

(2) any conclusions and recommendations of the Secretary.

Mr. MCCONNELL. I ask unanimous consent that the committee-reported substitute amendment be agreed to and that the bill, as amended, be considered read a third time.

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

The committee-reported amendment in the nature of a substitute was agreed to.

The bill, as amended, was engrossed for a third reading and was read the third time.

Mr. MCCONNELL. Mr. President, I know of no further debate on the bill.

The PRESIDING OFFICER. Is there further debate?

Hearing none, the question is, Shall the bill pass?

The bill (H.R. 46), as amended, was passed.

Mr. MCCONNELL. I ask unanimous consent that the motion to reconsider be considered made and laid upon the table.

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

#### ELKHORN RANCH AND WHITE RIVER NATIONAL FOREST CONVEYANCE ACT OF 2017

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 87, H.R. 698.

The PRESIDING OFFICER. The clerk will report the bill by title.

The bill clerk read as follows:

A bill (H.R. 698) to require a land conveyance involving the Elkhorn Ranch and the White River National Forest in the State of Colorado, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. MCCONNELL. I ask unanimous consent that the bill be considered read a third time and passed and that the motion to reconsider be considered made and laid upon the table.

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

The bill (H.R. 698) was ordered to a third reading, was read the third time, and passed.

#### RESOLUTIONS SUBMITTED TODAY

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate now proceed to the en bloc consideration of the following Senate resolutions, which were submitted earlier today: S. Res. 638, S. Res. 639, and S. Res. 640.

There being no objection, the Senate proceeded to consider the resolutions en bloc.

Mr. MCCONNELL. I ask unanimous consent that the resolutions be agreed to, the preambles be agreed to, and the motions to reconsider be considered made and laid upon the table, all en bloc.

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

The resolutions (S. Res. 638 and S. Res. 639) were agreed to.

The preambles were agreed to.

(The resolutions, with their preambles, are printed in today's RECORD under "Submitted Resolutions.")

The resolution (S. Res. 640) was agreed to.

(The resolution is printed in today's RECORD under "Submitted Resolutions.")

#### APPOINTMENT

The PRESIDING OFFICER. The Chair announces, on behalf of the majority leader, pursuant to the provisions of Public Law 107-12, the reappointment of the following individual to serve as a member of the Public Safety Officer Medal of Valor Review Board: Berl Perdue of Kentucky.

The PRESIDING OFFICER. The Senator from Utah.

#### AMENDING THE INTERNAL REVENUE CODE OF 1986

Mr. HATCH. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 300, H.R. 1551.

The PRESIDING OFFICER. The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (H.R. 1551) to amend the Internal Revenue Code of 1986 to modify the credit for production from advanced nuclear power facilities.

There being no objection, the Senate proceeded to consider the bill.

Mr. HATCH. Mr. President, I ask unanimous consent that my substitute amendment at the desk be considered; that the Alexander amendment to it be agreed to; that my substitute amendment, as amended, be agreed to; and that the bill, as amended, be considered read a third time.

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

The amendment (No. 4022) was considered as follows:

(Purpose: In the nature of a substitute.)

(The amendment is printed in today's RECORD under "Text of Amendments.")

The amendment (No. 4021) was agreed to as follows:

(Purpose: To amend the short title)

On page 1, line 5, strike "Music Modernization Act" and insert "Orrin G. Hatch Music Modernization Act".

The amendment, in the nature of a substitute, as amended, was agreed to.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

Mr. HATCH. Mr. President, I know of no further debate on the bill.

The PRESIDING OFFICER. Is there further debate?

Hearing none, the bill having been read the third time, the question is, Shall the bill pass?

The bill (H.R. 1551), as amended, was passed.

Mr. HATCH. Mr. President, I ask unanimous consent that the motion to reconsider be considered made and laid upon the table.

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

#### ORRIN G. HATCH MUSIC MODERNIZATION ACT

Mr. HATCH. Mr. President, I thank Senators ALEXANDER, WHITEHOUSE, GRASSLEY, FEINSTEIN, COONS, and KENNEDY for all of their hard work on this important bill. I am touched by this gesture. I also thank all of the staffs involved, including those in the cloakroom, and the legislative counsel for their assistance. I feel like we have been really blessed to be able to get this bill through.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, if the Senator from Utah has concluded his remarks, I would like to say a word or two.

We have just passed in the Senate a bill that is named the Orrin G. Hatch Music Modernization Act. It was an amendment I had offered to the bill, not Senator HATCH's amendment. He is the principal sponsor of the bill, along with Senator WHITEHOUSE and 82 Members of this body, but I ask that it be named in his honor. It is fitting because it is the most important piece of legislation in a generation to help make sure songwriters in our country are paid and are paid a fair market value for their work. It is fitting because Senator HATCH is a songwriter himself and has long been an advocate for musicians. So I can think of no better way to memorialize his four decades of service in the U.S. Senate than by renaming this legislation the Orrin G. Hatch Music Modernization Act.

Under his leadership, as I just mentioned, the bill gained nearly unanimous support in the Senate. It passed in the House earlier. After its having been thoroughly vetted and compromised and changed, it passed unanimously. It went to the Senate Judiciary Committee, where it was considered and passed by voice vote. Then, tonight, it passed by voice vote.

I join with Senator HATCH in especially thanking the other Senators who have worked so hard on this, both Democrats as well as Republicans—Senator WHITEHOUSE; Senator DURBIN, the Assistant Democratic Leader, who enjoys going to Nashville on a regular basis and has lots of good stories about it; and Senator COONS of Delaware.

The bill, which passed the House unanimously and has now passed the Senate, will go back to the House because we have made some changes in the bill. That is the way the process works. We have stayed in close touch with the House of Representatives as we have done this. Representative DOUG COLLINS and a number of others in the House have been really extraordinary leaders in pushing this, so I

know Representative COLLINS and others will work hard. My hope is, the House will be able to pass the Senate's bill next week and that the bill will then go to the President and become law.

Earlier this evening, Senator CHUCK GRASSLEY, of Iowa, was on the floor, but he had to leave. I join Senator HATCH in thanking Senator GRASSLEY, who is the chairman of the Judiciary Committee, for having expedited the consideration of this bill and for having been here to speak about it.

Senator GRASSLEY asked me to read these words on his behalf:

The Music Modernization Act will really help songwriters, artists, publishers, producers, distributors, and other music industry stakeholders. This bill is the product of long and hard negotiations and compromise. Senators Hatch and Alexander especially—but many other Senators—contributed to this bill. I am pleased to support this bill.

One reason this bill has been successful—and one of the senior members of the staff of the Judiciary Committee was talking to me tonight and said it was a really remarkable piece of legislation—is that it touches so many of the aspects of the creation of music in our country. I think that is true. It is a very complex piece of legislation.

I asked some of those who were working on it the other day: Will this really help the songwriters? The answer was: Yes, it will.

We have been able to get so far because the songwriters and the publishers and the digital music companies and the broadcasters and the record labels and others decided to work together over the last 2 or 3 years on what they agree on instead of on what they disagree. It has taken several years to do this, but I believe it has been worth the effort.

What has happened is that the internet has changed the music business in the way it has changed politics, other businesses, and the world. More than half the revenues in the music business now come from music that is played over the internet. The legislation is necessary because the copyright laws of our country haven't kept up with the arrival of the internet. In addition to that, they were way out of date before the internet ever got here. Those copyright laws haven't been modernized since the days of the player piano a century ago. As a result of that, today's songwriters are often not paid royalties for their songs when their songs are played online, and when they are paid, they aren't paid a fair market value. It has become almost impossible for songwriters to make a decent living. Songwriters in Nashville—and we have them all over Tennessee, but Nashville has thousands of them—are typically taxi drivers, teachers, waitresses who are all working to write their first hits.

Last Saturday, I was at the Bluebird Cafe, in Nashville, where Senator HATCH has been before. Bob DiPiero was there and was playing some of his

songs. He told a story of how, in the 1980s, he was teaching guitar lessons at the Rivergate Mall. That is how he was earning a living. He had moved to Nashville from Ohio and had fallen in love with country music. He said he would take a bus out to the Rivergate Mall—that took about an hour and an hour back—to teach these kids in the afternoons, after school, from 3 to 9 o'clock. During the day, he would write songs. Nothing happened until he wrote a song called "American Made," which almost everybody knows the words to, and that song has done pretty well.

To give you an idea of what this bill could mean to most songwriters, let me tell you a story. I mentioned that songwriters can be taxi drivers or teachers or waitresses. They can also be U.S. Senators, like Senator HATCH, who actually has a gold record—maybe two—to his credit, and he has often cowritten with national songwriters. I had an experience too.

A few years ago, I was in my hometown of Maryville, TN. I went into the drugstore, and as I was coming out, there was this older couple who was sitting in a pickup truck.

I asked: How are y'all doing?

The woman in the pickup truck said: We are just falling apart together.

It just so happened that over that weekend, my son, who is in the music business, had a group of songwriters at our home, and they were writing songs. So I told that story about the lady saying "falling apart together" to one of them whose name was Lee Brice, who is a well-known songwriter and performer.

Lee Brice said: Hey, we can do something with that.

So he and Billy Montana and John Stone wrote the song "Falling Apart Together."

"Falling Apart Together" went on Lee Brice's album, and it was played a lot. According to Nashville's custom, I get a one-fourth royalty for the song whenever the song is played. Now, Lee is a pretty well-known singer, and you would think those royalties would add up to give me a nice income in addition to my salary as a U.S. Senator. I checked. In 2016, I reported on my ethics form, which I file each year, that my royalties only added up to \$101.75. That was for one-fourth of a record that was played on an album of a pretty well-known singer and writer.

If you are a songwriter in Nashville or anywhere else, you can't make a living on that, but the Orrin G. Hatch Music Modernization Act will help to fix that. It will help to make sure songwriters are paid a fair market value when their songs are played and that they are actually paid when their songs are played.

First, the legislation will make sure songwriters are paid by creating a new entity. This is really an elegant solution to a complicated problem. This new licensing entity will make it easier for digital music companies like Spotify or Amazon or Pandora to ob-

tain licenses. Let's say they want to play "Falling Apart Together." All they will have to do is go down to the entity and get a license from that entity to make sure the four of us who helped to write that song will be paid whenever the song is played. This can be a big problem for one of the internet companies because they deal in hundreds of thousands—millions—of songs, and songwriters end up everywhere in the world. So finding them is sometimes impossible. That is not good for the songwriter who doesn't get paid. It is not good for the streaming company because it might get sued.

As I said earlier, half of the revenues in the music industry come from internet songs. This new entity will collect the royalties each time a song is played. It will look for the songwriter and hold onto the royalties for 3 years until the songwriter can be found. As I mentioned, it will help the digital music companies because it will reduce the number of lawsuits and make it a lot simpler to get a license for a song.

Second, the legislation will make sure that songwriters will be paid a fair market value for their songs by doing three things.

First, it will revise outdated songwriter royalty standards. As I mentioned earlier, go back a century to the days of the player piano. It will replace those with a standard of willing seller and willing buyer. What would the song be worth in the free market, not as to the statutory rate that is set today?

The second thing the legislation will do is to allow ASCAP and BMI—the two largest performing rights organizations—to present new evidence about the fair market value of a songwriter's work—like what the performer of the song might earn for performing the song—to a Federal rate court judge when there is a dispute about what the royalties are.

Finally, the third thing it will do to make sure songwriters are paid a fairer rate is to allow ASCAP and BMI to have Federal judges in the Southern District of New York, which is where these cases are heard, to be randomly assigned to the cases rather than to have all of the proceedings before the same judge. We believe that will produce a fairer outcome for songwriters.

This is a big day for songwriters in Nashville and in Memphis and in Knoxville, TN, as well as all over the country. It is the most important piece of legislation in a generation that will help make sure songwriters will be, A, paid when their songs are played and, B, that songwriters will be paid a fair market value.

I thank Senator HATCH for his leadership on this. Because he led this effort and because of his prestige in the Senate, we have 82 cosponsors of the legislation. We were able to pass it by voice vote tonight after it went through the Judiciary Committee.

I would not want anyone to think that because it passed by such a wide

margin that this was a simple exercise. It was a very complicated exercise, and it was in doubt until about an hour and a half ago in terms of whether we would be able to do this tonight. Yet we wouldn't have been able to have done it without Senator HATCH, so I thank him.

I think it is fitting, as he retires this year after spending four decades in the Senate, that we name the most important piece of legislation to help songwriters in a generation after the Senate's songwriter, that being the Orrin G. Hatch Music Modernization Act.

I yield the floor.

The PRESIDING OFFICER (Mr. CASIDY). The Senator from Utah.

Mr. HATCH. Mr. President, I want to thank my dear colleague from Nashville—really, from Tennessee—for his very kind remarks. He covered this really well.

I have had this experience of writing pretty nice songs, mainly because of my cowriters. I have to say that I was shocked that even though hundreds of thousands—even millions—of records have been sold on some of these songs, the songwriters are paid little and in many cases, not paid at all. This will enhance songwriting in America and give songwriters a chance to be able to hopefully make a living, especially the good ones, even some who are not necessarily in Nashville or Hollywood or New York or in any number of other places.

I want to say that we all are very lucky to have Senator LAMAR ALEXANDER, who is one of our chief advocates in this area. He understands these problems. He has lived with these problems. He has anguished over them, and he has played a tremendous role in finally getting us to this passed bill.

This is a very important bill. People don't realize it, but they will once this bill is really utilized the way it is allowed.

I can't say that I am a great songwriter, although I do have one platinum and one gold record and some others that will probably go gold and platinum. But I can say this: It has been one of the most enjoyable, productive, and interesting experiences to write songs—for me and for those who write with me.

All I can say is that I feel really, really indebted to everyone in the Senate and the House for doing this to help spur on the music industry in this country and to get people treated properly from a remunerative standpoint.

I am grateful for LAMAR ALEXANDER and for the leadership that he has pro-

vided. We couldn't have done this without him.

Frankly, it is always a pleasure to work with him. He has such a great sense of humor. He is a tremendous musician himself. He plays the piano as well as anybody I know and, frankly, has done so for a lot of us around here. He has uplifted us with his talents. He is a good guy. I think in Tennessee, and especially in Nashville, they are very lucky to have him as a U.S. Senator.

I am grateful to the Senate for allowing us to get this done. I am grateful for my friends on the Democratic side for opening the door here, and I am grateful for my friends on the Republican side, all of whom realize how important this bill is and how much good it is going to do for America and for the music industry—to enlighten us all, to lift us all during times of difficulty and grief and so forth, and to provide the incentives to do even better in the future than we have done in the past. This is an important bill. I am pleased that I have had a role in helping to pass it.

I am very grateful to Senator ALEXANDER. He is one of my favorite people here. I used to chair the Labor and Human Resources Committee that he now chairs. I understand how difficult that committee has been. This is great and thoughtful legislation, and he has done a tremendous job on that committee. He is one of the great Senators, and I am not just saying that because he has helped me on this particular bill. I just have to say that I am very grateful to him, grateful for his leadership in the Senate, and grateful for my friendship with him and his friendship with me. He is a really wonderful man, and he makes a real difference in this body.

I want to thank everybody in the Senate for allowing this to happen. I am just very, very appreciative and would feel badly if I did not at least make that very clear here today.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I thank the Senator from Utah for his remarks. I think we both would feel remiss if we didn't properly acknowledge all of the Senators and especially all of the staff members who have put in such long hours and used such professionalism to help with this. We will come back to the floor next week and do that properly.

Lindsay Garcia is here with me, as well as Paul McKernan and David Cleary. I see Senator HATCH's staff is

on the floor, some from the Finance Committee. I want to make sure that we do a complete job of acknowledging their highly professional work in this complex and important piece of legislation. As I said, it is the most important piece of legislation in a generation to help make sure that American songwriters are paid fairly for their work.

Thank you.

#### ORDERS FOR THURSDAY, SEPTEMBER 20, 2018, AND MONDAY, SEPTEMBER 24, 2018

Mr. ALEXANDER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn to then convene for pro forma session only, with no business being conducted, on Thursday, September 20, at 3 p.m. I further ask that when the Senate adjourns on Thursday, September 20, it next convene at 3 p.m., Monday, September 24, and that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; further, that the Senate be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each, until 5:30 p.m., and that then, at 5:30 p.m., the Senate proceed to the consideration of the Wolcott nomination under the previous order; finally, that notwithstanding rule XXII, the cloture motions filed during today's session ripen following disposition of the Wolcott nomination.

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

#### ADJOURNMENT UNTIL THURSDAY, SEPTEMBER 20, 2018, AT 3 P.M.

Mr. ALEXANDER. Mr. President, if there is no further business to come before the Senate, I ask that it stand adjourned under the previous order.

There being no objection, the Senate, at 6:42 p.m., adjourned until Thursday, September 20, 2018, at 3 p.m.

#### CONFIRMATIONS

Executive nominations confirmed by the Senate September 18, 2018:

##### DEPARTMENT OF DEFENSE

JOHN E. WHITLEY, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF THE ARMY.

##### DEPARTMENT OF ENERGY

CHARLES P. VERDON, OF CALIFORNIA, TO BE DEPUTY ADMINISTRATOR FOR DEFENSE PROGRAMS, NATIONAL NUCLEAR SECURITY ADMINISTRATION.