

1 NATIONAL CAPITOL CONTRACTING

2 RPTS CATALA

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4 MARKUP OF H.R. 5283, H.R. 5293,

5 H.R. 5335, H.R. 5344, AND H.R. 5447

6 Wednesday, April 11, 2018

7 House of Representatives,

8 Committee on the Judiciary,

9 Washington, D.C.

10 The committee met, pursuant to call, at 10:00 a.m., in
11 Room 2141, Rayburn House Office Building, Hon. Bob Goodlatte
12 [chairman of the committee] presiding.

13 Present: Representatives Goodlatte, Smith, Chabot,
14 Issa, Gohmert, Jordan, Poe, Marino, Gowdy, Farenthold,
15 Collins, DeSantis, Buck, Ratcliffe, Roby, Gaetz, Johnson of
16 Louisiana, Biggs, Rutherford, Handel, Nadler, Lofgren,
17 Jackson Lee, Cohen, Johnson of Georgia, Deutch, Bass,
18 Richmond, Jeffries, Cicilline, Swalwell, Lieu, Raskin,
19 Jayapal, Schneider, and Demin.

20 Staff Present: Shelley Husband, Staff Director; Brenden

21 Ritchie, Deputy Staff Director; Zach Somers, Parliamentarian
22 and General Counsel; Stephanie Gadbois, Senior Counsel; Joe
23 Keeley, Chief Counsel, Subcommittee on Courts, Intellectual
24 Property, and the Internet; Alley Adcock, Clerk; Jason
25 Everett, Minority Counsel; David Greengrass, Minority
26 Counsel; Matthew Morgan, Minority Counsel; Danielle Brown,
27 Minority Parliamentarian and Chief Legislative Counsel;
28 Rachel Calanni, Minority Professional Staff Member; Susan
29 Jensen, Minority Counsel; and Lisette Morton, Minority
30 Legislative Director.

31 Chairman Goodlatte. Good morning. The Judiciary
32 Committee will come to order. And, without objection, the
33 chair is authorized to declare a recess at any time.
34 Pursuant to notice, I now call up H.R. 5283 for purposes of
35 markup and move that the committee report the favorably to
36 the House. The clerk will report the bill.

37 Ms. Adcock. H.R. 5283, to make technical amendments to
38 update statutory references to certain provisions classified
39 in title 7, title 20, and title 43 United States Code.

40 [The bill follows:]

41 ***** INSERT 1 *****

42 Chairman Goodlatte. Without objection, the bill is
43 considered as read and open for amendment at any time, and I
44 will begin by recognizing myself for an opening statement.

45 Before we turn to the markup of the Music Modernization
46 Act today, we will first consider four bills prepared by the
47 Judiciary Committee by the Office of Law Revision Counsel.
48 The Office of the Law Revision Counsel has an ongoing
49 responsibility under section 285(b) of title 2 of the United
50 States Code to maintain the United States Code and assist
51 the committee in the revision and codification of Federal
52 statutes.

53 In order to maintain and improve the United States
54 Code, the office must occasionally undertake editorial
55 reclassification projects to reorganize areas of law that
56 have outgrown their original boundaries or to eliminate
57 organizational units that are no longer efficient. These
58 changes are necessary to improve the organizational
59 structure of the code.

60 Importantly, in keeping with the standard practice of
61 editorial reclassifications, no statutory text is altered by
62 these projects. The provisions are merely transferred from
63 one place to another in the code. Following an editorial
64 reclassification, the office forwards to the Judiciary
65 Committee draft legislation to update statutory references
66 to code sections that have been reclassified. Four such

67 bills will be considered today.

68 The purpose of each bill is to make technical and
69 clerical amendments to statutes in order to update
70 references to code provisions that were altered by editorial
71 reclassification projects. The first bill to be considered
72 is H.R. 5283, a bill to make technical amendments to update
73 statutory references to certain provisions classified to
74 title 7, 20, and 43 of the United States Code. Title 7, 20,
75 and 43 consist of agriculture, education, and public lands
76 laws, respectively.

77 The next bill, H.R. 5293, makes technical amendments to
78 update statutory references to certain provisions that were
79 formerly classified to the appendix to title 50 of the
80 United States Code. Title 50 houses the Nation's war and
81 national defense law.

82 The third bill, H.R. 5335, makes technical amendments
83 to update statutory references to provisions reclassified to
84 title 34 of the United States Code. Last year, the Office
85 of Law Revision Counsel reorganized certain existing
86 provisions of the United States Code into a new title, title
87 34.

88 This title was created to provide a new place in the
89 code for our laws on crime control and law enforcement.
90 These provisions, as well as future laws related to crime
91 control and law enforcement, will be better organized and

92 maintained in title 34.

93 The last of the four bills, H.R. 5344, makes technical
94 amendments to update statutory references to certain
95 provisions that were formerly classified to chapters 14 and
96 19 of title 25 of the United States Code. Title 25 houses
97 the body of laws pertaining to Native Americans. Before I
98 recognize Mr. Nadler for his opening statement on these
99 bills, I want to thank Mr. King for introducing our first
100 codification bill, H.R. 5283, and urge my colleagues to
101 support this important bill.

102 The chair now recognizes the ranking member of the
103 committee, Mr. Nadler, for his opening statement.

104 [The prepared statement of Chairman Goodlatte follows:]

105 ***** COMMITTEE INSERT *****

106 Mr. Nadler. Thank you, Mr. Chairman. Today, we are
107 considering four classification bills. These are
108 noncontroversial and bipartisan bills, and I hope that we
109 can move through them quickly.

110 To that end, I am incorporating my comments on all four
111 bills into this single statement. H.R. 5283, H.R. 5293,
112 H.R. 5335, and H.R. 5344 make a series of long overdue
113 technical amendments to the United States Code. They are
114 the product of a meticulous review conducted by the Office
115 of Law Revision Counsel, which is responsible for
116 maintaining and publishing the code.

117 Based on this comprehensive review, the Law Revision
118 Counsel drafted each of these bills that our colleagues on
119 both sides of the aisle have introduced. These measures
120 modernize various titles of the code by deleting outdated
121 provisions and by reorganizing other provisions into a more
122 coherent and reader-friendly format.

123 The titles of the code updated by these bills cover a
124 broad range of subject matters, including Native Americans,
125 national defense, law enforcement, education, public lands,
126 and agriculture. And it is important to note that none of
127 these revisions is intended to substantively change current
128 law in any way.

129 While the amendments effectuated by these bills are
130 purely technical, the enhanced clarity and efficiency that

131 will result from their ultimate enactment will vastly
132 improve the interpretation and practice of Federal law.

133 The Office of Law Revision Counsel is to be commended
134 for preparing these bills for us. I also want to
135 acknowledge the members who sponsor these measures as well
136 as the chairman's leadership in facilitating their
137 consideration today.

138 Accordingly, I urge my colleagues to support each of
139 these bills, and I yield back the balance of my time.

140 [The prepared statement of Mr. Nadler follows:]

141 ***** COMMITTEE INSERT *****

142 Chairman Goodlatte. Are there any amendments to H.R.
143 5283?

144 A reporting quorum being present, the question is on
145 the motion to report the bill H.R. 5283 favorably to the
146 House.

147 Those in favor, respond by saying aye.

148 Those opposed, no.

149 The ayes have it and the bill is ordered reported
150 favorably. Members will have 2 days to submit views.

151 Pursuant to notice, I now call up H.R. 5293 for
152 purposes of markup and move that the committee report the
153 bill favorably to the House. The clerk will report the
154 bill.

155 Ms. Adcock. H.R. 5293: to make technical amendments to
156 update statutory references to certain provisions that were
157 formerly classified to title 50 Appendix, United States
158 Code.

159 [The bill follows:]

160 ***** INSERT 2 *****

161 Chairman Goodlatte. Without objection, the bill is
162 considered as read and open for amendment at any time. And
163 I will begin by recognizing myself for a brief opening
164 statement.

165 H.R. 5293 makes technical amendments to update
166 statutory references to certain provisions that were
167 formerly classified to the appendix of title 50 of the
168 United States Code. In 2015, the appendix to title 50 was
169 eliminated, and most of the nonobsolete provisions were
170 transferred to new chapters of title 50. A small number of
171 provisions were transferred to other titles of the code.

172 H.R. 5293 will ensure that our public laws accurately
173 reflect the location of the statutory text in the United
174 States Code. I want to thank, in particular, Mr. Lieu for
175 introducing H.R. 5293 and urge my colleagues to support this
176 important bill. The chair recognizes the gentleman from New
177 York.

178 [The prepared statement of Chairman Goodlatte follows:]

179 ***** COMMITTEE INSERT *****

180 Mr. Nadler. Thank you, Mr. Chairman. I also want to
181 thank Mr. Lieu for introducing this bill. I urge my
182 colleagues to support it, and I incorporate my earlier
183 comments by reference. I yield back.

184 Chairman Goodlatte. The chair thanks the gentleman.
185 Are there any amendments to H.R. 5293?

186 A reporting quorum being present, the question is on
187 the motion to report the bill H.R. 5293 favorably to the
188 House.

189 Those in favor, respond by saying aye.

190 Those opposed, no.

191 The ayes have it, and the bill is ordered reported
192 favorably. Members will have 2 days to submit views.

193 Pursuant to notice, I now call up H.R. 5335 for
194 purposes of markup and move that the committee report the
195 bill favorably to the House. The clerk will report the
196 bill.

197 Ms. Adcock. H.R. 5335: to make technical amendments to
198 update statutory references to certain provisions that were
199 formerly classified to title 34, United States Code.

200 [The bill follows:]

201 ***** INSERT 3 *****

202 Chairman Goodlatte. Without objection, the bill is
203 considered as read and open for amendment at any time. And
204 I will begin by recognizing myself for an opening statement.

205 H.R. 5335 makes technical amendments to update
206 statutory references to provisions reclassified to title 34,
207 crime control and law enforcement, United States Code. H.R.
208 5335 will ensure that our public laws accurately reflect the
209 location of the statutory text in the United States Code.

210 According to the Office of Law Revision Counsel, the
211 impetus for the title 34 project was to gather, in one
212 title, the growing body of law bearing on crime control and
213 law enforcement. Those revisions were previously scattered
214 in various parts of the United States Code.

215 Title 34 now contains provisions from the omnibus Crime
216 Control and Safe Streets Act, and Immigration and
217 Nationality Act, and Violence Against Women, and Department
218 of Justice Reauthorization Act of 2005, just to name a few.

219 I want to thank Mr. Sensenbrenner for introducing H.R.
220 5335 and urge my colleagues to support this important bill.

221 [The prepared statement of Chairman Goodlatte follows:]

222 ***** COMMITTEE INSERT *****

223 Chairman Goodlatte. Are there any amendments?

224 Being none, a reporting quorum being present, the
225 question is on the motion to report the bill H.R. 5335
226 favorably to the House.

227 Those in favor, respond by saying aye.

228 Those opposed, no.

229 The ayes have it and the bill is ordered reported
230 favorably. Members will have 2 days to submit views.

231 Pursuant to notice, I now call up H.R. 5344 for
232 purposes of markup and move that the committee report the
233 bill favorably to the House. The clerk will report the
234 bill.

235 Ms. Adcock. H.R. 5344: to make technical amendments to
236 update statutory references to certain provisions which were
237 formerly classified to chapters 13 and 19 of title 25,
238 United States Code.

239 [The bill follows:]

240 ***** INSERT 4 *****

241 Chairman Goodlatte. Without objection, the bill is
242 considered as read and open for amendment at any time. And
243 I will begin by recognizing myself for an opening statement.
244 H.R. 5344 makes technical amendments to update statutory
245 references to certain provisions which were formerly
246 classified to chapters 14 and 19 of title 25, Indians,
247 United States Code.

248 H.R. 5344 will ensure that our public laws accurately
249 reflect the location of the statutory text in the United
250 States Code. To illustrate why the reclassification was
251 needed, the Office of Law Revision Counsel has noted that,
252 for example, that in chapter 14 of title 25, under the broad
253 heading, "Miscellaneous," over 900 sections had accumulated
254 over the years. In 2016, the general and permanent
255 provisions from that material were reorganized and
256 transferred to form four new chapters.

257 The content of these new sections includes such matters
258 as conservation of resources and Indian self-determination
259 and education assistance. I want to thank Mr. Issa for
260 introducing H.R. 5344 and urge my colleagues to support this
261 important bill.

262 [The prepared statement of Chairman Goodlatte follows:]

263 ***** COMMITTEE INSERT *****

264 Chairman Goodlatte. Are there amendments to H.R. 5344?

265 There being none, a reporting quorum being present, the

266 question is on the motion to report the bill H.R. 5344

267 favorably to the House.

268 Those in favor, respond by saying aye.

269 Those opposed, no.

270 The ayes have it and the bill is ordered reported

271 favorably. Members will have 2 days to submit views.

272 I think the committee has set a record for passing four

273 bills out in very short order. I thank all the members for

274 their support and cooperation. Now, we have a very

275 important bill.

276 And pursuant to notice, I call up H.R. 5447 for

277 purposes of markup and move that the committee report the

278 bill favorably to the House. The clerk will report the

279 bill.

280 Ms. Adcock. H.R. 5447: to modernize copyright law and

281 for other purposes.

282 [The bill follows:]

283 ***** INSERT 5 *****

284 Chairman Goodlatte. Without objection, the bill is
285 considered as read and open for amendment at any time. And
286 I will begin by recognizing myself for an opening statement.

287 This morning, the Judiciary Committee brings early 20th
288 century music laws for the analog era into the 21st century
289 digital era. These changes and this markup are a
290 culmination of years of effort by interested parties, as
291 well as by many members of this committee. The problems and
292 failures in our Nation's music laws have imposed real
293 financial costs upon artists and creators. Music is no
294 longer written on piano rolls, and our laws should not be
295 based on that technology any longer either.

296 Several years ago, this committee began a comprehensive
297 review of our Nation's copyright laws. We held dozens of
298 hearings, heard from over a hundred witnesses, and traveled
299 to multiple cities across the country to hear directly from
300 stakeholders who use these laws. This review provided the
301 foundation upon which several bills to reform our copyright
302 laws were constructed.

303 During the course of this review, we learned that our
304 music licensing laws were no longer working as intended for
305 songwriters, artists, and creators, or for the companies
306 that deliver the music in innovative ways for consumers.

307 Specifically, we have heard about several key problems,
308 including a dysfunctional mechanical licensing system that

309 seems to generate more paperwork and attorney's fees than
310 royalties; a need to provide protection for pre-1972
311 performances; a lack of recognition in the law for the
312 creative input of producers, sound engineers, and mixers;
313 and a lack of a unified rate standard for music royalties.

314 This committee regularly hears from a variety of groups
315 interested in copyright law, and it will not surprise anyone
316 to know that, typically, not everyone agrees regarding what
317 changes to title 17 are necessary. One person's problem may
318 be another's benefit. And some have preferred a broken
319 system over an unknown change.

320 However, in a reflection of how bad our music statutes
321 are, the opposite is true. Every party that has spoken
322 about music recognizes the problems caused by our current
323 licensing framework and want real solutions. The existing
324 music provisions of title 17 are simply that bad.

325 I tasked the industry to come together with a unified
326 reform bill. And to their credit, they delivered, albeit
327 with an occasional bump along the way. Today, the major
328 players in the music industry are unified in supporting
329 comprehensive music licensing reform to bring the state of
330 our Nation's copyright laws into the digital age that the
331 industry itself has already transitioned to.

332 While no bill is perfect, by all accounts, this is a
333 bill with overwhelming consensus behind it. Groups that

334 represent songwriters, musical works copyright owners,
335 digital music providers, individual artists, sound recording
336 copyright owners, artist guilds, and performing rights'
337 organizations all support the bill.

338 The reason for such widespread support are clear. The
339 Music Modernization Act boosts payments for copyright owners
340 and artists by shifting the reasonable costs of a new,
341 mechanical licensing collective onto digital music services,
342 who themselves benefit from reduced litigation costs as a
343 result of other provisions in the bill. Songwriters gain a
344 seat at the table in seeing how their royalties are
345 collected and then allocated.

346 Pre-1972 artists who currently go unpaid will finally
347 see royalties for their creations, as will sound engineers,
348 mixers, and producers. The public benefits, too, by having
349 immediate access to all music on their favorite services.
350 Furthermore, libraries and archives gain educational and
351 fair use access to pre-1972 works currently governed under
352 State law.

353 This bill is the work product of many stakeholders and
354 members of this committee. I want to highlight the work of
355 several of my colleagues, including the ranking member, who
356 were leaders in working on the underlying components of this
357 bill.

358 First and foremost, I want to thank Mr. Collins and Mr.

359 Jeffries for their leadership on Section 115 reform. I know
360 how many hundreds of hours of work they and their staffs put
361 into this legislation. I would like to thank Mr. Issa and
362 Mr. Nadler for their leadership on behalf of pre-1972
363 performers. Although not members of this committee, I would
364 also like to thank Mr. Crowley and Mr. Rooney for their
365 efforts on behalf of producers, mixers, and sound engineers.

366 And last but not least, I would like to thank Ranking
367 Member Nadler for his leadership on these issues and for his
368 willingness to partner with me in putting these pieces
369 together into a comprehensive and consensus music licensing
370 reform package.

371 Sometimes big pieces of legislation can come together
372 only through the efforts of a large number of people who
373 invest their time in making change happen, as so many
374 members of this committee and so many stakeholders in the
375 music and digital delivery communities have done. In fact,
376 in only 1 week from today, Grammys on the Hill will bring
377 hundreds of artists to D.C. to explain to their own member
378 of Congress how important an updated licensing system is to
379 them. By passing the Music Modernization Act out of
380 committee today, the next stop is the House floor.

381 So we will certainly give them plenty to talk about,
382 and I urge my colleagues to support this important bill.

383 It is now my pleasure to recognize the ranking member

384 of the committee, the gentleman from New York, Mr. Nadler,
385 who has worked so hard on this effort.

386 [The prepared statement of Chairman Goodlatte follows:]

387 ***** COMMITTEE INSERT *****

388 Mr. Nadler. Thank you, Mr. Chairman. I am very
389 pleased to partner with you, Mr. Chairman, on the Music
390 Modernization Act. This comprehensive bill is comprised of
391 several measures intended to resolve long-standing
392 inequities and inefficiencies in the music marketplace.
393 Many thought this day might never come.

394 It has been 5 years since the Judiciary Committee,
395 under Chairman Goodlatte's leadership, launched its
396 comprehensive review of the Copyright Act. After holding
397 numerous hearings, meetings, and roundtables, as well as
398 considering various initiatives that I and other committee
399 colleagues offered, we have finally come together in support
400 of a common music policy agenda.

401 It is no small achievement that we have been able to
402 resolve some very complex and sensitive issues to get to
403 this point today. The bill we consider today is a
404 combination of bills introduced by me and by others in this
405 committee to address both sound recording and musical works.
406 To address a number of issues governing the licensing of
407 musical records, the package includes the Music
408 Modernization Act, H.R. 4706, introduced by Mr. Collins and
409 Mr. Jeffries.

410 That measure significantly reforms section 115 of the
411 Copyright Act. For the first time, it would create a
412 blanket license for mechanical reproduction royalties

413 administered by a single entity, which will help ensure
414 proper payments to songwriters and publishers.

415 This new entity, the Mechanical Licensing Collective,
416 or MLC -- for those who like initials -- would be paid for
417 by the licensees, and it would create a database of
418 ownership information, which will increase transparency and
419 help identify music creators owed royalties. Importantly,
420 this new system will end the flawed notice of intent
421 process, which allows streaming services to play music
422 without paying royalties for the musical work.

423 The bill also establishes a fair market rate standard
424 for musical compositions under Section 115, and it repeals
425 section 114(i), which prohibits rate-court judges from
426 considering sound recording royalty rates as evidence when
427 setting performance royalty rates for songwriters and
428 composers. In addition, it would require judges to be
429 randomly assigned for ASCAP and BMI rate-setting proceedings
430 in the Southern District of New York.

431 A number of new provisions have been added to this
432 version of the bill. Notably, the new Mechanical Licensing
433 Collective will have to make public an annual report
434 regarding how the collective operates and how royalties are
435 collected and distributed. And the bill now clarifies that
436 at the conclusion of the collective's dispute resolution
437 process, an aggrieved party can bring a claim in Federal

438 District court.

439 Over the last few years, I have introduced the
440 bipartisan Fair Play, Fair Pay Act, H.R. 1836, to create a
441 uniform system for sound recordings. That levels the
442 playing field for all radio services and ensures fair
443 payment for all artists, regardless of when the music was
444 recorded or where it is played. Three of the four major
445 provisions of that measure are included in some form in the
446 bill before us today.

447 First, the bill includes the CLASSICS Act, H.R. 3301,
448 an updated pre-1972 provision introduced by Chairman Issa
449 and myself. This bill resolves the long-standing dispute
450 over payment to legacy artists for pre-1972 works played on
451 digital radio platforms. It treats sound recordings made
452 before and after 1972 the same, bringing them into the
453 Federal copyright system, with 50 percent of the royalties
454 going directly to the artist through sound exchange.

455 Likewise, the bill applies the same limitations for
456 fair use, archiving, and presentation. The TEACH Act and
457 those applicable under Section 230 of the Communications
458 Decency Act and Section 521 of the Digital Millennium
459 Copyright Act.

460 For too long, many of our Nation's great cultural icons
461 have been unfairly denied compensation. That is why this
462 measure is supported by the NAACP and by more than 300 major

463 artists, and I applaud digital services like Pandora for
464 working so closely with us to correct this injustice.

465 The bill also establishes a uniform rate standard for
466 digital public performance royalties. Internet radio would
467 continue to pay fair market value, but now its competitors
468 would too, as satellite radio would no longer be granted a
469 below-market rate.

470 And the bill simplifies the allocation of royalty
471 payments to producers and engineers, similar to the AMP Act,
472 H.R. 831, introduced by our colleagues, Mr. Crowley and Mr.
473 Rooney. Not only does this create efficiencies for artists,
474 it recognizes in Federal copyright law the important
475 contributions of producers and engineers to the creation of
476 music.

477 Not included in this bill, unfortunately, is the
478 creation of a terrestrial right, but this is solely a result
479 of timing. Under our direction, the National Association of
480 Broadcasters and the Music First Coalition are engaged in
481 discussions on this issue. We do not want to wait and
482 potentially lose the opportunity to resolve some other
483 timely issues, but we are confident that the parties will
484 continue to negotiate in good faith toward a solution that
485 benefits both sides.

486 We are at a unique moment in time when major
487 stakeholders on both sides prefer a Federal solution to many

488 of these issues than the status quo. Because of
489 inadequacies and loopholes in the law, there has been
490 litigation in Federal and State courts on a variety of
491 fronts with mixed results.

492 This has put music creators' rights at risk and caused
493 uncertainty for digital streaming services. It is in
494 everyone's interest to come together to finally make some
495 improvements to the Copyright Act.

496 And that is why today's bill is supported by a broad
497 coalition that includes -- but is certainly not limited to --
498 - the Internet Association, SAG/AFTRA, and AFM, the National
499 Music Publishers Association, the Recording Industry
500 Association of America, the Recording Academy, National
501 Songwriters Association International, ASCAP and BMI, C3, A2
502 21M, Songwriters Guild of America, Songwriters of North
503 America, Sound Exchange, and the Digital Media Association
504 and its member companies, such as Pandora, Spotify, and
505 Amazon.

506 This is an unprecedented level of consensus that
507 hopefully marks a new era of collaboration. Like any
508 compromise, this bill is not perfect. But it is a major
509 improvement over current law. We are about to accomplish
510 something that has not been done in decades. And I
511 congratulate all of the parties for coming together.

512 Mr. Collins deserves a tremendous amount of credit, as

513 does Chairman Goodlatte, Chairman Issa, Mr. Jeffries, Mr.
514 Deutch, and all of the members who have worked so hard to
515 get us to this point. I look forward to continue working
516 with my colleagues to improve and advance this bill through
517 the process and enact it into law.

518 I urge all of my colleagues to support the Music
519 Modernization Act, and I yield back the balance of my time.

520 [The prepared statement of Mr. Nadler follows:]

521 ***** COMMITTEE INSERT *****

522 Chairman Goodlatte. Thank you, Mr. Nadler. I would
523 now like to recognize the vice chairman of the Subcommittee
524 on Courts, Intellectual Property, and the Internet, the
525 gentleman from Georgia, Mr. Collins -- who has made such a
526 tremendous contribution to this effort -- for his opening
527 statement.

528 Mr. Collins. Thank you, Mr. Chairman. Well, it has
529 been a long time coming. For me, it goes back to a hope.
530 It goes back to a dream. It goes back to being able to do
531 what you love and to have it listened to and actually
532 rewarded, for that creative spark is within each of us.

533 It spans music, its spans generations, and it spans
534 everything. In fact, even when I was running this morning,
535 I had a song come in that took me back to a place that I had
536 not been in many years. This is more important than
537 business. It is more important than legislation, but today
538 we are legislating, and that is what is good about this
539 place.

540 For all that is written and all that is even going to
541 be written about today, with all of the intrigue of this
542 Hill -- at the end of the day, it is about legislating and
543 doing what is right. And for Mr. Chairman, I want to thank
544 you for your work. I want to thank the ranking member for
545 his work in bringing this hearing and bringing us together.

546 The Music Modernization Act is critically important to

547 updating our outdated and inefficient music licensing
548 system. I introduced the original bill by the same name
549 after years of judiciary hearings, dozens -- if not hundreds
550 -- of meetings, and advice from Copyright Office.

551 With the partnership of Mr. Jeffries, Senator Hatch,
552 Senator Alexander, and others, we were able to craft
553 legislation that truly takes strides for songwriters and the
554 entire music ecosystem.

555 The bill represents unprecedented consensus. Groups
556 that have not been able to agree in decades some together to
557 make these improvements for the benefit of music creators,
558 users, and lovers, and the bill builds on the reforms
559 proposed by Chairman Smith more than 10 years ago, when he
560 had the foresight to see that our music licensing laws were
561 not reflective of today's realities.

562 I was sitting here today, and as I came up, I looked at
563 this package of support and all of the groups. There were
564 50 groups and over 25,000 songwriters. And I thought to
565 myself, just laughing inside -- because I can remember when
566 I first met with some of these groups. We could not meet in
567 the same room without having serious issues of life and
568 consequence. But when you take the time to listen to each
569 other, when you take the time to still believe that this is
570 a great place, and that legislating can happen, that is
571 truly a creative spark in and of itself.

572 I got into the music licensing issues after years of
573 hearing from songwriters just how skewed the current system
574 is. I introduced the Songwriter Equity Act the last two
575 congresses and incorporated provisions of that bill into the
576 Music Modernization Act to ensure songwriters were
577 compensated more fairly for the use of their works.

578 This bill is a testament to the advocacy of songwriters
579 and the importance of their voices. It is also a clear
580 illustration of bipartisanship at its best. Mr. Jeffries
581 and I worked side by side, and digital companies, and
582 songwriters, and publishers bridged their own kind of
583 partisan divide and also came together to make this a
584 reality. Congressman Jeffries, thank you. You have shown,
585 and this has shown how we can truly work together.

586 The committee product provides and combines the bills
587 with the CLASSICS Act, the AMP Act, and the rate
588 standardization provision as a testament to the work of not
589 only the members I have mentioned above, but also to your
590 work, and the work of Ranking Member Nadler, Mr. Issa, Mr.
591 Crowley, and Mr. Rooney.

592 For those who have gotten to know me -- and many in
593 this room -- that I am looking at now at a full hearing on
594 copyright, you know this has become more than just a passing
595 fancy for me. It has become something that means a great
596 deal to me because as a trooper's kid from North Georgia,

597 the radio and books were my ticket to the world. It showed
598 me places. It took me places, and still, to this day, shows
599 me a better world. A turn of a phrase, and maybe just
600 another brighter day. In moments of doubt, it gives me
601 hope. In moments of sadness, it gives me joy. In moments
602 of joy, sometimes, it reminds me of sadness to keep me
603 grounded.

604 And for the folks who have come together to work on
605 this bill, I want to thank so many of these groups. And
606 there is literally a whole page-and-a-half here. But NMPA,
607 DiMA, ASCAP, BMI, Sona, NASI, Songwriters Guild, RIAA
608 Recording Academy, and many others, thank you for your help.

609 But Mr. Chairman, there are many times that members are
610 unduly thanked and, also, frankly, sometimes unduly
611 criticized. But there is one thing true about this bill. I
612 have a personal office that I believe truly is my family,
613 extended. And over the past year, after taking the
614 challenge of coming together, we did that for the past few
615 years -- and especially this last year. I do not know,
616 amazingly, how we got other bills passed, which we have.
617 But my legislative director, Sally Rose; my chief-of-staff,
618 Brendan have put over probably 1,000 hours into a single
619 piece of legislation.

620 They have worked with other offices. They have went
621 with places. They have listened to hearings. They have

622 listened to everybody. They would call me in when I needed
623 to come in, and I sat through hours, and we moved it on.
624 But to the two of them, and to a community sitting behind
625 you, words are not enough. So, I just want to say thank you
626 to the two of you for keeping this going.

627 And for those of you sitting in this audience, dreams
628 can come true. Hope is still alive when we come together
629 and listen to each other. For the rest of the world, this
630 may not seem like a big deal.

631 But as I said, from that dais down there, just a little
632 while back -- a few years ago -- if we look for an answer
633 for 10 to 15 years out, there are going to be people
634 listening to music -- new music -- and songs that will
635 change their life because of what this committee and what
636 you have done today. With that, Mr. Chairman, I yield back.

637 [The prepared statement of Mr. Collins follows:]

638 ***** COMMITTEE INSERT *****

639 Chairman Goodlatte. I thank the gentleman very much,
640 and I would now like to recognize Mr. Jeffries of New York
641 for his opening statement.

642 Mr. Jeffries. Let me first just thank Chairman
643 Goodlatte and Ranking Member Nadler for your incredibly
644 important leadership in bringing us together and allowing us
645 to arrive at this moment, in terms of the compilation of
646 incredibly important bills that will be before this
647 committee on today.

648 I also want to thank my good friend, Doug Collins, for
649 his friendship, for his partnership, and for his
650 extraordinary leadership in connection with this effort. It
651 is an effort that began, initially, with the Songwriter
652 Equity Act, years ago -- an effort that involved working on
653 115 reform, an effort that ultimately resulted in the
654 introduction of the Music Modernization Act last year. No
655 singular person did more to bring all that together than my
656 good friend Representative Collins, and I am thankful for
657 that relationship that has been developed.

658 It proves, in an era of chaos, crisis, and confusion,
659 dysfunction -- and certainly, we have issues that we have
660 got to work out -- that when you bring together a coalition
661 of what I like to call "the unusual suspects," people on the
662 left and people on the right, a Conservative from rural
663 Georgia, a Progressive Democrat from the People's Republic

664 of Brooklyn. When you bring together a coalition of the
665 unusual suspects, things under this capital dome can get
666 done. And music is an incredibly important thing for us to
667 work on. It is perhaps the most powerful medium of
668 communication in the world.

669 Music, when you think about it, is really a soundtrack
670 for the lives of all Americans, for the lives of people all
671 across the world, because it is music that will mark moments
672 of love. It is music that will mark moments of loss. It is
673 music that will mark of moments of living life to its
674 fullest. And it is music, of course, that brings people
675 together -- regardless of race, regardless of region,
676 regardless of religion, regardless of party affiliation.

677 Music and the brilliant creators throughout the entire
678 ecosystem -- who have been involved in this legislative
679 process, who have come together as an industry and then
680 reached out beyond your industry to come together with
681 leaders in the digital space, and with the positive
682 involvement of the broadcasters to arrive at this moment.

683 And so, I am thankful to have played some modest part
684 in what really is an effort that was collective across every
685 spectrum within this Congress and outside of this Congress.

686 I appreciate, again, the leadership of Chairman
687 Goodlatte, the leadership of Jerry Nadler, certainly the
688 leadership of Doug Collins, and look forward to moving this

689 bill out of committee onto the floor, and ultimately getting
690 it to 1600 Pennsylvania Avenue so it can be signed into law.
691 I yield back.

692 [The prepared statement of Mr. Jeffries follows:]

693 ***** COMMITTEE INSERT *****

694 Chairman Goodlatte. Thank you, Mr. Jeffries. I would
695 now like to recognize the chairman of the Subcommittee on
696 Courts, Intellectual Property, and the Internet, Mr. Issa of
697 California, for his opening statement.

698 Mr. Issa. Thank you, Mr. Chairman. And since so many
699 have said so much so well, I will be brief. I would like to
700 thank Ranking Member Nadler for being an instrumental
701 partner in so many parts of this bill, but particularly in
702 the case of the CLASSICS -- as we call it -- Act. No part
703 could seem more unfair than the date of a copyright making
704 all the difference in the world about whether or not you
705 actually have rights that were enshrined in the Constitution
706 able to be enforced.

707 So, Mr. Chairman, I want to take just a point of
708 personal privilege and thank you for bringing together what
709 you said, quite accurately, are a lot of individual members
710 on both sides of the aisles. Hard work -- but that hard
711 work would not have been fruitful if you had not, for years,
712 dragged us all over the country from one listening session
713 to another, into this room for one hearing after another --
714 from which each of these pieces of legislation matured. And
715 so, you know, once in every couple of decades, a piece of
716 legislation like this comes to the committee and is reported
717 successful out.

718 And I do not want to jinx anything, but it looks like

719 | this could be one of those once in every couple of decades'
720 | events, and we owe it all to you. So, Mr. Chairman, thank
721 | you. Mr. Nadler, you know, you know you are ranking member
722 | because of the CLASSICS Act, you know? When we started
723 | this, you were just a subcommittee. But you know, you do
724 | the right thing, you get promoted around here. And with
725 | that, I yield back.

726 | [The prepared statement of Mr. Issa follows:]

727 | ***** COMMITTEE INSERT *****

728 Chairman Goodlatte. The chair thanks the gentleman,
729 even for his overstatement of my involvement. But I do want
730 to say to everyone in this room that there are people here
731 in this audience that I have known for many, many years, and
732 people on both sides -- sitting on the sides and behind me -
733 - staff members who have made a tremendous contribution to
734 this.

735 Mr. Issa. Chairman, they are out in the hallway. This
736 thing is backed up a long way.

737 Chairman Goodlatte. I thank the gentleman for his
738 remarks. This is a collective effort of a lot of people.
739 But I thank him.

740 And I also want to recognize the ranking member of the
741 Subcommittee on Courts, Intellectual Property, and Internet,
742 the gentleman from Georgia, Mr. Johnson, for his opening
743 statement.

744 Mr. Johnson of Georgia. Thank you, Mr. Chairman. This
745 is indeed legacy legislation. It is a legacy
746 accomplishment. I want to congratulate Congressman
747 Goodlatte, Congressman Nadler, Congressman Collins,
748 Congressman Jeffries, Congressman Issa, as well as
749 Congressman Crowley and Rooney for this legislation. I am
750 proud to join as a cosponsor and support the Music
751 Modernization Act. This bill is long overdue, and I am
752 happy that the bill update key provisions of U.S. copyright

753 law for music licensing. This is a tremendous effort, and I
754 look forward to continuing to work with all interested
755 parties to make these changes to the copyright law.

756 These updates to copyright law are critical because the
757 royalty system has not kept up with changes that have
758 occurred in the digital age. One thing that became clear as
759 we reviewed music licensing issues is that the laws needed
760 to be updated. A number of bills have been previously
761 introduced to get us to this point today, and now we are
762 taking the next step to markup this bill, which combines
763 aspects of previous bills and will be a significant update
764 to the music licensing law.

765 This bill will reform Section 115 of the Copyright Act
766 by improving how songwriters are paid and establishing a
767 collective to over blanket licenses to streaming services
768 for mechanical rights. I am pleased that the bill includes
769 provisions to provide compensation for pre-1972 legacy
770 artist and ensures that record producers, sound engineers,
771 and other creative professionals receive compensation for
772 their work. And by the way, the stakeholders who represent
773 all of the crafts that are involved in music: I want to
774 congratulate you all also for your contribution to this
775 legislation.

776 During our hearings about music licensing over the
777 years, we have heard from many artists that, most recently,

778 at our field hearing in New York, we heard from Dionne
779 Warwick about the importance of compensating legacy artists.
780 An important part of this bill would benefit artists and
781 music creators who recorded music before 1972 by
782 establishing royalty payments whenever their music is played
783 on digital radio. Currently, only sound recordings made
784 after 1972 receive payments from digital radio services
785 under Federal law. As Mrs. Warwick noted at the hearing,
786 this is just not right and it needs to be fixed.

787 I am also happy that this bill includes language to
788 benefit producers. The role of producers is often not
789 understood by the general public, but their role is critical
790 to bringing recordings to life. This bill would, for the
791 first time, add producers and engineers -- who play an
792 important role in the creation of sound recordings -- to the
793 U.S. copyright law. The bill provides producers a right to
794 collect digital royalties and provides a process for studio
795 professionals to receive royalties for their contributions
796 to the creation of music.

797 This legislation is supported by music organizations
798 representing U.S. music publishers, record labels,
799 songwriters, composers, artists, and performance rights
800 organizations. I am glad we have gotten to this point where
801 interested music groups have come together to support this
802 bill. And I urge all of my colleagues to vote for this

803 bill. Again, I want to recognize the hard work and
804 dedication of the people who sponsored this legislation and
805 worked hard to bring it to this point. And I yield back the
806 balance of my time.

807 [The prepared statement of Mr. Johnson of Georgia
808 follows:]

809 ***** COMMITTEE INSERT *****

810 Chairman Goodlatte. The chair thanks the gentleman.
811 Are there any amendments to H.R. 5447? For what purpose
812 does the gentleman from Texas seek recognition?

813 Mr. Smith. Thank you, Mr. Chairman. I just simply
814 want to say I think this markup is a rare opportunity for us
815 -- as individuals and as a committee. Those of us who have
816 worked on copyright legislation over the years know how
817 difficult it is to advance substantive changes to copyright
818 laws, and this is especially true with music licensing laws.
819 Music licensing legislation requires the broad bipartisan
820 support of members and a consensus among stakeholders to win
821 approval. That is exactly what we had today with the Music
822 Modernization Act.

823 Mr. Chairman, I want to thank you and all the efforts
824 you have made to get to this point today. And I also want
825 to thank my colleagues and the stakeholders, who have been
826 so involved for so many years as well in negotiating this
827 final product. Finally, a reminder to my colleagues that it
828 is not too late to cosponsor this legislation if they want
829 to do so.

830 With that, Mr. Chairman, I will yield back. And again,
831 thank you for all your efforts.

832 Chairman Goodlatte. The chair thanks the gentleman.
833 For what purpose does the gentleman from Rhode Island seek
834 recognition?

835 Mr. Cicilline. Mr. Chairman, move to strike the last
836 word.

837 Chairman Goodlatte. The gentleman is recognized.

838 Mr. Cicilline. Mr. Chairman, I want to begin by
839 thanking you and Ranking Member Nadler, Congressman Issa,
840 Mr. Collins, Mr. Deutch, and of course Mr. Jeffries for your
841 leadership on this important bill. It is a rare moment that
842 we have a Judiciary Committee where we have worked together
843 so well in a bipartisan way to produce such a good product
844 on behalf of the American people. I want to thank everyone
845 who has been part of this effort. Thank you for bringing
846 this bill to the floor.

847 I know many people in the audience have worked on this
848 bill for a very long time, and I think there were moments
849 where everyone wondered, "Is it ever going to actually
850 happen?" But I think what today's markup proves is that the
851 time that was invested in the determination and the
852 willingness of people in the industry to work together to
853 produce a product that will ensure that the music continues
854 and that our hearts can continue to sing because of the
855 production of great music was well worth the effort.

856 This bill provides effective and fair royalty payment
857 directives. It recognizes and properly rewards our
858 country's legacy artists. It provides for fair outcomes for
859 songwriters and composers, and it reflects the hard work,

860 and the commitment, and the determination of the entire
861 music industry and its digital service providers. And very
862 importantly, it benefits our constituents and the people of
863 this country, and the people of the world who benefit from
864 the production and sharing of beautiful music.

865 And so, today really represents the culmination of a
866 lot of hard work. And I really want to say thank you to my
867 colleagues on the committee. Thank you to the
868 representatives of the industry who are here. Because of
869 you, the music will continue to play and our hearts will
870 continue to dance.

871 And as Mr. Jeffries said, we should use this moment to
872 think about -- the real power of music is that it brings
873 people together with very different views, very different
874 political ideologies, very different ethnic and religious
875 backgrounds, to recognize their common humanity.

876 And I hope the enactment of this bill will be the
877 beginning of some recognition of our common humanity to work
878 together on behalf of the American people and the world.
879 So, with that, I say vote for this bill. I am proud to be a
880 cosponsor. And I yield back.

881 Chairman Goodlatte. The chair thanks the gentleman.
882 For what purpose does the gentleman from Texas, Mr. Poe,
883 seek recognition?

884 Mr. Poe. Mr. Chairman, I move to strike the last word.

885 Chairman Goodlatte. The gentleman is recognized.

886 Mr. Poe. Thank you, Mr. Chairman. In theory, I think
887 that government should be out of this whole situation. As a
888 former judge, I would have liked to have seen the parties
889 come in a room, and the door is locked, until they get a
890 verdict -- like with trials that I have tried for 22 years.
891 But in reality, government is involved. And so, because of
892 that -- Mr. Chairman, I will vote for the legislation. I
893 know you are giving me that puzzled look.

894 I am in favor of the legislation, because everybody
895 basically kind of agrees on that. Not totally, but mostly.
896 And it will ensure for me personally that I will get to hear
897 Waylon Jennings and Willie Nelson -- "Blue Eyes Crying in
898 the Rain." And that is the bottom line, Mr. Chairman. And
899 so, I support the legislation, and it is great that we all
900 agree on that. Maybe we should re-evaluate our position.
901 But anyway, thank you, Mr. Chairman. I yield back.

902 Chairman Goodlatte. Would the gentleman yield?

903 Mr. Poe. Yes, sir.

904 Chairman Goodlatte. I thank the gentleman for
905 yielding. I just was amused by the gentleman's comment. If
906 you were me, or Mr. Collins, or Mr. Nadler, or Mr. Jeffries,
907 you would feel like you have been locked in a room for a
908 long time to get to this point right now. And some of these
909 people here with us today, I think, have that same feeling.

910 But thank you.

911 Mr. Poe. Amen.

912 Chairman Goodlatte. For what purpose does the
913 gentlewoman from California seek recognition?

914 Ms. Lofgren. To strike the last word.

915 Chairman Goodlatte. The gentlewoman is recognized for
916 5 minutes.

917 Ms. Lofgren. Mr. Chairman, I do support this bill and
918 look forward to voting for it. I did want to raise two
919 issues, however, in the hopes that, in the future, we can
920 address them, because we were not able to. Actually, just
921 one issue.

922 Title 2 of the bill tackles an important problem, which
923 is that legacy artists should be fairly compensated for the
924 use of their works. However, it falls short, in terms of
925 full federalization, which the Copyright Office also agrees
926 with. And in an important way, this bill does not go 100
927 percent of where it should go, which is to provide
928 termination rights for the legacy artists.

929 Termination allows artists, after a period of time, to
930 recall the full rights to their creation, regardless of any
931 contract to the contrary. This right was given to all
932 artists except for the legacy recording artists being
933 discussed today.

934 And I do think, having met with -- over the years -- a

935 number of people and groups who were caught into really
936 abusive contracts when they were young, and then, you know,
937 now they hit it big, but they are still stuck with that old
938 contract. And I think the ability to terminate and
939 renegotiate is an important one. I am going to support this
940 bill, even though this is not included. But I did want to
941 raise the issue, because I think it is important. And
942 maybe, at some point, we will deal with that.

943 I also wanted to mention that the Justice Department's
944 antitrust division recently completed a multiyear review of
945 the ASCAP and BMI consent decrees and concluded -- and this
946 is a quote -- "The current system has well-served music
947 creators and music users for decades and should remain
948 intact." Now, I understand that the antitrust division just
949 -- I think less than 2 years later -- is now looking to
950 whether they should re-re-re-review these two consent
951 decrees.

952 And I think it is important to note that this bill, the
953 Music Modernization Act, does not tamper with these consent
954 decrees. And without the consent decrees, ASCAP and BMI, as
955 aggregators of performance rights, who could wield enormous
956 market power, certainly would not survive the scrutiny under
957 section 1 of the Sherman Act. So, I think to the extent
958 that we are able to give a communication to DOJ on this
959 important matter, we should let them know, "Do not mess this

960 up."

961 With that, Mr. Chairman, I really want to thank you and
962 Mr. Nadler, and all of the others who worked on this
963 contentious problem. It may not be an issue of war and
964 peace, but it is important to the country and to the artists
965 involved, and to music listeners. It is not easy to come up
966 with a bill that people can have consensus on and move
967 forward. So I do give you tremendous credit and thanks for
968 that. And I look forward to voting for this and yield back
969 the balance of my time.

970 Chairman Goodlatte. The chair thanks the gentlewoman.
971 For what purpose does gentleman from Pennsylvania, Mr.
972 Marino, seek recognition?

973 Mr. Marino. Strike last word.

974 Chairman Goodlatte. Gentleman is recognized.

975 Mr. Marino. Thank you, Chairman. First of all, I want
976 to thank everyone involved. But the late great Howard Coble
977 trained me when I was vice chair of intellectual property.
978 And I do miss him, but I learned a great deal from him and
979 we were addressing issues like this back then. But what
980 sticks out in my mind is -- now I am a Motown guy, I love
981 Motown music. You know, Gladys Knight, James Brown, The
982 Temptations, The Four Tops. I can go on and on. But one of
983 the highlights of my life here as a congressman, and you
984 will recall, when you are at a wedding or at a party and

985 nobody's on the dance floor, the moment they put a Motown
986 song on, everybody's out there. My 84-year-old mother was
987 out there. My 16-year-old nephew was out there.

988 But I had the opportunity to meet with Otis Redding's
989 daughter, I think it was. Otis Redding wrote "Sitting on
990 the Dock of the Bay." It was a hit after he passed, a well-
991 deserved hit. His family received no money because of the
992 legislation. And then, in the same room was Martha Reeves
993 of Martha and the Vandellas. And I got an opportunity to
994 sing a little part of her song and actually dance with her
995 in my office. So, this is long time coming and as a Motown
996 guy still today, I want to thank everyone for what they have
997 done. And with that, I yield back.

998 Chairman Goodlatte. Would the gentleman yield?

999 Mr. Marino. Yes, sir.

1000 Chairman Goodlatte. I thank the gentleman,
1001 particularly for remembering for all of us our dear friend
1002 Howard Coble. We wish he were here with us today, but his
1003 enthusiasm for copyright law is well-known to people here
1004 and elsewhere. And I thank you for thinking of him. I also
1005 want to mention, we have talked about our staff. I want to
1006 mention that 5 and a half years ago, or almost 5 and a half
1007 years ago I hired Joe Keeley, the chief counsel of the
1008 subcommittee. And he has worked diligently. All those
1009 hearings that we inflicted on so many people all over the

1010 country and here, Joe organized each and every one of those
1011 and has been instrumental in pulling all this work together.
1012 So I want to thank him as well.

1013 For what purpose does the gentlewoman from Texas seek
1014 recognition?

1015 Ms. Jackson Lee. To strike the last word.

1016 Chairman Goodlatte. The gentlewoman is recognized.

1017 Ms. Jackson Lee. The first point that I will make is
1018 that it is an easing sound of good music that I hear today
1019 coming out of the Judiciary Committee. And let no one say
1020 that we cannot, in a bipartisan manner, musically fix a very
1021 important and crucial part of the American economy.

1022 I think this is a point that we in judiciary sometimes
1023 do not reflect on as much as we should. Much of the work
1024 that we do does have an effect on the American economy and
1025 even the psychic, if you will, of the American people. My
1026 good friend mentioned his affinity for Motown and I would
1027 argue that he would have to get in line for the number of
1028 Americans who have an affinity for Motown or for music
1029 period.

1030 Last evening, I had the privilege of introducing the
1031 Fort Worth Symphony Orchestra at the Kennedy Center. Music
1032 in all of its phases is part of the economic engine of this
1033 Nation. And the artists, songwriters, publishers are all
1034 components of it. So let me thank the authors of the

1035 legislation, gentleman from Georgia, the gentleman from New
1036 York, our ranking member, Mr. Nadler, Chairman Mr.
1037 Goodlatte, Mr. Issa, Mr. Johnson, our previous ranking
1038 member who worked very hard on these efforts.

1039 These are exemplary efforts exhibited by the music
1040 industry in this instance, with the goal of solving problems
1041 and addressing a wide variety of stakeholder concerns. The
1042 need for this legislation is clear. Much of the current
1043 licensing system was established in analog, nondigital,
1044 physical recordings, song-by-song era using compulsory
1045 licenses first established in 1909.

1046 I think every city wants to claim that it is a music
1047 city. I have claimed that Houston Texas is the gospel
1048 capital of the world. Austin debates us all the time that
1049 they are the music city of the world. And I would argue
1050 that Texas, there is no better music than Texas. And of
1051 course, other States and cities will argue quite the
1052 contrary.

1053 But artists who recorded works prior to 1972 did not
1054 receive any digital performance royalties under Federal law
1055 and current statute does not ensure that nonrecording
1056 artists such as producers, sound engineers, mixers receive
1057 revenue from webcasts of their work. We know there is a
1058 patchwork of rules that govern the industry. But the good
1059 news in this legislation is that Congress is fulfilling its

1060 duty to provide order and guidance to a faulty program
1061 currently in place.

1062 We are looked upon as an innovative Nation. There is
1063 no place in the world that you can go where you will not
1064 hear the music from the United States of America. Probably
1065 some people would be confused and think that The Beatles
1066 came from the United States of America except for, of
1067 course, Great Britain saying otherwise.

1068 Congress significantly amended the act in 1995, when I
1069 first came to Congress with the Digital Performance Write
1070 Right in Sound Recordings Act, in 1998 the Digital
1071 Millennium Copyright Act. But what we are doing here today
1072 is very important. First, a proposition that is supported
1073 by both the majority of song writers and publishers, two
1074 groups that have rarely ever agreed. It is a great effort
1075 that results with respect to the consensus created against
1076 groups who are more comfortable suing each other.

1077 That is why I am saying there is a harmonious sound
1078 coming. And I want to congratulate the industry persons.
1079 And I want them to continue to work with us on a number of
1080 issues. It modernizes the process and brings music and
1081 licensing into the 21st century. Instead of bulk notice of
1082 intentions, the tree-killing process of sending actual
1083 physical letters of intent to each publisher for each share
1084 of each song, licensing will be done electronically.

1085 Third, it puts the unclaimed royalties in the hands of
1086 content community rather than sitting with the digital
1087 service providers. I really think that is crucial. Content
1088 is the basis of our music and what we admire, and what we
1089 are either comforted by, or joyfully dance to, or just
1090 listen as we are on the Nation's highways and byways.

1091 Fourth, it finally creates a database that everyone can
1092 agree on. Among other things, confidence will grow in the
1093 markets and boost the economy. And so, I believe that what
1094 we have created in the Music Modernization Act creates a
1095 formalized body run by publishers that administers the
1096 mechanical licenses of a composition streamed on services
1097 like Spotify, Apple Music. These companies are referred to.

1098 I want to just say, in conclusion, and I ask unanimous
1099 consent to put my entire statement into the record, Mr.
1100 Chairman.

1101 Chairman Goodlatte. Without objection.

1102 [The prepared statement of Ms. Jackson Lee follows:]

1103 ***** COMMITTEE INSERT *****

1104 Ms. Jackson Lee. But I want to say in conclusion, the
1105 evidentiary standard that this bill creates by which the
1106 performance rights organizations, American Society of
1107 Composers, Authors, and Publishers in Broadcast Music, can
1108 argue for better rates for performance of works on DSP, is
1109 something that I think will be extremely helpful.

1110 But I do want to indicate that I hope that we will,
1111 since many of the people who came to my office over the
1112 years, will look at those legendary artists, as Ms. Lofgren
1113 has indicated. And I know that the good minds in this
1114 committee will recognize their economic contributions as
1115 well.

1116 And then, I will talk to the authors of this bill for a
1117 perspective study that will analyze the impact of
1118 legislation and to give us guidance on whether we should go
1119 further and how we should go further. And maybe, in
1120 response to Mr. Collins, a little quicker than we have done
1121 before since we have developed this harmonious sound of
1122 beautiful music coming from the House Judiciary Committee.

1123 No matter what breaking news goes today, I think the
1124 headlines in The Wall Street Journal, The Washington Post,
1125 and The New York Times should indicate the bipartisan
1126 musical genius that has come from the House Judiciary
1127 Committee in H.R. 5447 that all of us have contributed to,
1128 the Music Modernization Act of 2018.

1129 Mr. Chairman and the ranking member, I hope you will
1130 write that story for those major newspapers. I yield back.

1131 Chairman Goodlatte. The chair thanks gentlewoman. For
1132 what purpose does gentleman from Tennessee seek recognition?

1133 Mr. Cohen. To strike the last word and continue on
1134 with this litany of thanks and good wishes and good will.

1135 Chairman Goodlatte. The gentleman is certainly
1136 recognized.

1137 Mr. Cohen. Thank you, Mr. Chairman. As the
1138 congressman from Memphis, which is the city of Elvis
1139 Presley, which John Lennon errantly said, "Before Elvis,
1140 there was nothing," because before Elvis there was Chuck
1141 Berry. There was Little Richard. And there was Sam
1142 Phillips, who made Elvis, a producer.

1143 Memphis is the city of Elvis, Graceland, where Paul
1144 Simon came and did Graceland. Even Warren Zevon came and
1145 did "Porcelain Monkeys" and a few other songs related to
1146 that. And it is also Stax Records, where Isaac Hayes did
1147 "Shaft. He is a bad hush your mouth." And Alex Chilton said
1148 worse at Arden Studios in starting punk rock and songs like
1149 that.

1150 So, Memphis has got a long history and we are proud of
1151 it. Sam and Dave, but a lot of music came out of Memphis.
1152 And this act will help a lot of the older entertainers who
1153 did work and have not been compensated as they should have

1154 been. Hopefully, we can get the radio work done one day
1155 where they get paid for broadcasting on the radio. It is
1156 not fair that they do not get paid. That should happen.

1157 So I want to thank everybody who has been thanked. And
1158 I want to thank everybody who has not been thanked. And all
1159 the members of the Academy, and my agent. And I yield back
1160 the balance of my time.

1161 Chairman Goodlatte. The chair thanks gentleman. For
1162 what purpose does gentleman from Florida, Mr. Deutch seek
1163 recognition?

1164 Mr. Deutch. I move to strike the last word.

1165 Chairman Goodlatte. The gentleman is recognized.

1166 Mr. Deutch. Thank you, Mr. Chairman. It is a pleasure
1167 to be at this point in House Judiciary Committee marking up
1168 these much-needed consensus reforms. And I, too, want to
1169 thank the chairman and ranking member, Congressman Collins,
1170 Jeffreys, Issa, Cohen, Crowley, and Rooney.

1171 These changes have been a long time coming. The spring
1172 of 2013 is ancient history in the music world. Bebe Rexha,
1173 Dua Lipa, Post Malone, Migos, and Cardi B -- all current
1174 chart toppers -- none of them had broken into the hot 100 in
1175 the spring of 2013. Taylor Swift, Prince, and Bob Seger
1176 were not yet on Spotify. But Congress moves at a slower
1177 pace than the music world.

1178 In the spring of 2013, the House Judiciary Committee

1179 had just announced its comprehensive review of U.S.
1180 copyright law and began to study the issues related to the
1181 new digital platforms that had proven the most difficult to
1182 resolve until that point.

1183 New technologies proved to be both a blessing and a
1184 curse. They have offered new ways to access content,
1185 convenient, omnipresent, and efficient streaming. They have
1186 also created new threats to copyrighted works, stolen tracks
1187 and peer-to-peer networks, dramatic losses in sales of
1188 physical albums, and a dangerous perception still by too
1189 many that creative content on the internet should be free.

1190 But the value in creative works as a property right
1191 that vests in their creators is one with roots in the
1192 Constitution. It is important for all us to remember. And
1193 it is beneficial not just to artists and other creators for
1194 Congress to strongly protect those rights.

1195 According to the International Intellectual Property
1196 Alliance, copyright industries add over \$2 trillion to the
1197 U.S. economy, accounting for over 11 percent of our GDP.
1198 And copyright industries employ over 11 million workers at
1199 wages that are more than 20 percent above the national
1200 average. To protect copyright, Congress must act as new
1201 technology presents new opportunities for distribution and
1202 access to creative works.

1203 All the music you can want, always in your pocket,

1204 wirelessly, freed from concerns about storage. This was
1205 unimaginable just 20 years ago. That is when the DMCA made
1206 the last major revisions to the copyright law. In that time
1207 technology companies and copyright owners have been engaged
1208 in legal battles as the rules of creative works online have
1209 been drafted, implemented, and interpreted. These battles,
1210 in an ever-changing landscape, have complicated Congress'
1211 ability to make additional changes to clarify and update the
1212 law.

1213 In the course of its more than 20 hearings in
1214 Washington and on our nationwide listening tour that
1215 included stops in Nashville and Los Angeles, Silicon Valley
1216 and New York, the Judiciary Committee has received comments
1217 from interested stakeholders and coalitions representing
1218 every aspect of the music industry and digital service
1219 providers.

1220 This would generally be the point where things break
1221 down. Consensus on copyright has been difficult to forge
1222 between the various interests represented in the content and
1223 tech communities. But we have consensus, and we are here
1224 today. Much of that consensus has been born out of true
1225 necessity, the technological demands of licensing tens of
1226 millions of songs on streaming services. And much of it has
1227 been born out of basic principles of fairness. Recording
1228 artists, songwriters, producers, and engineers deserve to be

1229 paid for their genius. Classic artists deserve to be paid
1230 for their classic music. And digital service providers
1231 deserve more certainty in their operations. And the current
1232 system is broken.

1233 As someone who cares so much about music and the
1234 incredible people who are part of making it, and who
1235 understands the importance of the intersection of technology
1236 and creative works that benefits all American music fans,
1237 Mr. Chairman, I want to tell you I feel privileged to be
1238 part of the process of modernizing our copyright laws.

1239 The new Music Modernization Act does not include
1240 everything that I have supported to bring fairness and 21st
1241 century sophistication to the copyright laws, but it does
1242 take significant steps toward meeting those goals. I am
1243 hopeful that the Music Modernization Act will ensure that we
1244 all continue to benefit from the amazing artists of today
1245 and yesterday, and that we all benefit from the innovative
1246 technologies that bring them into our lives.

1247 Again, I want to congratulate Congressman Collins,
1248 Congressman Jeffries, the chairman, and ranking member, and
1249 all who were so deeply involved in working on this issue.
1250 And with that, Mr. Chairman, I yield back.

1251 Chairman Goodlatte. Would the gentleman yield?

1252 Mr. Deutch. Certainly.

1253 Chairman Goodlatte. I thank the gentleman for

1254 yielding. He makes a very good point regarding the private
1255 property right protected in our Constitution for the
1256 creators of these works. And, you know this, which takes
1257 great strides to make sure that everyone in that creative
1258 community gets a better treatment in sharing the rewards of
1259 their creativity, helps to unify them in a way that I think
1260 will help further combat the problem of competing with free.
1261 So I think the gentleman makes a very good, I think.

1262 Mr. Deutch. Thank you, Mr. Chairman.

1263 Chairman Goodlatte. For what purpose does gentleman
1264 from California, Ms. Bass, seek recognition?

1265 Ms. Bass. I would like to strike the last word.

1266 Chairman Goodlatte. Gentlewoman is recognized.

1267 Ms. Bass. Let me join all of my colleagues in thanking
1268 the chairman and the ranking member, and the members on this
1269 committee that played a key role in bringing this
1270 legislation to us.

1271 As everybody says, you know, there is home to the music
1272 industry. Well, Los Angeles certainly is home to numerous
1273 music industry businesses. And I just wanted to take my
1274 time to really thank my constituents. Because what I
1275 learned in the course of this is that there are many
1276 constituents in my district who are songwriters, who are
1277 composers, who are music publishers.

1278 And they took the time over a number of years to really

1279 teach me about the industry and to teach me about the plight
1280 that many songwriters and composers have faced. It was
1281 tragic to me. I listened to my colleague, Mr. Marino, talk
1282 about Motown. I love Motown as well. But it was sad to
1283 learn that a lot of the artists that we love and remember
1284 all the words to wind up living in poverty, because the laws
1285 were outdated.

1286 And so, constituents took the time to teach me all the
1287 different phases of the industry, how a song is written,
1288 produced, who makes the profits, and who does not make the
1289 profits. And so, I am happy that after a very long time,
1290 this bill is finally up for discussion and a markup. And I
1291 am excited to see it move forward, and hope that it moves as
1292 quickly forward in the Senate as it does in the House. And
1293 I yield back.

1294 Chairman Goodlatte. The chair thanks gentlewoman.
1295 What purpose does the gentleman from Louisiana, Mr.
1296 Richmond, seek recognition?

1297 Mr. Richmond. Mr. Chairman, and I will just be brief.

1298 Chairman Goodlatte. The gentleman is recognized.

1299 Mr. Richmond. And that is to thank the committee and
1300 acknowledge what we are doing here in terms of protecting
1301 creativity and representing New Orleans, the birth place of
1302 jazz. I thought it was very important to acknowledge that
1303 and acknowledge that now I can go home in peace. I have so

1304 many musicians and families that this is important to. And
1305 the legacy that comes out of New Orleans, whether we are
1306 talking about Louis Armstrong or Fats Domino, to current day
1307 Trombone Shorty or Harry Connick, Jr., or our musical
1308 families, the Marsalis's, the Batiste's, the Jordan's, or if
1309 we get to hip-hop, Lil Wayne and Big Freedia, it does not
1310 really matter -- and Professor Longhair and the Neville
1311 Brothers.

1312 But the important part is that many kids in New Orleans
1313 and across this country look to music and their creativity.
1314 And today we did something to protect their interests in it,
1315 and to make sure that it is an industry that will continue
1316 to survive, but that our musicians can thrive. And that our
1317 engineers and all associated with making great music are
1318 truly part of the team. So, with that, Mr. Chairman, I will
1319 yield back. Thank you.

1320 Chairman Goodlatte. The chair thanks the gentleman.
1321 For what purpose does gentlewoman from Alabama seek
1322 recognition?

1323 Mrs. Roby. I move to strike the last word.

1324 Chairman Goodlatte. The gentlewoman is recognized.

1325 Mrs. Roby. Just very quickly, it was 20 years ago
1326 actually that I graduated from NYU as a music business
1327 major. And I will tell you that, what a privilege, Mr.
1328 Chairman, that you asked me to join this committee at this

1329 historic moment. I am an appropriator, but I have the
1330 privilege of also serving on the Judiciary Committee. And I
1331 just want to say, talk about life coming full circle. But
1332 to be here in this moment, on this day, in this historic
1333 piece of legislation, I just, too, want to thank all of
1334 those who came together.

1335 I am showing up a bit late in some ways, but at the
1336 same time I am proud to support this legislation and I just
1337 want to thank you, Mr. Chairman, and all of those on the
1338 committee that had a hand in this. What a great privilege
1339 to be a part of this today. And I yield back.

1340 Chairman Goodlatte. The chair thanks the gentlewoman.
1341 For what purpose does gentleman from New York seek
1342 recognition?

1343 Mr. Jeffries. I move to strike the last word.

1344 Chairman Goodlatte. Gentleman is recognized.

1345 Mr. Jeffries. Thank you, Mr. Chairman. And just
1346 briefly, you know, this is an incredible moment of
1347 bipartisanship on an important issue in terms of music
1348 modernization. And you made a point earlier that I think is
1349 incredible important, and Congressman Deutch made this point
1350 as well, that what we are doing essentially is anchored in
1351 our constitutional responsibilities. Article I, section 8,
1352 clause 8 of the United States Constitution is what gives the
1353 Congress the power to create a robust intellectual property

1354 system to promote the progress of science and useful arts.

1355 In the words of our Founding Fathers, in their
1356 brilliance, they understood that we should give inventors
1357 and creators the opportunity to benefit from the fruits of
1358 their labor in order that their creative brilliance can be
1359 shared with the world. And that is what we are doing right
1360 now. And it is an important moment. And I would suggest
1361 that we should build upon this, once we are able to
1362 successfully get this done, and do as much as we can to
1363 continue this effort of modernizing our copyright laws
1364 moving forward.

1365 And as you know, in 2013 there was a report from
1366 Registrar of Copyrights entitled, "Copyright Small Claims"
1367 and it made clear that there were still some small copyright
1368 owners, most often visual artists, who had modest claims but
1369 were unable to really vindicate their rights under law.
1370 Because on the one hand, you just had the notice in takedown
1371 vehicle, which not everyone could take advantage of. On the
1372 other hand, you had an Article III Federal court case that
1373 was often out of reach because of its expense or its
1374 complexity.

1375 And so, the suggestion was made that we should create
1376 an alternative vehicle for these individuals. That is what
1377 was captured in the CASE Act with support from Congressman
1378 Collins, Congressman Marino, that would create for some

1379 copyright owners, sort of, a mechanism for a fair, timely,
1380 affordable opportunity to vindicate their rights within the
1381 Copyright Claims Board voluntary situation limiting to
1382 \$30,000 in damages.

1383 And whether it is the CASE Act or the other things that
1384 Congressman Nadler and Congressman Deutch and others have
1385 mentioned, let's seize this moment, get this done, and
1386 continue to lift up Article I, section 8, clause 8 of the
1387 United States Constitution consistent with the guidance that
1388 our Founders have brilliantly given to us. And hopefully we
1389 can work in partnership in that regard.

1390 Chairman Goodlatte. Would the gentleman yield?

1391 Mr. Jeffries. Yes.

1392 Chairman Goodlatte. I thank the gentleman for his very
1393 hard work on this issue. Small claims is very important.
1394 As we have talked here today, I remember back when Mrs. Roby
1395 was in college in your city, I was locked in a small room
1396 with a lot of people who are still in this audience working
1397 on the Digital Millennium Copyright Act. And you are right.
1398 One of the things that should not be forgotten and needs to
1399 be addressed is how individuals with a small claim can get
1400 justice in this process.

1401 So copyright small claims is a very important issue.
1402 And that is especially vital to the protection of
1403 intellectual property for photographers, visual artists.

1404 And just like my colleague from New York, I and many other
1405 members of this committee support a copyright small claims
1406 system that provides for a fair process to resolve disputes
1407 that arise under title 17. The latest draft of your
1408 legislation has included significant safeguards to ensure
1409 that a small claims system will be fair and efficient, while
1410 putting into place safeguards to avoid abuse.

1411 And by the way, while we talk about the importance of
1412 protecting the rights of creators, what we are doing here
1413 today and what your bill is intended to do, also protects
1414 the rights of the people who buy that creative work or
1415 license the creative work. Because they also do not want to
1416 compete with free. They are trying to do something with the
1417 creative community that monetizes their creation and they
1418 have got to get a return on their efforts as well. I think
1419 your work is striking the right balance there and I look
1420 forward to working with you to bring your bill up for markup
1421 soon.

1422 Mr. Nadler. Would the chairman yield?

1423 Mr. Jeffries. Yes.

1424 Chairman Goodlatte. I think he has time.

1425 Mr. Nadler. Would the gentleman yield?

1426 Mr. Jeffries. Certainly. Let me first just thank the
1427 chairman for his leadership on this effort and look forward
1428 to partnering together to bring this to markup soon. And I

1429 will now yield the balance of my time to Congressman Nadler.

1430 Mr. Nadler. I thank the gentleman for yielding. Mr.

1431 Chairman, I am a cosponsor of Mr. Jeffries' bill, the

1432 Copyright Alternative in Small Claims Enforcement Act, which

1433 would provide copyright owners with an alternative to the

1434 expensive process of bringing infringement claims in Federal

1435 court. I want to thank Mr. Jeffries for his leadership on

1436 this issue.

1437 The high cost of litigation often makes copyright

1438 enforcement difficult for professional creators who rely on

1439 their copyrights to support their careers. This bill

1440 creates a copyright claims board that would provide creators

1441 with a less expensive forum to enforce their copyrights. It

1442 would be within the U.S. Copyright Office, and the

1443 jurisdiction would be limited to civil cases with a cap of

1444 \$30,000 in damages.

1445 The bill would help, in particular, photographers,

1446 filmmakers, musicians, song-writers, authors, and other

1447 creators. For that reason, it enjoys broad support from

1448 many organizations representing these types of creators. I

1449 support the committee bringing this bill up for markup in,

1450 hopefully, the near future. And I look forward to working

1451 with my colleagues to advance this bill, especially after we

1452 pass the bill in front of the committee today. I thank the

1453 gentleman for yielding, and I yield back.

1454 Chairman Goodlatte. The chair thanks the gentleman
1455 from New York. Does the gentleman from New York yield back?
1456 That is the critical question.

1457 Mr. Jeffries. Yes, I yield back.

1458 Chairman Goodlatte. Thank you. For what purpose does
1459 gentleman from Texas, Mr. Gohmert, seek recognition?

1460 Mr. Gohmert. Move to strike the last word.

1461 Chairman Goodlatte. The gentleman is recognized.

1462 Mr. Gohmert. Thank you, Mr. Chairman. And this has
1463 been many years in coming. I have been on the committee
1464 since 2005, so 13 years. But I appreciate the way the
1465 chairman has handled this and bringing people together. And
1466 it has been a real pleasure to work with people on both
1467 sides of the aisle. And I know there are so many people
1468 that have been thanked and could be thanked.

1469 But I want to say a word of recognition for the
1470 President of ASCAP, Paul Williams. He is my second favorite
1471 Democrat in the whole world. And he has been working toward
1472 this for many years. And he has done an amazing job of
1473 bringing people together. And I just appreciate all the
1474 work that has been done. And I hope that we will now
1475 finally be able to get this into law. Thank you. I yield
1476 back.

1477 Chairman Goodlatte. Would the gentleman yield? Do I
1478 dare ask who your favorite Democrat is since he is your

1479 second favorite?

1480 Mr. Gohmert. That would be my sister.

1481 Chairman Goodlatte. Oh, very good. Very good. For
1482 what purpose does the gentleman from California, Mr.
1483 Swalwell, seek recognition?

1484 Mr. Swalwell. Thank you, Mr. Chairman. And I will
1485 say, Mr. Chairman, I support this bill. I appreciated
1486 having the opportunity to go to Nashville and watch
1487 songwriters and artists and performers in studios
1488 collaborate and come together and see how music is made and
1489 makes its way to the airwaves. And here we also came
1490 together and collaborated over many years.

1491 And so, I thank my colleagues on our side and on your
1492 side, Mr. Chairman, for bringing this mashup of the Music
1493 Modernization Act, the CLASSICS Act, and the AMP act before
1494 us and, hopefully, to passage. You know, it does I think
1495 reflect the best of what this committee could do.

1496 But while inside this committee room, we see something
1497 that is as beautiful as Mozart's "Requiem Mass in D Minor,"
1498 outside this committee, Mr. Chairman, I hear "O Fortuna." I
1499 hear the drumbeats of a very reckless President who
1500 threatens the rule of law. And so, I hope that this
1501 committee immediately can come together and do all we can to
1502 put legislation in place immediately to protect the Special
1503 Counsel's prosecution, as our President, as we speak,

1504 threatens to fire Special Counsel Mueller and his supervisor
1505 Rod Rosenstein.

1506 We should not fiddle, Mr. Chairman, while Rome burns.
1507 This is one of the only committees in Congress that is able
1508 to actually protect the rule of law and the independence
1509 that the Department of Justice must show. Again, I am
1510 heartened that we have come together in this way, but we
1511 should be very mindful of what is happening outside of this
1512 committee's walls. And our constituents and our country
1513 would very desperately like us to act and stand up for our
1514 Constitution and the independence that has always existed
1515 here.

1516 Mr. Nadler. Would the gentleman yield?

1517 Mr. Swalwell. I will yield. Yes.

1518 Mr. Nadler. Thank you. I have only one word to add to
1519 what the gentleman said, and that word is "Amen." I yield
1520 back.

1521 Mr. Swalwell. I yield back, Mr. Chairman.

1522 Chairman Goodlatte. For what purpose does the
1523 gentleman from California, Mr. Lieu, seek recognition?

1524 Mr. Lieu. I move to strike the last word.

1525 Chairman Goodlatte. The gentleman is recognized.

1526 Mr. Lieu. For the music industry today, it looks like
1527 happy days are here again. I would like to thank Chairman
1528 Goodlatte, thank you, Ranking Member Nadler, Congressman

1529 Jeffries, and all the other members who have worked so hard
1530 on this legislation, as well as the music industry and
1531 amazing staff in our personal offices and on committee.

1532 As a representative for the 33rd District in
1533 California, these issues hit close to home. My district is
1534 home to thousands of brilliant songwriters, publishers,
1535 engineers, record producers, recording artists, and
1536 musicians.

1537 I am pleased to have been able to work with such a
1538 unique and engaged community. Their input has been
1539 invaluable. They make up different threads of the
1540 industry's fabric, which share a common goal of developing
1541 solutions to some of the most complex and longstanding
1542 copyright issues facing our country.

1543 As Congressman Jeffries has said, the Framers of the
1544 Constitution understood that innovation advances when
1545 creators are allowed to leverage their potential and make a
1546 living doing it. Today, we honor that legacy by moving
1547 Federal music copyright forward to ensure those who make the
1548 music we love are compensated for their work, and those who
1549 deliver it to us have the clear rules of the road and
1550 infrastructure they need to innovate thrive in the Internet
1551 Age.

1552 I am pleased to be an original co-sponsor of this
1553 legislation and look forward to working with all of the

1554 stakeholders to make sure it goes off the floor, through the
1555 Senate, and signed into law. I yield back.

1556 Chairman Goodlatte. Are there any amendments to H.R.
1557 5447?

1558 The reporting quorum being present, the question is on
1559 the motion to report the bill H.R. 5447 favorably to the
1560 House.

1561 All those in favor, respond by saying aye.

1562 Those opposed, no.

1563 The clerk will call roll.

1564 Ms. Adcock. Mr. Goodlatte?

1565 Chairman Goodlatte. Aye.

1566 Ms. Adcock. Mr. Goodlatte votes aye.

1567 Mr. Sensenbrenner?

1568 [No response.]

1569 Mr. Smith?

1570 Mr. Smith. Aye.

1571 Ms. Adcock. Mr. Smith votes aye.

1572 Mr. Chabot?

1573 [No response.]

1574 Mr. Issa?

1575 [No response.]

1576 Mr. King?

1577 [No response.]

1578 Mr. Gohmert?

1579 Mr. Gohmert. Aye.

1580 Ms. Adcock. Mr. Gohmert votes aye.

1581 Mr. Jordan?

1582 [No response.]

1583 Mr. Poe?

1584 [No response.]

1585 Mr. Marino?

1586 Mr. Marino. Yes.

1587 Ms. Adcock. Mr. Marino votes yes.

1588 Mr. Gowdy?

1589 Mr. Gowdy. Yes.

1590 Ms. Adcock. Mr. Gowdy votes yes.

1591 Mr. Labrador?

1592 [No response.]

1593 Mr. Collins?

1594 Mr. Collins. Yes.

1595 Ms. Adcock. Mr. Collins votes yes.

1596 Mr. DeSantis?

1597 Mr. DeSantis. Yes.

1598 Ms. Adcock. Mr. DeSantis votes yes.

1599 Mr. Buck?

1600 Mr. Buck. Aye.

1601 Ms. Adcock. Mr. Buck votes aye.

1602 Mr. Ratcliffe?

1603 Mr. Ratcliffe. Yes.

1604 Ms. Adcock. Mr. Ratcliffe votes yes.
1605 Mrs. Roby?
1606 [No response.]
1607 Mr. Gaetz?
1608 Mr. Gaetz. Yes.
1609 Ms. Adcock. Mr. Gaetz votes yes.
1610 Mr. Johnson of Louisiana?
1611 Mr. Johnson of Louisiana. Yes.
1612 Ms. Adcock. Mr. Johnson votes yes.
1613 Mr. Biggs?
1614 Mr. Biggs. Aye.
1615 Ms. Adcock. Mr. Biggs votes aye.
1616 Mr. Rutherford?
1617 Mr. Rutherford. Yes.
1618 Ms. Adcock. Mr. Rutherford votes yes.
1619 Mrs. Handel?
1620 Mrs. Handel. Yes.
1621 Ms. Adcock. Mr. Handel votes yes.
1622 Mr. Nadler?
1623 Mr. Nadler. Aye.
1624 Ms. Adcock. Mr. Nadler votes aye.
1625 Ms. Lofgren?
1626 Ms. Lofgren. Aye.
1627 Ms. Adcock. Ms. Lofgren votes aye.
1628 Ms. Jackson Lee?

1629 Ms. Jackson Lee. Aye.

1630 Ms. Adcock. Ms. Jackson Lee votes aye.

1631 Mr. Cohen?

1632 Mr. Cohen. Aye.

1633 Ms. Adcock. Mr. Cohen votes aye.

1634 Mr. Johnson of Georgia?

1635 Mr. Johnson of Georgia. Aye.

1636 Ms. Adcock. Mr. Johnson votes aye.

1637 Mr. Deutch?

1638 [No response.]

1639 Mr. Gutierrez?

1640 [No response.]

1641 Ms. Bass?

1642 [No response.]

1643 Mr. Richmond?

1644 Mr. Richmond. Aye.

1645 Ms. Adcock. Mr. Richmond votes aye.

1646 Mr. Jeffries?

1647 [No response.]

1648 Mr. Cicilline?

1649 Mr. Cicilline. Aye.

1650 Ms. Adcock. Mr. Cicilline votes aye.

1651 Mr. Swalwell?

1652 Mr. Swalwell. Aye.

1653 Ms. Adcock. Mr. Swalwell votes aye.

1654 Mr. Lieu?

1655 Mr. Lieu. Aye.

1656 Ms. Adcock. Mr. Lieu votes aye.

1657 Mr. Raskin?

1658 Mr. Raskin. Aye.

1659 Ms. Adcock. Mr. Raskin votes aye.

1660 Ms. Jayapal?

1661 Ms. Jayapal. Aye.

1662 Ms. Adcock. Ms. Jayapal votes aye.

1663 Mr. Schneider?

1664 Mr. Schneider. Aye.

1665 Ms. Adcock. Mr. Schneider votes aye.

1666 Ms. Demings?

1667 Ms. Demings. Aye.

1668 Ms. Adcock. Ms. Demings votes aye.

1669 Chairman Goodlatte. The gentleman from New York?

1670 Mr. Jeffries. Aye.

1671 Ms. Adcock. Mr. Jeffries votes aye.

1672 Chairman Goodlatte. The gentleman from Ohio?

1673 Mr. Jordan. Aye.

1674 Ms. Adcock. Mr. Jordan votes yes.

1675 Chairman Goodlatte. The chair would inform the members

1676 that this is our last item of business. We are going to

1677 hold the vote open for a little bit longer so members can be

1678 recorded on it, but once that is completed, we will adjourn

1679 the committee.

1680 Ms. Jackson Lee. Mr. Chairman, could you give me the
1681 appropriate time to ask unanimous to speak out of order
1682 since the vote is still open?

1683 Chairman Goodlatte. I do not think I can do that. If
1684 you wait until we close the vote, then you can.

1685 Ms. Jackson Lee. That is what I am asking. Thank you.

1686 Chairman Goodlatte. The gentlewoman from Alabama?

1687 Mrs. Roby. Aye.

1688 Ms. Adcock. Mrs. Roby votes aye.

1689 Chairman Goodlatte. The gentleman from Florida, Mr.
1690 Deutch?

1691 Mr. Deutch. Aye.

1692 Ms. Adcock. Mr. Deutch votes aye.

1693 Chairman Goodlatte. The clerk will report.

1694 Ms. Adcock. Mr. Chairman, 32 members voted aye; 0
1695 members voted no.

1696 Chairman Goodlatte. The ayes have it and the bill is
1697 agreed to. Members will have 2 days to submit views.

1698 For what purpose does the gentlewoman from Texas seek
1699 recognition?

1700 Ms. Jackson Lee. [inaudible]

1701 Chairman Goodlatte. [inaudible] and, of course, we
1702 will have further discussions as we move the legislation to
1703 the floor of the House.

1704 Ms. Jackson Lee. Excellent. Thank you so very much,
1705 Mr. Chairman. I yield back.

1706 Chairman Goodlatte. I thank the gentlewoman for her
1707 participation. That concludes our business today, in a most
1708 unusual fashion. I thank all the members for attending and
1709 those want-to-be members who are here. And the markup is
1710 adjourned.

1711 [Whereupon, at 12:02 p.m., the committee was
1712 adjourned.]