

impugn someone's character, you need to have actual evidence to back it up, not a story that even the accuser herself has called into question.

Is this what Democrats want subsequent Supreme Court confirmations to look like, a hyperpartisan process in which character attacks don't have to be backed up with actual evidence, in which innuendo can substitute for information, and where a presumption of guilt is the order of the day, no matter how shaky or unsubstantiated the allegations?

I will say it again. I am deeply disappointed in my Democratic colleagues.

I look forward to hearing from Judge Kavanaugh later this week.

#### NOMINATION OF PETER FELDMAN

Mr. President, I rise today to voice my strong support for the nomination of Peter Feldman to be a Commissioner at the Consumer Product Safety Commission.

Peter has been an exceptional member of my staff throughout my time as chairman and ranking member of the Senate Commerce Committee. Serving as senior counsel for consumer protection on the committee for over 7 years, Peter has been instrumental in drafting and negotiating bipartisan legislation and conducting meaningful oversight of Federal agencies related to consumer product safety, unfair and deceptive trade practices, and sports policy. Those who have had the privilege of working with Peter would attest to his well-earned reputation for building consensus and forming coalitions to improve consumer safety.

Peter's work on significant consumer safety legislation began even before his tenure on my staff. As a staffer for former Senator Mike DeWine, for example, he worked directly on the Virginia Graeme Baker Pool and Spa Safety Act. More recently, on the Senate Commerce Committee, Peter led our work on numerous bipartisan legislative initiatives, including the Consumer Review Freedom Act, the Better Online Ticket Sales Act, and the Child Nicotine Poisoning Prevention Act.

Peter is very well qualified to serve as a Commissioner on the CPSC and enjoys the support of a wide range of stakeholder groups, including safety advocates who describe him as "a professional, thoughtful, and committed public servant." Nevertheless, it is my understanding that some on the other side of the aisle are requiring us to hold multiple votes on his confirmation for reasons that have nothing to do with his qualifications. In a nutshell, Democrats have expressed no objection—no objection—to Peter's qualifications to be a CPSC Commissioner. Instead, Democrats object to the fact that, in addition to being nominated to complete the remainder of a term expiring next year, President Trump has also nominated him to a full 7-year term on the CPSC.

While Peter's situation is somewhat unique, it is not unprecedented. In fact,

in 2005, the Senate confirmed former CPSC Commissioner Nancy Ann Nord to similar successive terms—a remainder term and a second full term—and the Senate did it by voice vote.

What is unprecedented is the level of partisanship that CPSC nominees are facing in the current environment. In fact, since Congress established the CPSC in 1972, there have been only three rollcall votes to confirm CPSC Commissioners. One of those rollcall votes occurred this past May for Commissioner Dana Baiocco after Democrats delayed her confirmation for over 6 months. The other two were in 2014 and in 1976.

Put another way, when we finish voting on Peter's confirmation, we will have doubled in a single year the amount of votes on CPSC Commissioners since Congress established the agency in 1972. That is how easy, in the past, it has been to confirm Commissioners to this agency.

My hope is that we are not yet done confirming CPSC nominees. I am hoping that soon the Senate will turn to the nomination of Acting CPSC Chairman Ann Marie Buerkle. The Commerce Committee held a hearing on Acting Chairman Buerkle's confirmation almost a year ago; nevertheless, Democrats still haven't allowed a vote on her confirmation. While she continues to lead the agency in an acting capacity, the CPSC deserves a Senate-confirmed leader, and we are committed to confirming her nomination as soon as possible.

Let me be clear. I expect and appreciate that more Democrats will likely vote for Peter Feldman's initial term at the CPSC. I expect that we are going to have Democrats here—many Democrats, I hope—who will vote for that initial term. Peter's history of bipartisanship, depth of experience, and mastery of the critical consumer safety issues before the agency will undoubtedly benefit the agency greatly and more than merit such support from both sides of the aisle. Peter's confirmation will also ensure that the CPSC has its full complement of Commissioners to execute its important safety mission. Nevertheless, I find it deeply regrettable that a well-qualified nominee like Peter will face objections from some who have expressed no substantive concerns about his qualifications to be a CPSC Commissioner.

It is my hope that the Senate will soon return to its tradition of bipartisanship in the confirmation of nominees to critical independent safety agencies such as the CPSC.

I urge my colleagues to support Peter Feldman's confirmation for both the remainder of the existing term and for the full term to which he has been nominated.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, all time has expired.

#### RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:36 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. PORTMAN).

#### EXECUTIVE CALENDAR—Continued

The PRESIDING OFFICER. Under the previous order, all time has expired.

The question is, Will the Senate advise and consent to the Feldman nomination?

Mr. WICKER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk called the roll.

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

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

The result was announced—yeas 80, nays 19, as follows:

[Rollcall Vote No. 215 Ex.]

#### YEAS—80

Alexander	Fischer	Murphy
Baldwin	Gardner	Murray
Barrasso	Graham	Nelson
Bennet	Grassley	Paul
Blunt	Hassan	Perdue
Boozman	Hatch	Peters
Burr	Heitkamp	Portman
Cantwell	Heller	Risch
Capito	Hoeven	Roberts
Cardin	Hyde-Smith	Rounds
Carper	Inhofe	Rubio
Casey	Isakson	Sasse
Cassidy	Johnson	Scott
Collins	Jones	Shaheen
Coons	Kaine	Shelby
Corker	Kennedy	Smith
Cornyn	King	Sullivan
Cortez Masto	Klobuchar	Tester
Cotton	Kyl	Thune
Crapo	Lankford	Tillis
Cruz	Leahy	Toomey
Daines	Lee	Udall
Donnelly	Manchin	Van Hollen
Duckworth	McCaskill	Warner
Enzi	McConnell	Wicker
Ernst	Moran	Young
Feinstein	Murkowski	

#### NAYS—19

Blumenthal	Hirono	Schumer
Booker	Markey	Stabenow
Brown	Menendez	Warren
Durbin	Merkley	Whitehouse
Gillibrand	Reed	Wyden
Harris	Sanders	
Heinrich	Schatz	

#### NOT VOTING—1

Flake

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table, and the President will be immediately notified of the Senate's action.

## 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	Markley	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.