural Organization, UNESCO, designated Paducah as the world's seventh City of Crafts and Folk Art. The Paducah Sun, under Jim's leadership, has kept a close eye on each of these aspects of the city's life and heritage.

In recent years, Jim has taken a leading role in crafting the Sun's editorial page, a page of his paper I rarely miss. I have especially enjoyed each of my opportunities to meet with the paper's editorial board to discuss the issues most vital to Paducah's future. By presenting a fair and even-handed opinion to his audience, Jim and the Sun's staff have made themselves a central feature of the day for many western Kentuckians.

When Jim leaves his post at the end of this month, he does so after a career filled with distinction and one he can be proud of. Whatever the future may hold for Jim and his family, I send them my sincere best wishes. Families throughout Paducah and across the Commonwealth have benefited from Jim's diligence and thoughtfulness, and I would like to express my profound gratitude to him. I ask my Senate colleagues to join me in congratulating Jim Paxton, the gold standard for a professional newsman, on a successful career and wishing him a happy retirement.

CAIRO HOUSING CRISIS

Mr. DURBIN. Mr. President, today I would like to bring attention to the southernmost city in my State, Cairo, IL.

Sitting at the confluence of the Ohio and Mississippi Rivers, Cairo was once a booming port town and was home to

Fort Defiance during the Civil War. In the 1960s, Civil Rights icon Representative JOHN LEWIS even spent a summer there to help integrate a number of businesses and public spaces.

However, in recent years, this southern city has faced a new challenge, as uninhabitable living conditions have forced hundreds of public housing residents to relocate from their homes—and in many cases from their beloved community. Public housing in the city suffered years of neglect at the hands of local officials who are now accused of misusing Federal funds to bankroll lavish personal expenses, including multiple trips to Las Vegas and steak dinners.

And how was life for residents? By the time residents were forced to relocate, 185 families—including roughly 200 children—were living in housing overrun with rodents, bedbugs, roaches, crime, mold, asbestos, and lead. I am talking about rats in the couch, maggots in the freeze, and plumbing and heating that simply refused to work.

It was local officials who failed to provide its residents with safe and healthy housing; yet these families were the ones whose lives were uprooted as a result. Today, all 185 families have relocated, and the vacant housing complexes are set to be demolished. While the strength and resilience of these residents and their community in the face of this situation is inspiring, there is no question they deserved far more from their government.

It has been more than 2 years since the HUD Inspector General's Office began investigating alleged misuse of Federal funds by local officials, and it is beyond time for that investigation to be finalized and for the results to be made public.

Today I am calling—once again—for the HUD inspector general to do just that, but more remains to be done to restore the faith and confidence of public housing residents in our government. Transparent accountability must be had at all levels of government where mismanagement played a role in creating this crisis.

This is why, in May of last year, Senator DUCKWORTH and I called for the HUD inspector general to also look into HUD's oversight of Alexander County Housing Authority. This July, the IG released its report that found that despite having early knowledge of bad conditions at Alexander County, HUD hesitated to intervene, while residents suffered.

This is unacceptable, and it cannot be repeated. HUD is responsible for ensuring public housing authorities meet their responsibility to provide safe and affordable housing, and it must be capable of performing this vital oversight. Senator DUCKWORTH and I have urged HUD to quickly implement the recommendations included in the report to more effectively oversee public housing authorities, to which HUD has agreed.