

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.