

Jim Douglas, who preceded Shumlin as governor, agreed.

"At a time when rancor has permeated our political process and collegiality seems to have disappeared from the public square, Tim O'Connor stands as a glorious example of what a public servant should be," said Douglas. "We need more like him today."

Douglas, a Republican who served as House Majority Leader, also recalled his time working with O'Connor, whom he described as "a tremendous leader."

Like others who served with O'Connor, Douglas said he was fair and impartial and that he cared about each legislator, regardless of party affiliation, and displayed a genuine nonpartisanship that earned the respect of all of his colleagues.

"I had the temerity to challenge his reelection as Speaker in 1979," said Douglas, who would later serve three terms as Vermont's governor. "He defeated me handily, but there were no hard feelings: he promptly re-appointed me to chair a committee."

James Valente, of Costello, Valente & Gentry in Brattleboro, said everyone should try "to be a little more like Tim in our daily lives. He could teach without lecturing, argue without fighting, and make you laugh without teasing."

A funeral Mass is scheduled for Saturday at 1 p.m. at St. Michael Catholic Church in Brattleboro, with arrangements organized by Atamaniuk Funeral Home.

The family requests no flowers. Contributions may be made to the St. Brigid's Kitchen renovation fund in care of St. Michael Catholic Church, 47 Walnut St., Brattleboro, VT 05301.

Survivors include his wife; a son, Kevin O'Connor of Brattleboro; two daughters, Kate O'Connor of Brattleboro and Kerry (Robert) Amidon of Vernon; three grandchildren, Daniel, David and Jacob Amidon of Vernon; and a brother, W. Brian O'Connor of Amherst, Mass.

"Tim lived his life with a commitment to making a difference, and he did—in his community and in our state," said Leahy. "He set an example for the importance of public service, from serving as Town Moderator, to Speaker of the House. Tim did so in the Vermont tradition of bipartisan leadership and putting people first. Tim's ability and efforts to reach across the aisle and to lead in ways that fostered bipartisan cooperation will long be remembered and are an example to all."

#### ADDITIONAL STATEMENTS

##### REMEMBERING JAMES ROBESON

• Mr. CASEY. Mr. President, I would like to take this opportunity to recognize the heroic life of Scranton firefighter Captain James Robeson on the 10th anniversary of his death.

Captain Robeson was more than just a firefighter. He was a loving husband to his wife, Linda, and a caring father to his son, Ryan. He was a friend to many, a mentor to his colleagues, and a hero to us all.

Captain Robeson made a career out of service and protection. He willingly served and courageously protected his colleagues, the city of Scranton, and all of us who inhabit it. Each time duty called, Captain Robeson heroically was one of the brave individuals running into the flames and chaos, while every-

one else was running out. Captain Robeson was a man of high honor and integrity, two qualities demonstrated when he laid down his own life in an attempt to save another.

Ten years after his death, it is still my honor to have been given the opportunity to serve a man as brave, honorable, and respected as Captain Robeson. His unquestioned willingness to serve others and courageous ultimate sacrifice is a reminder to me about the true meaning of public service.●

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Ridgway, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

In executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The messages received today are printed at the end of the Senate proceedings.)

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communication was laid before the Senate, together with accompanying papers, reports, and documents, and was referred as indicated:

EC-4131. A communication from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting, pursuant to law, the report of a rule entitled "Rules of Practice and Procedure; Adjusting Civil Money Penalties for Inflation" (RIN3052-AD29) received in the Office of the President of the Senate on January 23, 2018; to the Committee on Agriculture, Nutrition, and Forestry.

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HOEVEN, from the Committee on Indian Affairs, with an amendment in the nature of a substitute:

S. 943. A bill to direct the Secretary of the Interior to conduct an accurate comprehensive student count for the purposes of calculating formula allocations for programs under the Johnson-O'Malley Act, and for other purposes (Rept. No. 115-201).

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. PAUL:

S. 2333. A bill to prohibit assistance to the Government of Pakistan, and to require the Department of State and the United States Agency for International Development to transfer amounts to the Highway Trust Fund equivalent to historic levels of assistance to

Pakistan; to the Committee on Foreign Relations.

By Mr. HATCH (for himself, Mr. WHITEHOUSE, Mr. ALEXANDER, Ms. HARRIS, Mr. CORKER, Mr. DURBIN, Mr. ISAKSON, Mr. COONS, and Mr. JONES):

S. 2334. A bill to amend title 17, United States Code, to provide clarity with respect to, and to modernize, the licensing system for musical works under section 115 of that title, to ensure fairness in the establishment of certain rates and fees under sections 114 and 115 of that title, and for other purposes; to the Committee on the Judiciary.

By Mr. ROUNDS:

S. 2335. A bill to authorize the Secretary of the Interior and the Secretary of Agriculture to issue permits for recreation services on lands managed by Federal agencies, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. TESTER:

S. 2336. A bill to require the Secretary of Veterans Affairs to carry out a pilot program on providing intensive community care coordination and supportive services to veteran families who lack adequate access to services, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. BENNET:

S. 2337. A bill to provide for the designation of certain wilderness areas, recreation management areas, and conservation areas in the State of Colorado, and for other purposes; to the Committee on Energy and Natural Resources.

#### ADDITIONAL COSPONSORS

S. 108

At the request of Mr. HATCH, the name of the Senator from Minnesota (Ms. SMITH) was added as a cosponsor of S. 108, a bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on medical devices.

S. 322

At the request of Mr. PETERS, the name of the Senator from Louisiana (Mr. KENNEDY) was added as a cosponsor of S. 322, a bill to protect victims of domestic violence, sexual assault, stalking, and dating violence from emotional and psychological trauma caused by acts of violence or threats of violence against their pets.

S. 526

At the request of Mrs. FISCHER, the name of the Senator from Indiana (Mr. DONNELLY) was added as a cosponsor of S. 526, a bill to amend the Small Business Act to provide for expanded participation in the microloan program, and for other purposes.

S. 740

At the request of Mr. LEE, the name of the Senator from New Jersey (Mr. BOOKER) was added as a cosponsor of S. 740, a bill to prohibit mandatory or compulsory checkoff programs.

S. 833

At the request of Mr. TESTER, the name of the Senator from Wisconsin (Ms. BALDWIN) was added as a cosponsor of S. 833, a bill to amend title 38, United States Code, to expand health care and benefits from the Department of Veterans Affairs for military sexual trauma, and for other purposes.

S. 918

At the request of Mr. PORTMAN, the name of the Senator from Mississippi

(Mr. WICKER) was added as a cosponsor of S. 918, a bill to amend title 31, United States Code, to provide for automatic continuing resolutions.

S. 1148

At the request of Mr. BROWN, the name of the Senator from West Virginia (Mr. MANCHIN) was added as a cosponsor of S. 1148, a bill to amend title XIX of the Social Security Act to provide States with the option of providing medical assistance at a residential pediatric recovery center to infants under 1 year of age with neonatal abstinence syndrome and their families.

S. 1354

At the request of Mr. CARPER, the name of the Senator from Wisconsin (Ms. BALDWIN) was added as a cosponsor of S. 1354, a bill to establish an Individual Market Reinsurance fund to provide funding for State individual market stabilization reinsurance programs.

S. 1556

At the request of Mr. TESTER, the name of the Senator from Minnesota (Ms. SMITH) was added as a cosponsor of S. 1556, a bill to authorize the Secretary of the Interior to use designated funding to pay for construction of authorized rural water projects, and for other purposes.

S. 2004

At the request of Mr. CASEY, the name of the Senator from West Virginia (Mr. MANCHIN) was added as a cosponsor of S. 2004, a bill to increase funding for the State response to the opioid misuse crisis and to provide funding for research on addiction and pain related to the substance misuse crisis.

S. 2127

At the request of Ms. MURKOWSKI, the names of the Senator from Mississippi (Mr. WICKER), the Senator from Michigan (Mr. PETERS), the Senator from North Carolina (Mr. BURR) and the Senator from Maine (Mr. KING) were added as cosponsors of S. 2127, a bill to award a Congressional Gold Medal, collectively, to the United States merchant mariners of World War II, in recognition of their dedicated and vital service during World War II.

S. 2144

At the request of Mr. VAN HOLLEN, the name of the Senator from Hawaii (Mr. SCHATZ) was added as a cosponsor of S. 2144, a bill to provide a process for granting lawful permanent resident status to aliens from certain countries who meet specified eligibility requirements.

S. 2203

At the request of Mrs. GILLIBRAND, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 2203, a bill to amend title 9 of the United States Code with respect to arbitration.

S. 2255

At the request of Mr. YOUNG, the name of the Senator from Maryland

(Mr. VAN HOLLEN) was added as a cosponsor of S. 2255, a bill to reauthorize title VI of the Higher Education Act of 1965 in order to improve and encourage innovation in international education, and for other purposes.

S. 2330

At the request of Mr. FLAKE, the name of the Senator from Oklahoma (Mr. LANKFORD) was added as a cosponsor of S. 2330, a bill to prohibit earmarks.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HATCH (for himself, Mr. WHITEHOUSE, Mr. ALEXANDER, Ms. HARRIS, Mr. CORKER, Mr. DURBIN, Mr. ISAKSON, Mr. COONS, and Mr. JONES):

S. 2334. A bill to amend title 17, United States Code, to provide clarity with respect to, and to modernize, the licensing system for musical works under section 115 of that title, to ensure fairness in the establishment of certain rates and fees under sections 114 and 115 of that title, and for other purposes; to the Committee on the Judiciary.

Mr. HATCH. Mr. President, I rise with my good friend from Tennessee to discuss some truly landmark legislation we are introducing today that is long overdue. It is called the Music Modernization Act, and it will reshape the music licensing landscape to bring it into the 21st century.

As a songwriter myself, I have a deep interest in music issues and in ensuring we have a music licensing system that works. Unfortunately, our music licensing laws have not kept pace with technological change. We have an outdated, antiquated system that is designed for the era of CDs and cassette tapes rather than the era of digital streamlining and audio on demand.

Most of us rarely think about the complex laws that govern who can listen to what music when and who gets paid when we purchase an MP3 or listen to an interactive stream. We pay our money to iTunes or the streaming service without thinking about how that money then gets distributed to dozens or even hundreds of actors across the music industry. You have songwriters and publishers and recording artists and record labels. You have agents and broadcasters and streaming services and performing rights organizations. You have multiple copyrights across multiple individuals for the same song. It is a dense, interconnected web of licenses, rights, and legal obligations that all need and should be carefully calibrated, but our current regime is not well calibrated—far from it.

To begin with, the process of ensuring that songwriters are paid when the songs they have written are downloaded or played on the internet is a complete mess. The problem lies in matching sound recordings to the underlying musical work; that is, to the

song performed in the sound recording. When a person downloads or streams a song, there are actually two sets of copyright holders whose interests come into play.

The first is the recording artist who owns a copyright in the sound recording; that is, in the recorded version of the song. Often, the recording artist will have assigned his or her copyright to a record label.

The other relevant copyright holder is the songwriter—the person who actually wrote the music and, in virtually every case, the lyrics that the recording artist performed. The songwriter owns a copyright in the song itself, in the actual words and music. Often, the songwriter will have assigned his or her copyright to a music publisher.

When a sound recording is reproduced, whether by download, interactive stream, or fixing the song on a CD or other physical object, the recording artist and songwriter or their respective assignees will both receive royalties. The recording artist receives a royalty for the sound recording itself, and the songwriter receives a royalty for the underlying song. These are called mechanical royalties because, historically, the reproduction of sound recordings was done through mechanical means. Think of a vinyl record and its grooves.

There is also a second type of royalty that comes into play when a song is performed publicly, such as on the radio, at a concert, or over a digital transmission service like Pandora. This type of royalty is called, sensibly enough, a public performance royalty. Just like with mechanical royalties, it is paid to both the recording artist and the songwriter or their assignees.

As I said earlier, the problem lies in matching the sound recording to the underlying musical work; that is, in determining who should get paid when an individual downloads a song or listens to an interactive stream.

Figuring out the recording artist is pretty easy. When digital music services play music, they play sound recordings. They play a song recorded by Taylor Swift or Jay-Z or Garth Brooks or they offer the sound recording for download. In either case, determining who recorded the song is straightforward. Figuring out who the songwriter is, however, can be much more complicated.

A recording artist may play 10 different songs by 10 different songwriters on a single album or 10 separate writers may have contributed to a single song, with each being entitled to a cut. Unlike with recording artists, it is usually not apparent from the sound recording itself who the songwriter is.

Of course, the recording artist—or the record label, if the recording artist has assigned his or her rights to a record label—may know who the songwriter is, but not always, and it is simply not feasible for digital music providers to independently track down