

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
Hoover	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

support for extending the Perkins Loan Program. Last week, Senators PORTMAN, CASEY, and COLLINS joined me in introducing the Perkins Loan Program Extension Act, which would provide for a 2-year extension. My fellow Wisconsinite, Representative MARK POCAN, together with New York Representative ELISE STEFANIK, have introduced a House companion bill that is supported by over 225 of their colleagues—a bipartisan majority in that Chamber.

I am here to call on my colleagues to act once again and support a 2-year extension of the Perkins Loan Program. And while I look forward to a broader conversation about improving Federal supports for students as we look to reauthorize the Higher Education Act, we cannot once again sit by and watch it expire as America's students are left with uncertainty.

Mr. President, I ask unanimous consent that the HELP Committee be discharged from further consideration of S. 1808, a bill to extend the Federal Perkins Loan Program for 2 years; that the Senate proceed to its immediate consideration and the bill be considered read a third time and passed, with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. ALEXANDER. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I would like to take a moment to explain my reason for the objection.

First, I would like to say to the Senator from Wisconsin that I am grateful for her work on the Health, Education, Labor, and Pensions Committee, where she is a valuable, diligent, and constructive member. We work on a great many things together and have agreed to very many things. However, we disagree on this one, and here is why. Let me summarize it at the beginning of my remarks and then explain it with a little more detail.

No one who has a Perkins loan today loses that loan, period. So if you are a student anywhere in the country and you have a Perkins loan for this year, you don't lose that loan, period.

Second, no one who has a Perkins loan for next year loses that loan because no one has one. They were ended 2 years ago. Every student was told in his or her financial aid information that the Perkins Loan Program ends this year, so no one could expect to have one next year. No one has been granted one for next year, so no one who has a loan is losing a loan.

Why did we, in December of 2015—2 years ago—reach a bipartisan agreement to sunset, or end, the Perkins Loan Program in 2 years, which is the end of this week? In that agreement, we allowed graduate students to receive Perkins loans for 1 additional year and undergraduates to receive Perkins loans for 2 additional years. It

was made clear at that time—2 years ago—that this was the last time the program would be extended, but we wanted to have a smooth transition, and we did not want students and colleges and universities to be surprised. That agreement, therefore, included many requirements for institutions of higher education to inform students over the last 2 years that the Perkins Loan Program would end on September 30 of this year, which is the end of this week. That agreement also set policies to make the sunsetting of Perkins loans as smooth as possible for students. The expiration of this loan program was not and should not have been a surprise. It has not received any appropriation since the year 2004, and the U.S. Department of Education reminded institutions that it was ending the program this year.

Now, why? Why are we ending the program? Why did we agree to do that 2 years ago, and why have the last three Presidents recommended that we end it—President Obama, President Trump, and President Bush?

The Department of Education estimated that in the 2016 to 2017 school year—that is the school year that just ended—the Perkins Loan Program provided less than \$800 million in new Perkins loans to about 300,000 recipients. That may seem like a lot, but by comparison, the Department estimated that the Federal Government disbursed over \$22 billion to almost 7 million undergraduate students in the Stafford Subsidized Loan Program, or the regular Direct Loan Program. The Perkins loan—a separate loan—provides an average loan of roughly \$2,000, and it illustrates the complicated mess in which students find themselves because of our Federal student aid system today.

The Perkins loans have a higher interest rate than other loans that are available to students today. The interest rate is 5 percent, compared with 4.45 percent for undergraduate loans. And students who have a Perkins loan aren't eligible for certain programs that exist for students with other loans, such as the income-based repayment programs and the public service loan forgiveness programs, which help students manage repayment of their loans. Those aren't available to students with a Perkins loan. The default rate for Perkins loans is higher than for the Stafford loan.

The bill which the Senator from Wisconsin has offered would cost taxpayers, according to the Congressional Budget Office, \$900 million for a 2-year extension. If we were to extend the program over 10 years, it would cost \$6.5 billion, according to the Congressional Budget Office. The bill does not have an offset, so these billions of dollars would only serve to add to the \$20 trillion Federal debt we already have.

I object because I think it is time for our country, through legislation by this Congress, to move on to a simplified Federal student aid program

that has only one Federal loan for students, one Federal grant for students, and one work-study program for students.

As I have spoken often about on this floor, along with Senator BENNET from Colorado, we would like to reduce the application form for those Federal grants and loans called FAFSA—the dreaded FAFSA which 20 million students and their families fill out every year. We would like to reduce that from 108 questions to 2 or 5 or 10 questions.

We need a much simpler program for Federal student loans, and the end of the Perkins Loan Program is a small step toward that end.

As I mentioned, President Bush recommended that the program end, President Obama recommended that the program be changed and folded, in effect, into the regular Direct Student Loan Program, and President Trump has the same position.

I look forward to working with my colleagues, including the Senator from Wisconsin, on the reauthorization of the Higher Education Act later this year, when we can work together to improve our Federal student loan programs and our grant programs, find ways to simplify them, make it easier and cheaper for students to attend college, and to help students pay those loans off, after they get them, in a fair and simpler way.

I thank the Presiding Officer.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

Ms. BALDWIN. Mr. President, I am certainly disappointed that my effort to extend the Perkins Loan Program today was just blocked by my Republican colleague, but I want to say that it is an honor to serve on the HELP Committee, where we do some very impressive bipartisan work.

I understand the Senator's concern about the program and his belief that we must simplify. I share his desire to work on a broader reauthorization of the Higher Education Act, and I look forward to that broader conversation about our Federal financial aid programs. However, I do not think it is right or fair to end this program, with nothing to replace it, to the detriment of students in need.

Also, I cannot agree that the compromise we hammered out 2 years ago was an agreement to wind down the program. I guess it is the perspective that we each bring to this subject, because I believed we were acting to ensure that the Perkins Loan Program could continue until we could discuss changes, improvements, and reforms to it and all Federal financial aid programs as part of broader legislation to improve higher education. We have yet to get to that bigger conversation, and it would once again be unfair to let this program end now without the benefit of a holistic assessment of the many ways the Federal Government helps to make college affordable for students across this country.

I will continue to fight to extend this support for America's students, and I hope the chairman of the committee will once again work with me and the bipartisan supporters of this program to find a path forward for the Perkins Loan Program.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I will conclude my remarks because I see the Senator from Mississippi is here.

Of course I will be glad to work with the Senator from Wisconsin. The fact is, 2 years ago we agreed to end the program. The graduate loans ended last year, and the undergraduate loans end this year. Everybody was told about it.

Every student who wants a loan can get a direct student loan from the government at a lower rate, with better repayment programs and better payment provisions than the Perkins loan. So no one is losing a loan, and everyone can get a better loan if they apply for a direct loan.

We do need a simpler program, and we need to simplify the application process for applying for the loans and grants and for paying them off.

I thank the Presiding Officer.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

#### NOMINATION OF AJIT PAI

Mr. WICKER. Mr. President, later on today, the Senate will move to a vote to advance the nomination of Ajit Pai to become Chairman of the Federal Communications Commission. I rise today in strong, enthusiastic support for confirming Chairman Pai as the permanent Chairman of the FCC.

In the 9 short months since Donald Trump chose Mr. Pai to serve as the FCC's Acting Chairman, he has restored confidence in the agency's ability to do its work on behalf of the American people and within the rule of law.

He is working to establish the light-touch regulatory framework that allowed the internet to become the marvel of the modern age, keeping it free and open for consumers, innovators, and providers. Internet technology will continue to thrive if we keep the heavy hand of government away from the controls.

Chairman Pai recognizes the need to close the digital divide between our Nation's rural and urban communities. I am working closely with him and with other members of the Commission to remove barriers to internet connectivity that exist in my home State of Mississippi and across the country. Without broadband access, these rural communities could lose out on critical jobs, economic development, and many other opportunities borne out of the thriving internet economy.

Mr. Pai has already proven he is capable of being an exemplary FCC Chairman who will fight for the unserved and underserved Americans.

As Acting Chairman, Mr. Pai has overseen the adoption of Mobility Fund Phase II rules supporting universal service. He has sought the advice of experts for the most effective broadband deployment, and he has encouraged the development of better networks, lower costs, and relief from regulatory burdens.

Americans are being well-served by a leader like Chairman Ajit Pai, who understands the strong connection between technology and innovation. Mr. Pai understands how high-speed internet can revolutionize small businesses and benefit local economies. He understands the importance of consumer protections and has already instituted proposals and rules that would benefit public safety.

I hope Mr. Pai will also continue to hold the FCC to the highest standards of transparency. His decision to make proposals and orders accessible to the public prior to the Commission's vote on them was a positive action.

The FCC will continue to be in good hands with Mr. Pai as Chairman and when the Senate votes later on today to move this nomination along. I urge my colleagues to vote yes and eventually to vote yes for his confirmation.

#### ORDER OF PROCEDURE

Mr. President, I ask unanimous consent that notwithstanding the provisions of rule XXII, at 12:15 p.m., all postcloture time be considered expired on the Erickson nomination and that, if confirmed, the motion to reconsider be considered made and laid upon the table and the President be immediately notified of the Senate's action; further, that the Senate then resume consideration of the Pai nomination and the time until 1:45 p.m. be equally divided prior to a cloture vote on the nomination.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. WICKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

#### NOMINATION OF AJIT PAI

Mr. MARKEY. Mr. President, today we begin debate on a position in our government that impacts the daily lives of every single American. If you use a telephone, connect to the internet, watch television, and pay a big cable company to do all of those things, then you need to know who Ajit Pai is.

President Trump nominated Ajit Pai to be the Chairman of the Federal Communications Commission. While Ajit Pai has devoted many years to public service, I cannot support his nomination. Under Mr. Pai's short tenure, he has made the FCC stand for

"forgetting consumers and competition."

Let's take a look at who is getting a piece of the FCC pie under Chairman Pai. It is American consumers on the one hand versus big corporations on the other hand. Let's take a piece of this pie and determine who is getting that first slice of what is going on at the Federal Communications Commission.

Let's look at net neutrality. Net neutrality is the basic principle that says that all internet traffic is treated equal. Net neutrality ensures that internet service providers like AT&T, Charter, Verizon, and Comcast do not block, slow down, censor, or prioritize internet traffic.

If Ajit Pai gets his way, a handful of big broadband companies will serve as gatekeepers to the internet. Fewer voices, less choice, no competition, but more profits for the big broadband companies—that is Pai's formula. Yet it is today's net neutrality rules that ensure that those with the best ideas, not merely the best funded ideas, can thrive in the 21st-century economy. It is net neutrality that has been the internet's chief governing principle since its inception.

Consider that today essentially every company is an internet company. In 2016, almost half of the venture capital funds invested in this country went toward internet-specific and software companies. That is \$25 billion of investment. Half of all venture capital in America went toward internet-specific and software companies—half of all venture capital.

To meet America's insatiable demand for broadband internet, the U.S. broadband and telecommunications industry invested more than \$87 billion in capital expenditures in 2015. That is the highest rate of annual investment in the last 10 years.

So we have hit a sweet spot. Investment in broadband and wireless technologies is very high. Job creation is very high. Venture capital investment in online startups is very high. That is why more than 22 million Americans wrote to the Federal Communications Commission to make their voices heard about net neutrality. They do not want it repealed. Yet Chairman Pai's proposal would decimate the FCC's open internet order.

Chairman Pai has said: "We need to fire up the weed whacker" to net neutrality rules. Do we really want a leader at the Federal Communications Commission who, ultimately, is going to implement the agenda of the big broadband companies, which want to crush competition, reduce choice, and then make consumers pay more?

So the first slice of this pie of killing net neutrality goes to the big corporations, and the losers are the consumers.

Let's go to the next slice of the FCC pie. Let's see where that goes as these decisions are being made. The next issue is, in fact, broadband privacy.