

construct a central parking facility on National Zoological Park property in the District of Columbia.

(b) CENTRAL PARKING FACILITY.—The facility authorized under this section may include parking, transportation improvements, visitor amenities including restrooms, a pedestrian bridge to a midpoint entry of the National Zoological Park, and ancillary works to accommodate alternative uses of the facility.

(c) FUNDING.—Construction of the facility described in this section shall be conducted with funds from nonappropriated sources.

Mr. HARPER. Mr. Speaker, I rise today in support of H.R. 4009, which authorizes the Board of Regents of the Smithsonian Institution to plan, design, and construct a central parking facility on National Zoological Park property in the District of Columbia using nonappropriated funds.

Established by Congress in 1889, the National Zoo was incorporated as a unit of the Smithsonian Institution in 1890. Today, the National Zoo consists of two components: the 3,200-acre Conservation Biology Institute in Front Royal, Virginia and the public National Zoological Park (Zoo) located at the 163-acre Rock Creek campus in Washington, D.C. Admission is free of charge and with more than two million people visiting the Rock Creek facility in 2017, the Zoo remains a favorite tourist and local destination in the nation's Capital.

While public transit is an option for some visitors, many others rely on private vehicles to reach the Zoo. Currently, parking at the Zoo includes several paved surface lots spread across the campus, which often fill up early in the day during peak season. To better serve these visitors, the proposed new parking facility consolidates public parking into a multi-level parking garage located at the midpoint of the Zoo.

Included in the Zoo's 2008 Comprehensive Facilities Master Plan, the parking facility will provide a number of benefits that both further the Zoo's mission and improve the visitor experience. These benefits include expanding animal habitat space through repurposing existing surface lots; improving visitor access with a centralized and accessible arrival point; increasing security through consolidation of access points; improved pedestrian safety; and expanding the number of on-site visitor parking spaces which reduces the number of days the Zoo must turn away visitors due to lack of parking. The additional parking spaces will help accommodate a projected increase in the number of visitors to the Zoo.

No appropriated funds will be expended for the project. The Smithsonian intends to enter into a public-private-partnership for the construction and operation of the parking facility. The developer would be responsible for design, construction, maintenance, and operations for a fixed term of 35 years after which ownership is retained by the Zoo. Financing is the sole responsibility of the developer, with construction cost estimated at \$70–75 million and annual operating costs at \$1.5 million. As part of the agreement, the Zoo receives an initial annual payment of \$7 million and a recurring annual payment based on revenues with a guaranteed minimum of \$1 million. Design, construction, operations and maintenance will be conducted in accordance with the contract and plans approved by the Smithsonian.

The Committee on House Administration held a markup on this bill on December 13,

2017 and ordered the bill reported favorably to the House, by voice vote, with no amendments. In its December 21, 2017 cost estimate, the Congressional Budget Office states that enacting H.R. 4009 would not affect the federal budget and would not affect direct spending or revenues. Additionally, the Committee on House Administration exchanged jurisdiction letters with the Committee on Transportation and Infrastructure.

I urge my colleagues to support H.R. 4009.

U.S. CONGRESS,

CONGRESSIONAL BUDGET OFFICE,
Washington, DC, December 21, 2017.

Hon. GREGG HARPER,
Chairman, Committee on House Administration,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 4009, the Smithsonian National Zoological Park Central Parking Facility Authorization Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Meredith Decker.

Sincerely,

KEITH HALL,
Director.

Enclosure.

H.R. 4009—SMITHSONIAN NATIONAL ZOOLOGICAL PARK CENTRAL PARKING FACILITY AUTHORIZATION ACT

As ordered reported by the House Committee on House Administration on December 13, 2017

H.R. 4009 would authorize the Smithsonian Institution to plan, design, and construct a central parking facility on the National Zoological Park's property in the District of Columbia. Construction would be financed with nonappropriated funds.

CBO estimates that implementing H.R. 4009 would not affect the federal budget. Because enacting the legislation would not affect direct spending or revenues, pay-as-you-go procedures do not apply.

CBO estimates that enacting H.R. 4009 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2028.

H.R. 4009 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act.

The CBO staff contact for this estimate is Meredith Decker. The estimate was approved by H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOUSE ADMINISTRATION,
Washington, DC, April 24, 2018.

Hon. BILL SHUSTER,
Chairman, Committee on Transportation and Infrastructure, Washington, DC.

DEAR CHAIRMAN SHUSTER: I am writing in regard to H.R. 4009, Smithsonian National Zoological Park Central Parking Facility Authorization Act. As you know, the bill was introduced on October 11, 2017, and referred to the Committee on House Administration, with an additional referral to the Committee on Transportation and Infrastructure. The bill authorizes the Board of Regents of the Smithsonian Institution to plan, design, and construct a central parking facility on National Zoological Park property in the District of Columbia using non-appropriated funds. On December 13, 2017 the Committee on House Administration reported H.R. 4009 favorably out of Committee by voice vote without amendment.

The Committee on House Administration recognizes that the Committee on Transportation and Infrastructure has an additional referral of H.R. 4009. We ask that the Com-

mittee on Transportation and Infrastructure be discharged from consideration of H.R. 4009 to expedite the bill. It is the understanding of the Committee on House Administration that forgoing action on H.R. 4009 will not prejudice the Committee on Transportation and Infrastructure with respect to any future jurisdictional claim over the subject matters contained in the bill that fall under your Committee's Rule X jurisdiction.

Sincerely,

GREGG HARPER,
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC, April 24, 2018.

Hon. GREGG HARPER,
Chairman, Committee on House Administration,
Washington, DC.

DEAR CHAIRMAN HARPER: Thank you for your letter concerning H.R. 4009, the Smithsonian National Zoological Park Central Parking Facility Authorization Act. As noted, the Committee on Transportation and Infrastructure received an additional referral on this legislation.

In order to expedite floor consideration of H.R. 4009, the Committee on Transportation and Infrastructure agrees to forgo action on this bill. However, as you noted, this is conditional on our mutual understanding that forgoing consideration of the bill would not prejudice the Committee with respect to the appointment of conferees or to any future jurisdictional claim over the subject matters contained in the bill or similar legislation that fall within the Committee's Rule X jurisdiction. Should a conference on the bill be necessary, I appreciate your agreement to support my request to have the Committee represented on the conference committee.

Thank you for your cooperation on this matter and for agreeing to place a copy of this letter and your response acknowledging our jurisdictional interest into the Congressional Record during consideration of the measure on the House floor.

Sincerely,

BILL SHUSTER,
Chairman.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HARPER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous material on H.R. 4009.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on the motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or if the vote is objected to under clause 6 of rule XX.

Any record vote on the postponed question will be taken at a later time.

MUSIC MODERNIZATION ACT

Mr. GOODLATTE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5447) to modernize copyright law, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5447

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Music Modernization Act”.

(b) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Rescission of Unobligated Balances In The Department Of Justice Assets Forfeiture Fund.

TITLE I—MUSIC LICENSING MODERNIZATION

Sec. 101. Short title.
Sec. 102. Blanket license for digital uses and mechanical licensing collective.
Sec. 103. Amendments to section 114.
Sec. 104. Random assignment of rate court proceedings.

TITLE II—COMPENSATING LEGACY ARTISTS FOR THEIR SONGS, SERVICE, AND IMPORTANT CONTRIBUTIONS TO SOCIETY

Sec. 201. Short title.
Sec. 202. Unauthorized digital performance of pre-1972 sound recordings.
Sec. 203. Effective date.

TITLE III—ALLOCATION FOR MUSIC PRODUCERS

Sec. 301. Short title.
Sec. 302. Payment of statutory performance royalties.
Sec. 303. Effective date.

SEC. 2. RESCISSION OF UNOBLIGATED BALANCES IN THE DEPARTMENT OF JUSTICE ASSETS FORFEITURE FUND.

Of the unobligated balances available under the Department of Justice Assets Forfeiture Fund, \$47,000,000 is hereby permanently rescinded.

TITLE I—MUSIC LICENSING MODERNIZATION**SEC. 101. SHORT TITLE.**

This title may be cited as the “Musical Works Modernization Act”.

SEC. 102. BLANKET LICENSE FOR DIGITAL USES AND MECHANICAL LICENSING COLLECTIVE.

(a) **AMENDMENT.**—Section 115 of title 17, United States Code, is amended—

(1) in subsection (a)—

(A) by inserting “IN GENERAL” after “AVAILABILITY AND SCOPE OF COMPULSORY LICENSE”;

(B) by striking paragraph (1) and inserting the following new paragraph:

“(1) **ELIGIBILITY FOR COMPULSORY LICENSE.**—

“(A) **CONDITIONS FOR COMPULSORY LICENSE.**—A person may by complying with the provisions of this section obtain a compulsory license to make and distribute phonorecords of a nondramatic musical work, including by means of digital phonorecord delivery. A person may obtain a compulsory license only if the primary purpose in making phonorecords of the musical work is to distribute them to the public for private use, including by means of digital phonorecord delivery, and—

“(i) phonorecords of such musical work have previously been distributed to the public in the United States under the authority

of the copyright owner of the work, including by means of digital phonorecord delivery; or

“(ii) in the case of a digital music provider seeking to make and distribute digital phonorecord deliveries of a sound recording embodying a musical work under a compulsory license for which clause (i) does not apply—

“(I) the first fixation of such sound recording was made under the authority of the musical work copyright owner, and sound recording copyright owner has the authority of the musical work copyright owner to make and distribute digital phonorecord deliveries embodying such work to the public in the United States; and

“(II) the sound recording copyright owner or its authorized distributor has authorized the digital music provider to make and distribute digital phonorecord deliveries of the sound recording to the public in the United States.

“(B) **DUPLICATION OF SOUND RECORDING.**—A person may not obtain a compulsory license for the use of the work in the making of phonorecords duplicating a sound recording fixed by another, including by means of digital phonorecord delivery, unless—

“(i) such sound recording was fixed lawfully; and

“(ii) the making of the phonorecords was authorized by the owner of the copyright in the sound recording or, if the sound recording was fixed before February 15, 1972, by any person who fixed the sound recording pursuant to an express license from the owner of the copyright in the musical work or pursuant to a valid compulsory license for use of such work in a sound recording.”; and

(C) in paragraph (2), by striking “A compulsory license” and inserting “MUSICAL ARRANGEMENT.—A compulsory license”;

(2) by striking subsection (b) and inserting the following:

“(b) **PROCEDURES TO OBTAIN A COMPULSORY LICENSE.**—

“(1) **PHONORECORDS OTHER THAN DIGITAL PHONORECORD DELIVERIES.**—A person who seeks to obtain a compulsory license under subsection (a) to make and distribute phonorecords of a musical work other than by means of digital phonorecord delivery shall, before or within 30 calendar days after making, and before distributing, any phonorecord of the work, serve notice of intention to do so on the copyright owner. If the registration or other public records of the Copyright Office do not identify the copyright owner and include an address at which notice can be served, it shall be sufficient to file the notice of intention with the Copyright Office. The notice shall comply, in form, content, and manner of service, with requirements that the Register of Copyrights shall prescribe by regulation.

“(2) **DIGITAL PHONORECORD DELIVERIES.**—A person who seeks to obtain a compulsory license under subsection (a) to make and distribute phonorecords of a musical work by means of digital phonorecord delivery—

“(A) prior to the license availability date, shall, before or within 30 calendar days after first making any such digital phonorecord delivery, serve a notice of intention to do so on the copyright owner (but may not file the notice with the Copyright Office, even if the public records of the Office do not identify the owner or the owner’s address), and such notice shall comply, in form, content, and manner of service, with requirements that the Register of Copyrights shall prescribe by regulation; or

“(B) on or after the license availability date, shall, before making any such digital phonorecord delivery, follow the procedure described in subsection (d)(2), except as provided in paragraph (3).

“(3) **RECORD COMPANY INDIVIDUAL DOWNLOAD LICENSES.**—Notwithstanding paragraph (2)(B), a record company may, on or after the license availability date, obtain an individual download license in accordance with the notice requirements described in paragraph (2)(A) (except for the requirement that notice occur prior to the license availability date). A record company that obtains an individual download license as permitted under this paragraph shall provide statements of account and pay royalties as provided in subsection (c)(2)(I).

“(4) **FAILURE TO OBTAIN LICENSE.**—

“(A) **PHONORECORDS OTHER THAN DIGITAL PHONORECORD DELIVERIES.**—In the case of phonorecords made and distributed other than by means of digital phonorecord delivery, the failure to serve or file the notice of intention required by paragraph (1) forecloses the possibility of a compulsory license under paragraph (1). In the absence of a voluntary license, the failure to obtain a compulsory license renders the making and distribution of phonorecords actionable as acts of infringement under section 501 and subject to the remedies provided by sections 502 through 506.

“(B) **DIGITAL PHONORECORD DELIVERIES.**—

“(i) In the case of phonorecords made and distributed by means of digital phonorecord delivery:

“(I) The failure to serve the notice of intention required by paragraph (2)(A) or paragraph (3), as applicable, forecloses the possibility of a compulsory license under such paragraph.

“(II) The failure to comply with paragraph (2)(B) forecloses the possibility of a blanket license for a period of 3 years after the last calendar day on which the notice of license was required to be submitted to the mechanical licensing collective under such paragraph.

“(ii) In either case described in clause (i), in the absence of a voluntary license, the failure to obtain a compulsory license renders the making and distribution of phonorecords by means of digital phonorecord delivery actionable as acts of infringement under section 501 and subject to the remedies provided by sections 502 through 506.”;

(3) by amending subsection (c) to read as follows:

“(c) **GENERAL CONDITIONS APPLICABLE TO COMPULSORY LICENSE.**—

“(1) **ROYALTY PAYABLE UNDER COMPULSORY LICENSE.**—

“(A) **IDENTIFICATION REQUIREMENT.**—To be entitled to receive royalties under a compulsory license obtained under subsection (b)(1) the copyright owner must be identified in the registration or other public records of the Copyright Office. The owner is entitled to royalties for phonorecords made and distributed after being so identified, but is not entitled to recover for any phonorecords previously made and distributed.

“(B) **ROYALTY FOR PHONORECORDS OTHER THAN DIGITAL PHONORECORD DELIVERIES.**—Except as provided by subparagraph (A), for every phonorecord made and distributed under a compulsory license under subsection (a) other than by means of digital phonorecord delivery, with respect to each work embodied in the phonorecord, the royalty shall be the royalty prescribed under subparagraphs (D) through (F) and paragraph (2)(A) and chapter 8 of this title. For purposes of this subparagraph, a phonorecord is considered ‘distributed’ if the person exercising the compulsory license has voluntarily and permanently parted with its possession.

“(C) **ROYALTY FOR DIGITAL PHONORECORD DELIVERIES.**—For every digital phonorecord delivery of a musical work made under a