

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

welfare. It is designed to take care of the rich. It repeals the estate tax, which goes to so few people in such large amounts of money, slashes the corporate rate, creates enormous tax loopholes for wealthy hedge fund managers in the form of a rate cut on passthroughs, and it lowers the rate, amazingly enough, on the top bracket of the wealthiest Americans while raising the tax rate on those at the bottom of the income scale. Who would have thought?

Secretary Mnuchin, Gary Cohn, and the President himself have said: We want to help the middle class. Then the first thing they come out with—again, we don't know all the details—lowers the top rate on the wealthiest and raises the bottom rate on the working families, which is the opposite of what they are saying.

On the estate tax, the bottom line is that only people whose estates are above \$10 million pay a nickel of estate tax—only those. It is a handful. We are compiling how many people in each State have paid the estate tax for the last 5 years. Everyone in their State will see how few people are affected. You know, if someone has a big farm and maybe it is \$12 or \$15 million and they don't want to sell it—pass it onto their kids—I am willing to make an exception for that. I think most people will, but that doesn't justify repealing the entire estate tax.

Moving on to corporate taxes, there is a difference between the big corporations and small corporations. The big corporations right now are making record profits. Let's say the thousand biggest are making record profits. They have more money than they have ever had. According to a study—I believe it is by Goldman Sachs, which is hardly a leftwing think tank—they are paying the lowest percentage of their profits as taxes in a very long while. Big corporate America is flush with money. They are not using it to create jobs. Why in God's Name anyone thinks, after giving them more money through a tax break, all of a sudden they are going to start creating jobs when they are not doing it now is beyond me.

It is different for small businesses. We Democrats understand that small businesses need a break. We will work with our colleagues to do it. But even this passthrough—the biggest benefit is going to be wealthy lawyers and hedge fund managers, who will then pay an individual tax rate of 25 percent while so many others who have much less wealth are paying more in taxes.

So the President gets up and says this is a tax break for the middle class. I believe he said this morning that he will not benefit from it. Please, let's have some honesty here. If you really believe giving tax breaks to the wealthiest people and the biggest corporations is going to create jobs, then have the courage to say it. Don't fudge it.

President Trump said that his plan would create a middle-class miracle. I

think it would be a miracle if it helped the middle class, given the numbers I have seen. While the tax plan doubles the standard deduction—that is one of the points where they say they help the middle class—it eliminates the personal exemption. The standard deduction is \$12,500; personal exemption is \$6,000. Figure it out, my friends. If you are a family of three or more, you lose, not gain. Three times \$6,000 is \$18,000; that is opposed to a \$12,500 standard exemption. It doesn't make sense.

Oh, and how about this one: The personal exemption is not the only one gone. State and local deductibility—I predict that is going to be a downfall of this plan. I know the ideologues say: Let's go after the States that charge taxes. Let me tell you, there are 40 or 50 Republican Congressmen from well-to-do suburban districts in high-tax States—New York, California, New Jersey, Pennsylvania, Illinois, Maryland—whose constituents will be clobbered by removing State and local deductibility. They will be clobbered. The \$12,500 they gain in the standard deduction, minus what they lose in the individual deduction, is far less than they pay in State and local taxes in those districts.

We are going to be watching them like a hawk. I will tell my New York Republican friends from those well-to-do suburban and upstate districts: You are going to be hurting your constituents if you vote for a plan that gets rid of State and local deductibility. The eyes of America will be on you, and certainly the eyes of each State.

How about this one: They eliminate the deduction for extraordinary medical expenses. If you have a child with cancer, it is hard to pay for it, and your insurance covers some, but you are not going to get a tax break for shelling out money for that extra medicine or that extra MRI scan—no.

So the Republican game plan gives a few crumbs to the middle class—and many in the middle class will pay more in taxes, a few hundred off taxes maybe—and at the same time gives a huge break to corporations and the superwealthy. The American people will not buy it. This is not 2000 or 1982, my Republican friends. We have huge problems where the wealthy are doing great, and the middle class and the poor are doing badly.

The American people will not buy tax breaks for the rich. They will not buy it. Seventy percent of Americans already think our system favors the wealthy, and the Republican tax plan drops an anvil on the scales of our tax system, tipping them even further in favor of the wealthy. The American people will not be for that.

What about the deficit? We hear about deficits every time there is a new program. This dwarfs any spending program in terms of the deficit that we have enacted over the last several years—\$5 to \$7 trillion of deficit. What has happened to all the Republicans who talk about wanting to be deficit neutral when it comes to spending? Is that out the window? We will see.

Let me tell you something that really got under my skin—sorry to my colleague from North Dakota. I am just agitated about this in a good way.

This morning, the chief economic adviser to President Trump, Gary Cohn, said the administration believes it "can pay for the entire tax cut through growth" by using a dynamic scoring model. Gary Cohn comes from Goldman Sachs. If he used that funny kind of math at Goldman Sachs the way he is using it here in Washington, he would have been kicked out of that firm a long time ago. Gary Cohn should know better; Gary Cohn does know better.

Let me repeat what I said yesterday: Dynamic scoring is fake math. Paying for tax cuts with growth is fake math. We know it is fake math; we have real-world examples. The 2001 and 2003 Bush tax cuts were promising they would pay for themselves through economic growth. It is the same thing you hear from the Club for Growth and some of my colleagues.

Some dynamic scoring models at the time predicted the 2001 and 2003 tax breaks would grow the economy so much it would nearly wipe out the national debt, but what happened? I heard the Club for Growth leader get on TV and say: Well, there may be a deficit in the short run, but after 10 years it will all be taken care of. Ten years after the Bush tax cut, CBO estimated the Bush tax cuts added \$1.6 trillion to the deficit.

How about the example of the great State of Kansas? Governor Brownback slashed the top rate. He exempted passthrough businesses. It was a real-life experiment in a Republican State, similar to what President Trump announced. Brownback's backers used dynamic scoring models to estimate that his tax cuts would generate \$323 million in new revenue by 2018. Guess what happened. It added so much money to their deficit over 4 years that they have had to figure out ways to raise taxes now, just as Ronald Reagan did in 1986. So this idea that the administration can pay for a \$5 to \$7 trillion tax cut through growth is simply selling a bill of goods using fake, fake math.

I yield the floor  
The PRESIDING OFFICER (Mr. YOUNG). The Senator from North Dakota.

Ms. HEITKAMP. Mr. President, I come to the floor today to give my strong support and ask my colleagues to support the confirmation of Judge Ralph Erickson to fill the North Dakota vacancy on the U.S. Court of Appeals for the Eighth Circuit. This is a seat that the U.S. Judicial Conference has deemed a judicial emergency, as it has been empty for almost 900 days. Being nominated to a seat on the U.S. circuit court of appeals is an honor and a privilege, virtually unmatched in the legal profession.

After reviewing Judge Erickson's record and talking to his colleagues and the people who have worked with

him and appeared before him back in North Dakota, I am very proud to come to the floor this morning and offer my strong support for his nomination to the Eighth Circuit. When Judge Erickson was nominated and confirmed to his current seat on the U.S. District Court for North Dakota, it was with the support of our two great former Senators and my good friends, Byron Dorgan and Kent Conrad. Judge Erickson has certainly upheld their faith and trust in his abilities as a district court judge, and I am confident he will uphold my faith and my trust in his ability as he moves to the Eighth Circuit.

Judge Erickson has a long history of commitment to the legal profession and the State of North Dakota, first through his service on the State court and, since 2003, as a judge on the U.S. District Court for the District of North Dakota. Very few lawyers can make such a long-term commitment to public service, and his record certainly reflects his belief that when a lawyer is called to serve for the greater good, they should answer that call. I hope Judge Erickson is able to instill this sense of commitment to public service in aspiring young lawyers whom he will come to meet and whom he will be able to influence through his example.

A nominee for the North Dakota seat on the Eighth Circuit must have experience in working with Indian Country, given the number of Tribes and the Indian land that are contained within the jurisdiction of the Eighth Circuit. During his career and at his hearing before the Judiciary Committee, Judge Erickson has shown an in-depth understanding of Tribal sovereignty issues and a recognition of the challenges and disparities in the treatment of Native Americans under the law when they are arrested and charged for crimes in Indian Country.

Judge Erickson has been an advocate for equal treatment of Native Americans under the law. He also serves as the chair of the U.S. Sentencing Commission's Tribal Issues Advisory Group. I have no doubt that Judge Erickson will bring this knowledge and understanding of Tribal issues, sovereignty, and treaties with him to the Eighth Circuit.

The best judges always have been people who can truly understand and bring to the bench a sense of empathy. Judge Erickson has used some of his own struggles and challenges during the course of his life to inform his own views and to give counsel to those who come before him as he uses his own personal struggles as an example. It takes a really big person to recognize and learn from their failings and to use them to help others. I admire him greatly for that.

During his confirmation hearing before the Senate Judiciary Committee, Judge Erickson showed an openness and frankness in responding to questions and discussing his past struggles. That was refreshing, illuminating, and

honestly all too rare here. I believe he impressed my colleagues on that committee greatly with his willingness to be so forthcoming and so honest. That is why they unanimously reported his nomination out of the committee.

It is a tremendous honor to be on the floor of the U.S. Senate before Judge Erickson's confirmation vote. I am here today to give my highest recommendation in support of his nomination to the U.S. Circuit Court of Appeals for the Eighth Circuit. I, again, urge all of my colleagues' thoughtful consideration and evaluation and favorable endorsement of his confirmation.

Thank you so much.

I yield the floor.

#### CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The senior assistant legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Ralph R. Erickson, of North Dakota, to be United States Circuit Judge for the Eighth Circuit.

Mitch McConnell, Orrin G. Hatch, James Lankford, Jerry Moran, Johnny Isakson, John Thune, Thom Tillis, Shelley Moore Capito, Mike Crapo, James E. Risch, Mike Rounds, John Barrasso, John Cornyn, Chuck Grassley, John Boozman, John Hoeven, Rob Portman.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Ralph R. Erickson, of North Dakota, to be United States Circuit Judge for the Eighth Circuit, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Mississippi (Mr. COCHRAN) and the Senator from Alabama (Mr. STRANGE).

Mr. DURBIN. I announce that the Senator from Minnesota (Mr. FRANKEN) and the Senator from New Jersey (Mr. MENENDEZ) are necessarily absent.

The PRESIDING OFFICER (Mr. SULLIVAN). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 95, nays 1, as follows:

[Rollcall Vote No. 206 Ex.]

#### YEAS—95

Alexander	Cantwell	Cortez Masto
Baldwin	Capito	Cotton
Barrasso	Cardin	Crapo
Bennet	Carper	Cruz
Blumenthal	Casey	Daines
Blunt	Cassidy	Donnelly
Booker	Collins	Duckworth
Boozman	Coons	Durbin
Brown	Corker	Enzi
Burr	Cornyn	Ernst

Feinstein	Lankford	Rubio
Fischer	Leahy	Sanders
Flake	Lee	Sasse
Gardner	Manchin	Schatz
Gillibrand	Markey	Schumer
Graham	McCain	Scott
Grassley	McCaskill	Shaheen
Harris	McConnell	Shelby
Hassan	Merkley	Stabenow
Hatch	Moran	Sullivan
Heinrich	Murkowski	Tester
Heitkamp	Murphy	Thune
Heller	Murray	Tillis
Hirono	Nelson	Toomey
Hoeven	Paul	Udall
Inhofe	Perdue	Van Hollen
Isakson	Peters	Warner
Johnson	Portman	Whitehouse
Kaine	Reed	Wicker
Kennedy	Risch	Wyden
King	Roberts	Young
Klobuchar	Rounds	

#### NAYS—1

Warren

#### NOT VOTING—4

Cochran	Menendez
Franken	Strange

The PRESIDING OFFICER. On this vote, the yeas are 95, the nays are 1.

The motion is agreed to.

The Senator from Wisconsin.

#### UNANIMOUS CONSENT REQUEST—S. 1808

Ms. BALDWIN. Mr. President, in 2 days, unless Congress acts, the Federal Perkins Loan Program—the Nation's oldest Federal student loan program—will expire, leaving thousands of students with one fewer option to help them afford a higher education.

Since 1958, the Perkins Loan Program has existed with broad bipartisan support and has provided millions of students a stronger path to the middle class.

In the 2016 to 2017 academic year, the program has served more than 770,000 students with financial need across more than 1,400 institutions of higher education. In my home State of Wisconsin alone, Perkins provided aid to more than 23,000 students who are working hard to achieve their dreams.

Colleges and universities are invested in Perkins. This program operates through campus-based revolving funds that combine prior Federal investments with significant institutional resources. While Congress stopped appropriating new funds for Perkins more than a decade ago, these schools continue to invest in this program because they know it works, and the campus-based nature of the program allows them to target aid to students they know are in the greatest financial need.

I am here to call on all of my colleagues to join me in supporting the extension of this critical program and investment in our students across America.

Two years ago, we allowed this important program to lapse, but thanks to the tireless efforts of students, institutions, advocates, and a bicameral, bipartisan majority in support of Perkins, we were able to advance a compromise that ensured that this source of support continued to be available to students in need.

Once again, we are facing a deadline. Once again, there is strong bipartisan