

done—maybe the next day—we will be well into the 2 to 3 million comment range, and they still have 3 months to go. Understand the power in our democracy still resides with the people. Somebody who has been working in the trenches on this issue and many consumer issues for a very long time is my great colleague, the senior Senator from Connecticut, and I will yield to him as I realize I think I am standing at his dais.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. BLUMENTHAL. Mr. President, I begin by thanking my colleague and friend Senator SCHATZ for his extraordinary leadership in this area that has brought us to the floor. I am proud to speak against the Federal Communications Commission Chairman's proposed order that is in fact slated for a vote at the open commission meeting tomorrow morning. That vote would undo the open internet order.

What is at stake here is, really, First Amendment rights to free speech. Those rights are threatened. Net neutrality has never been more important. Allowing broadband providers to block or discriminate against certain content providers is a danger to free speech and the freedom of our press. These principles are fundamental to our democracy. We should safeguard them by stopping this proposed repeal of the open internet order.

The internet's astonishing economic success is due to its being open and the access that it provides as an open platform. Anyone with a good idea can connect with consumers. Anyone who wants to reach across the globe to talk to others or to pitch and promote ideas and products encounters a level playing field, and that ought to be the reality.

On February 25, 2015, the FCC adopted the open internet order to preserve that open nature of the internet. The order, essentially, embodies three rules—no blocking, no throttling, no paid prioritization. Those principles are now at risk. In fact, they are in grave jeopardy. Those principles guarantee people, within the bounds of the law, access to different web content regardless of the political views expressed and regardless of the wealth of a site. They assure that the internet is open—that it is not a walled garden for wealthy companies. A lot is at stake here, and consumers and others should prevail because their interests are, ultimately, what is involved.

Ultimately, the Administrative Procedure Act requires, in my view, that Chairman Pai prove, through a fact-based docket, that something has significantly changed in the market since the open internet rule was established in February of 2015. Without that change in facts, the decimation of this rule cannot be justified. We cannot allow Chairman Pai to succeed in this plan to gut neutrality at the behest of moneyed internet service providers. Chairman Pai's proposal, if it succeeds

tomorrow, will deprive the American people, startups, and businesses of important bright-line net neutrality rules. For that reason, I will fight it, and I hope my colleagues will join me in this effort.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. GARDNER). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. PORTMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

NATIONAL POLICE WEEK

Mr. PORTMAN. Mr. President, I rise during Police Week to pay tribute to our police officers around the country—the men and women in blue who serve us every day in Ohio and in every State represented in this Chamber.

In Ohio, this is a particularly difficult week. Here we are during Police Week, and we are, once again, mourning the loss of a police officer. This happened just last Friday. Last Friday, a gunman took two people hostage in the woods behind a nursing home in Kirksville, OH, which is a small town about 25 miles east of Columbus.

The first one to arrive on the scene was the police chief of this small town. His name was Steven DiSario. Chief Steven DiSario confronted the assailant, and he was ambushed by this assailant. He was shot. He was killed. This gunman then went inside the nursing facility, and he murdered two staff members—a registered nurse, Marlina Medrano, and a nurse's aide named Cindy Krantz. Then he took his own life.

By the way, Police Chief Steven DiSario was 36 years old and had just become the police chief in Kirksville a month ago. The women who were slain were Marlina Medrano, who had a son, and Cindy Krantz, who had five kids, including a 10-year-old son. Those kids had to spend Mother's Day preparing for their moms' burials.

On Monday, I went to Kirksville and saw the memorial there for the officer. I also had an opportunity to meet with some of the officers who were from neighboring communities. There was just one police officer in Kirksville—just the chief. I was able to express to them the sympathy and the gratitude of the people throughout Ohio. I had brought a flag that had been flown over the U.S. Capitol in honor of Chief DiSario, and that flag will go to his family as a very small token of the appreciation and gratitude of all of us for their father's and husband's service.

Chief DiSario had six kids, and his widow, Aryn, is currently pregnant with their seventh child—a child who is never going to know his or her dad. What he or she will know is that he died a hero, that he died a hero in risking his life to protect innocent people.

That is what police officers do every single day. They keep us safe. They

take dangerous criminals and weapons and drugs off our streets. They enforce the law. Even their very presence helps to deter crime and keep our communities safer, but they do it all at great risk—at great risk to themselves and at great sacrifice to their families.

A little more than a year ago, I did a ride-along in Columbus with Officer Greg Meyer. He is one of those brave Columbus police officers who goes out every day to help keep our communities safe, and we were focused on a couple of issues that night in Columbus.

One was the drug trade, particularly the opioid crisis we face in Ohio. He was able to show me where much of this activity occurs, and we were able to see with our eyes some of the people who were trafficking drugs, dispersing, and what goes on in our communities.

We were also talking about human trafficking and his work in that area. We were able to go to some particular places at which there had been trafficking in the past and where the police had broken up trafficking rings in which girls and women had been made to become dependent on heroin. Then the traffickers had them, often in a hotel for a week until they had moved on to another one and trafficked—sold—human beings, usually online, usually through the iPhone. Again, this police officer was able to tell me about what he has done and what his force has done to help protect these girls and women and to help get them out of that situation.

This was just a few hours for me, and I always enjoy doing these ride-alongs, but this is his life and their lives every day. They are out there doing their best to try to protect us and to make our communities safer.

The day before this tragedy occurred in Kirksville, we had had a lot of police officers here in town because, on Thursday and Friday and over the weekend, police officers had been coming in for Police Week and Police Memorial Day, which was on Monday, so I had a chance to meet with a bunch of these officers and thank them for their service.

We talked about the fact that the job is dangerous and increasingly dangerous. Unfortunately, the numbers show that. Little did we know that, the day after we had been talking, there would have again been this tragedy in Ohio. We talked about the fact that some of their families have had sleepless nights because they do not know whether their husbands or their wives or their sons or daughters are going to be coming home.

In our Nation's history, more than 21,000 police officers have died in the line of duty. Think about that—21,000. We have already had 42 this year, 2017. In 2016, we lost 143, which is about one officer every 3 days. Again, last year, five of those fallen officers were from Ohio: Aaron Christian, a patrolman with the Chesapeake Police Department; Thomas Cottrell, a patrolman

with the Danville Police Department; Sean Johnson, of the Hilliard, OH, Division of Police; Steven Smith, of the Columbus Division of Police; and Kenneth Velez, an Ohio State trooper.

I had the opportunity to meet with some of the families of these fallen officers to express our appreciation, to express our respect for them and the sacrifices that they bear. It takes courage to wear the badge, and those officers wear the badge day in and day out. They knew what they were getting into. Yet they wore that badge; they died wearing that badge.

Although these heroic men were taken from us, their examples can never be taken away and will not be. Ohioans are going to remember them as models of bravery and service, as examples of fellow citizens who, on behalf of all of us, were in the habit of walking into danger rather than running away from it.

We have an opportunity to do something that will make a difference for our police officers by supporting the Police Week resolution that the House and the Senate are working on. I urge all of my colleagues to support it, and I am sure they will. I think we need to show our men and women in blue, who are on the frontlines, that we do appreciate them.

There is also legislation that can be supported. Most recently, with the majority whip, I introduced legislation that is called the Back the Blue Act. It is very simple. It says, if you target law enforcement officers, you are going to have to pay a very high price. That is appropriate. We think the Back the Blue Act, which would increase penalties on those who would attempt to harm or kill a police officer, is going to make a difference because it will send a strong message and help deter some of these crimes. Ultimately, I think that it will make our heroes in blue safer and help save lives.

Again, I urge my colleagues to join me in the wake of this terrible tragedy we had in central Ohio. I know the people of Ohio are looking for Congress to stand tall and to stand with our police officers and to thank them for what they do to protect us every day.

Let's support this Police Week resolution. Let's support the Back the Blue Act. Let's do everything we can to ensure that our police officers know that we are with them—that we are at their side—as they do their job every day to protect us.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, pending before the Senate is the nomination of Rachel Brand to be the Associate Attorney General of the United States—the United States, not of the President.

We once had an Attorney General who told us on the Judiciary Committee that as a member of the President's staff, it is not the Secretary of Justice; it is the Attorney General of the United States.

I say this because her nomination to the third most senior position at the Department of Justice comes at an unprecedented time of chaos and upheaval—not only at the Justice Department, but also at the White House, the Federal Bureau of Investigation, and across much of this administration.

We should all agree that it is more important than ever that the Justice Department be led by public servants with independence and integrity. Unfortunately, President Trump's Attorney General and Deputy Attorney General have failed this test. I did not expect Attorney General Sessions to show independence from the President, which is why I voted against his nomination.

But I had higher hopes for Deputy Attorney General Rod Rosenstein. Mr. Rosenstein's role in the dismissal of FBI Director Comey and his willingness to provide pretext for President Trump's interference in the Bureau's ongoing Russia investigation has precipitated a crisis of confidence in the Department.

The Senate must take steps to restore the independence of the Department of Justice. After reviewing her record and hearing her testimony at her confirmation hearing, I am not confident that Rachel Brand is up to that task. Like so many of the President's nominees, she carries a heavily skewed, pro-corporate agenda that would do further harm to the Justice Department and its independence.

Ms. Brand has long championed deregulation and the rolling back of vital environmental, consumer, and labor regulations protecting the American people. Ms. Brand has justified indiscriminate surveillance of Americans and defended broad assertions of Executive power. She even refused to say whether she would recuse herself from matters involving the Chamber of Commerce and the Chamber Litigation Center, her current employer. I cannot support a nominee who lacks an independent voice. I will therefore vote against her nomination.

RUSSIA INVESTIGATION

Mr. President, every day seems to bring new, disturbing revelations involving this President and his administration. I almost hesitate to say "every day" because sometimes it is every hour.

Yesterday's report that the President pressured former FBI Director Comey to terminate the ongoing investigation into Michael Flynn is extraordinary. If true, the President's conduct could warrant charges for obstruction of justice.

Now, the notion that the Russia investigation could be led by a political appointee of this President, who serves at the pleasure of this President, is preposterous; yet Senate Republicans have attempted to justify Deputy Attorney General Rosenstein's failure to appoint a special counsel. Their arguments are wrong. I want to take a few minutes to explain why.

The President says he fired James Comey because James Comey wouldn't pledge loyalty to him. Apparently, pledging loyalty to the rule of law was not as important. Most Americans don't care whether the Director of the FBI is a Republican or Democrat; they just want him or her to be committed to upholding the law, not a political position.

Every lawyer knows that, when you are considering a legal question, you begin with a statute or regulation at issue. The relevant regulation, found in the Code of Federal Regulations, is worth reading in full.

I ask unanimous consent that the regulation be printed in the RECORD at the conclusion of my statement.

The rule requires that an independent special counsel be appointed if three conditions are met.

The first condition is that a "criminal investigation of a person or matter is warranted." This is not an open question in this instance—there is already an active investigation.

The second condition is met when an investigation by the Justice Department "would present a conflict of interest for the Department or other extraordinary circumstances." If Mr. Rosenstein, a political appointee, were to lead this investigation, he may be forced to investigate both his immediate supervisor, the Attorney General, and the President. That is the definition of a conflict of interest. That alone is enough.

But in this investigation, extraordinary circumstances abound. Last week, the President admitted that he fired the official leading this investigation because of "this Russia thing." His Deputy Press Secretary then said, "We want this to come to its conclusion. . . . And we think that we've actually, by removing Director Comey, taken steps to make that happen." Yesterday, we learned that President Trump may have also pressured the FBI Director to close the investigation into Michael Flynn's contacts with Russian officials. If these are not "extraordinary circumstances," then those words have no meaning at all.

The third condition is met when "it would be in the public interest to appoint an outside Special Counsel." I cannot recall a more serious national security investigation. Russian interference in our election, possible collusion with the Trump campaign and administration, and the President's repeated assaults on the rule of law have eroded trust in our democratic institutions like nothing I have seen. According to the President's own statements, this investigation has been repeatedly compromised by political interference.

Because all three conditions are met, the Deputy Attorney General does not have a choice in this matter. It is not discretionary. The regulation requires that Mr. Rosenstein appoint a special counsel. Each minute that he refuses