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Senate

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. HATCH).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

God of grace and glory, lift us with Your might. You are our security, our hope for years to come.

Lord, give our Senators such confidence in Your power that they will celebrate the victories that are yet to be. May they never forget the inheritance that belongs to all who love and serve Your will on Earth. Provide them with the wisdom to know that You are the only sure foundation for all their strivings. Remind them that unless You protect the Nation, its leaders and citizens labor in vain.

Eternal Spirit, great and marvelous are Your works, just and true are Your ways.

We pray in Your Holy Name. Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. HELLER). Under the previous order, the leadership time is reserved.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session for the consideration of the Erickson nomination, which the clerk will report.

The senior assistant legislative clerk read the nomination of Ralph R. Erickson, of North Dakota, to be United States Circuit Judge for the Eighth Circuit.

The PRESIDING OFFICER. Under the previous order, the time until 10:30 a.m. will be equally divided between the two leaders or their designees.

If no one yields time, the time will be charged equally.

The Senator from Oregon.

NOMINATION OF AJIT PAI

Mr. WYDEN. Mr. President, I rise in opposition to the President's nomination of Ajit Pai to head the Federal Communications Commission.

My view is that, Mr. Pai will do an enormous amount of damage to one of the foundational principles of the internet—net neutrality. I am going to outline why that would be a horrendous mistake for our country.

After we came to use the internet and see what an extraordinary asset it would be to our country, really beginning in the late 1990s, and early 2000s, we laid out what I still consider to be the legal foundation for the internet.

On a bipartisan basis, there was a big effort in the Senate and the House to really lay out what were the foundational principles of the net, and there were a variety of them. We wanted to make sure that folks were not hit with multiple and discriminatory taxes, and that they were not taxed on access to the internet. We wrote the digital signatures act, which is of enormous benefit to people, for example, in the Presiding Officer's home State of Nevada, where they are making business transactions. We made a judg-

ment, which some have said has led to \$1 trillion worth of private wealth for our economy, whereby we said that we were not going to expose the small entrepreneur—the person who is getting started in the garage—to needless litigation.

One of those core principles was net neutrality, which, in my view, for the reasons that I am going to describe this morning, I think Mr. Pai would work long and hard to try to undermine.

Because so much of the telecommunications debate sounds like a lot of complicated lingo, I want to try to describe in something resembling English what “net neutrality” is. Essentially, “net neutrality” means that after you have paid your internet access fee, you get to go where you want, when you want, and how you want. In a sentence, that is what net neutrality is all about, and it is a bedrock principle for internet users in the Presiding Officer's home State of Nevada and in Oregon and all across the country.

It locks in equal treatment to accessing the internet.

We are not going to have some kind of information aristocracy in our society whereby the affluent have access to some kind of technological treasure trove, and folks who do not have much are kind of stuck with what almost resembles dial-up. That is not what we want for communications policy in America. We want to give everybody a chance to get ahead so that the kids in rural Oregon and rural Nevada have the same kind of opportunities as youngsters in Beverly Hills or the Gold Coast of Chicago or Palm Beach. We want to make sure everybody has a chance to get ahead.

Mr. Pai says that he is for real net neutrality, and we have tried to pin him down on a whole host of policies that really get him to commit to the essence of it, but he mostly says a version of what the big cable companies say. The big cable companies have

• This “bullet” symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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come to say: We like net neutrality. We are not going to block anything. We are for the consumer; we are for the little guy. We just do not want a whole lot of government.

They say that what they really would like is voluntary net neutrality.

Let me tell my colleagues something. There is about as much likelihood that the big cable companies will voluntarily subscribe to net neutrality as there is the prospect that William Peter Wyden—one of my 9-year-old twins, the boy—will voluntarily limit himself to one dessert. It is just not going to happen. It is just not going to work. Mr. Pai is on the side of the big cable companies. He has a long history of putting those companies before the consumers—the big corporate players over the small businesses—and pay to play over a free and open internet.

I introduced the first strong net neutrality bill here in the Senate in 2006. We all know that back then we were just starting the debate about technology policy. The Senate was getting ribbed pretty seriously by the late night talk show hosts who said that the internet was a series of tubes. So, as I have indicated, what we have tried to do is to make sure that if you pay your internet access fee, you get to go where you want, when you want, and how you want.

Net neutrality has been the law of the land, and our economy has grown around this leading principle with respect to equal access to information and customers. Mr. Pai has said that he wants to take a “weed whacker” to the strong, enforceable net neutrality rules. Right away, with his quotes that are on the record, he is talking about blowing up this notion of a level playing field, which is so crucial to innovation and free speech online and that allows the startups to get out of the garage to become the next YouTube and Google and eBay.

I want to emphasize that point.

People talk a lot about technology policy.

To my colleagues, this tech policy debate is about the little guy who wants to be able to get his business out of the garage so that he can become the next big guy. Net neutrality gives us the opportunity to create opportunities for that small entrepreneur, the person who is a small entrepreneur with big dreams.

Net neutrality prevents your internet service provider from favoring one type of content over another. As an example, suppose your internet provider has a financial stake in a third-party content site. It could ensure that content goes to your home faster and clearer than to the homes of its competitors if you did not have real net neutrality—enforceable, real net neutrality, not something like Mr. Pai wants, which is, oh, we will kind of pay lipservice to net neutrality but not make it enforceable.

For example, you could have AT&T deciding to provide free data for cus-

tomers streaming HBO, which would cause more folks to subscribe to that service over its competitors and starve other creators of the subscribers necessary to create new and innovative content. That is the kind of thing that happens if we do not have real net neutrality.

It even holds true for telehealth providers. Telehealth depends on reliable, fast, and low-cost internet coverage to transmit critical health information, especially in rural and remote areas—for example, the remote monitoring of blood glucose levels in diabetes patients. Net neutrality prevents the internet service providers from viewing this lifesaving service as a cash cow, thus charging rural hospitals and community health centers a premium fee to deliver critical and timely healthcare services.

Not long ago, the Federal Communications Commission adopted a strong legal framework that would make sure that the Federal Communications Commission had the tools to protect the open internet, and the reality was that, then, the Federal Communications Commission and a gentleman named Mr. Tom Wheeler, who had a background in the industry, used their experience in how companies operated and how they treated consumers to make sure that we had constructive, real, and concrete consumer protections.

The reason I feel so strongly about Mr. Pai's nomination is that Mr. Pai made it clear with his comments about taking a weed whacker to anything enforceable. He is going to roll back the rules, and then he is going to claim to be fixing a problem that doesn't exist.

The reality is that we have strong net neutrality protections in place right now. If you vote for Mr. Pai, make no mistake about it, you are voting to roll back consumer protection. You are voting to take a big step backward for the internet. You are going to hurt the people—the small business people, the startups—who are dreaming in their garage of the chance to be big and who are going to have a lot more problems if there is a telecommunications policy that doesn't give them a fair shake.

As I indicated, this notion of a voluntary solution to net neutrality is absurd. I talked about it in the context of my own son. It would be hilarious if I even suggested to my son that I am going to let him, William, voluntarily limit himself to one dessert. He would smile and wait until I got out of the room, and he would dig in for some more. That is going to be the same thing if we embark on a net neutrality policy that says: Let's just trust the big cable companies; the cable companies, in their heart of hearts, are all about the little guy. They are just going to voluntarily go along with net neutrality because they are just that kind of good folks who want to make sure that the little guy gets ahead. The fact is, Chairman Pai's track record

demonstrates that he is not in the consumers' corner.

Last year the Federal Communications Commission acted on the responsibility given to it by the Congress to protect browsing history, favored applications, and even the location of broadband users from the ISP. During that vote, Mr. Pai voted no. He was, again, with cable companies' profits over the American consumers' privacy.

During the August recess, Mr. Pai began an attempt to really backdoor a proposal that would lower the acceptable standard speed of internet access in rural areas. That is just wrong. Rural areas are already facing huge broadband challenges. Last Saturday night, I was in Oak Ridge, OR, which has a population of a little over 3,000. Earlier that day, I had been to La Pine, OR, in Central Oregon. Right on the top of their agenda is trying to find ways to expand opportunities for better communications in rural areas and more opportunities for broadband.

So in the August recess, when communities like Oak Ridge and La Pine want more opportunities in rural communities, we had the Chairman of the Federal Communications Commission trying to sneak through a proposal that would lower the acceptable standard speed of internet access to rural America and hurt rural America. Make no mistake about it. That would hurt rural America—the Oak Ridges and La Pines. It is just wrong. The Congress mandated that the FCC expand access to high-speed internet to every American, and Mr. Pai basically said: No, slower internet speed is good enough.

As I indicated, just this last weekend, on Saturday night, we had a town-hall in Oregon. I am telling you what these small communities are telling me about their current frustrations with slow and unsatisfactory internet speeds. Mr. Pai is giving a big gift to the powerful interests, and their internet speeds are going to get slower rather than what rural America wants, which is faster internet so that they have more opportunities to participate in the global economy and more opportunities to help their kids with their homework. Congress and the Federal Communications Commission ought to be working for all to have access to high-speed internet and not telling folks in rural America that what they have is just good enough.

Mr. Pai has repeatedly failed on another matter, and that is to act even in the face of clear danger to the security of America's mobile phones. Despite years of warnings about well-known weaknesses in mobile phone networks that allow hackers and spies to track Americans' phones, intercept calls and messages, and hack the phones themselves, Mr. Pai has taken a hands-off attitude. His Federal Communications Commission says it is not going to force wireless carriers to fix the weaknesses, and—what a surprise—his traditional answer is that “voluntary measures are going to do enough.” I disagree because they haven't worked.

We always talk about the role of government. I think this is an area that really lends itself to thoughtful discussion because, obviously, we don't want government if you can figure out a way to solve a problem without it. The voluntary measures have not worked here on these basic security issues I have described. The self-regulation approach has failed. The Federal Communications Commission has to force the carriers to secure their networks and protect America's critical communications infrastructure. The failure to act on this security issue means that the American people are going to be less safe.

I close by saying that my view is that net neutrality has sparked the flames of innovation and commerce on the internet. Net neutrality has been one of the foundational principles that we started working on in the late 1990s and in the early part of this century. It was up there in terms of importance, like trying to prevent multiple and discriminatory taxes on electronic commerce, particularly taxing internet access, and the digital signatures law, making sure that you couldn't hold somebody personally liable if they were to invest in a website or a blog. These were foundational principles that have been of enormous benefit to our country, and net neutrality was one of those. I guess it would be the fourth in the list of foundational principles that we talked about and have been talking about for well over a decade.

We should be building on net neutrality, not walking it back. I believe that what Mr. Pai is talking about is a significant retreat from the freedom and openness that the internet is all about.

I urge my colleagues to vote against the confirmation of Mr. Pai. Vote in favor of a truly open internet.

I yield the floor, as I note the Democratic leader is here to speak.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER (Mr. PORTMAN). The Democratic leader is recognized.

ORDER OF PROCEDURE

Mr. SCHUMER. Mr. President, first I ask unanimous consent that I be able to speak in leader time, and, after my remarks, that the Senator from North Dakota be recognized to speak on the judge nomination and be given the time she wants, about 10 minutes, and that we move the vote to immediately thereafter.

The PRESIDING OFFICER. Is there objection?

Hearing none, it is so ordered.

THANKING THE SENATOR FROM OREGON

Mr. SCHUMER. Mr. President, let me thank my friend from Oregon for his outstanding remarks. He has been a leader in keeping the internet open and free and making sure that this new highway system, in effect, is as free as our old highway system, or the existing highway system, to let the big guy

and the little guy compete on equal terms. That is all we want, and Mr. Pai doesn't seem to get that.

There is a whole round of appointees from this administration who simply side with big corporations no matter what, and this is an example of just that.

So I thank my friend from Oregon for his remarks.

Mr. President, I have three topics this morning—briefly, healthcare, then, Puerto Rico and the U.S. Virgin Islands, and, finally, taxes.

HEALTHCARE

Mr. President, on healthcare there is a bit of good news. I just spoke with Senator MURRAY this morning. I saw Senator ALEXANDER in the gym, as I do just about every morning. Both are two of about the best negotiators we have in this body. Both have come to agreements across the aisle on many other occasions. They both inform me that they are on the verge of a bipartisan healthcare agreement to stabilize markets and lower premiums.

Now, we have had some bipartisan sprouts on healthcare recently. It is time for those sprouts to flower, and I am hopeful they will. I told PATTY MURRAY that she has my faith and confidence. She has the freedom to cut the best deal she can, and I hope the leadership will tell the same to Senator ALEXANDER.

It was widely reported, before the Graham-Cassidy bill was withdrawn, that there was pressure on Senator ALEXANDER to pull back. Well, that is over. Let's all come together. Our healthcare system needs it, and our constituents need it. They don't want premiums to go up and coverage to go down, and it would be a great start for some bipartisanship in this place, which I hope we can continue on more issues.

PUERTO RICO AND U.S. VIRGIN ISLANDS
RECOVERY EFFORT

Mr. President, on Puerto Rico and the U.S. Virgin Islands, we know about the crisis. Just looking at the pictures breaks your heart. We hear the stories of people desperately needing their medicine and diabetics needing insulin, which can't be refrigerated because there is no electricity to keep the refrigeration going. There are people dying right now because they can't get the medical attention they need, and, of course, there is a need for food, water, power, and transportation. It is awful.

Yesterday, Leader PELOSI and I met with Gen. Lori Robinson. It felt nice, amid this devastation, to see a woman have four stars on her shoulder. She is a four-star general in the Air Force, and she is head of the U.S. Northern Command. She is the military person in charge.

We met with her to get an update on the Department of Defense's work in assisting the islands. It was evident from our conversation that, while the military is increasing the amount of resources it is sending to the island,

there is a lack of command and control about how those resources are distributed. In other words, they probably have enough food, they probably have enough gasoline—that is what the Governor of Puerto Rico said today—but they can't get it to the places it needs to go. Part of it is because they need transportation—trucks and things—but a lot of it is because there is no one there to make sure. Puerto Rico's command and control has been decimated by this storm as well. People can't get to the places they are supposed to go. They don't have their phones, et cetera.

I spoke with Senator RUBIO this morning in the gym as well. He had just recently visited Puerto Rico. He had seen the devastation firsthand, and he told me the same—that Puerto Rico and the Virgin Islands are struggling, and they need help fast. His visit to Puerto Rico confirmed this idea that we really need command and control.

Well, there is no better command and control organization than our military, and we need our military to start aiding Puerto Rico in the command and control sense, as well as in the shipping of supplies, food, and the other kinds of things they need.

Puerto Rico needs help fast. They need personnel to direct the supplies and resources on the ground. All the aid in the world will be ineffective if it doesn't go where it is needed to go. So I joined Senator CANTWELL, the ranking member on the Energy Committee, which has jurisdiction in many ways here, and Senator NELSON, who cares a great deal about Puerto Rico and is from Florida, nearby, and 30 other Senators in sending a letter to the Trump administration that contains a list of needed resources and personnel to coordinate our relief efforts.

It appears there will not be a request for emergency supplemental appropriations this week. We hope it comes very soon.

Mr. President, we cannot forget the utter devastation facing the 3.5 million American citizens in Puerto Rico and the Virgin Islands. I have been on this Earth now for quite a few years, and I have never seen such devastation anywhere in the United States or its territories. So we need to act, and we need to act quickly. Command and control, which our military can help supply, should be at the top of the list.

TAX REFORM

Finally, Mr. President, on taxes, yesterday President Trump and Republican leaders laid out their tax plan, sharing the first sketchy set of details with the American people about what they want to change in our Tax Code. Any serious analysis of their proposal will leave you with one conclusion: President Trump and the Republicans have crafted a massive tax break for the very wealthy in our country.

Welfare is supposed to take care of the poor. This plan takes care of the rich. Plain and simple, the Republican plan is "wealthfare," the opposite of