

to better reflect the realities of today's competitive landscape, Chairman Pai has announced the creation of an Office of Economics and Data to provide cost-benefit analyses to better inform the FCC's work.

These measures are a significant step forward from the last Chairman's leadership style, which I frequently criticized as being hyperpartisan and warned would lead to counterproductive outcomes over the long term. That is why, a little over a year ago, I felt compelled to stand in this same spot and to strongly criticize the previous Chairman of the FCC for leading the Commission with unprecedented partisan zeal. At that time, I noted that the voting record for open meetings at the Commission showed a long history of consensus-building with the previous five permanent FCC Chairmen combining for only 14 party-line votes at open meetings during their tenures. However, this all changed under Chairman Wheeler as he pursued a highly partisan agenda, driven by ideological beliefs more than by a sober reading of the law. Chairman Wheeler forced 3-to-2 votes on a party-line basis a total of 31 times. To put it another way, in 3 years under Chairman Wheeler, the FCC saw over twice as many partisan votes than in the previous 20 years combined.

While partisan differences are sometimes inevitable, what were once very rare events have become standard operating procedure at the Commission. This extreme partisanship was used to do the following things: a complete upending of how the internet is regulated, creating years of uncertainty for everyone; stripping important consumer protection responsibilities from the Federal Trade Commission; a failed attempt to override States' rights on municipal broadband and a power grab that was overturned by the courts; increasing the size of the Universal Service Fund by billions of dollars by simultaneously undermining bipartisan efforts to improve the program's accountability; the unnecessary and possibly unlawful disclosure of trade secrets and a plan to have the FCC and its Media Bureau design and dictate the future of television ads.

I was not alone in noticing Chairman Wheeler's overreach. On several occasions other Federal agencies refused to support his actions. The Copyright Office strongly criticized a proposal for set-top boxes. The staff at the Federal Trade Commission called the FCC's privacy rules "not optimal," which is bureaucrat speak for really bad. The Obama administration's Department of Justice refused to defend the FCC's unlawful action on municipal broadband.

With respect to internet regulations, I am pleased that Chairman Pai has sought to hit the reset button on the 2015 title II order because, as I have previously said, the FCC should do what is necessary to rebalance the agency's regulatory posture under current law. I continue to believe, how-

ever, that the best way to provide long-term protections for the internet is for Congress to pass bipartisan legislation.

Two and a half years ago, I put forward legislative principles and a draft bill to begin the conversation, and I continue to stand ready and willing today to work toward finding a lasting legislative solution that will resolve the dispute over net neutrality once and for all.

Thankfully, the net neutrality debate has not distracted the FCC from important work in other areas. For instance, the FCC's proposed rulemaking on robocalls is a positive step in the right direction. The government must do everything we can to protect consumers from those who are truly bad actors, but we also must be sure that the government's rules are not unfairly punishing legitimate callers who are not acting maliciously. The FCC's notice of inquiry will give that conversation a much needed jump-start.

Furthermore, Chairman Pai's focus on the expansion of rural broadband and acceleration of next-generation infrastructure deployment will help close the digital divide—a goal that we all share. He has also worked tirelessly to help ensure communications services are restored to the communities affected by Hurricanes Harvey, Irma, and Maria.

Given the FCC's importance to the future of our economy and our society, it is important for the Commission to seek opportunities for common ground. In the past, people used to say that communications policy was not particularly partisan and that both sides of the aisle could often find common ground to work together. Well, times have changed, and the debate on this nomination is another example of that.

I know that agreement is not always possible. Nevertheless, as a corrective to the Commission's recent history, I urged Chairman Pai at his confirmation hearing to treat all Commissioners fairly, to respect the law, to be willing to ask Congress for guidance, and to seek consensus whenever and wherever possible. I believe doing so will improve the agency's credibility and will result in actions that are more likely to endure, and I believe that Chairman Pai will do these things.

As I noted at the outset, Chairman Pai has already made much needed reforms to improve the processes at the FCC and to empower his fellow Commissioners. He has already shown a commitment to ensuring transparency and openness at the Commission, which gives me great confidence in the direction that he will lead the agency. Chairman Pai's new approach, I believe, will lead to more long-lasting and positive results at the FCC. That is why I believe the elevation of Ajit Pai to be the Chairman of the Commission is a much needed breath of fresh air, and why I believe he should be confirmed promptly and without further delay.

So I urge my colleagues to support this nomination.

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 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 Ajit Varadaraj Pai, of Kansas, to be a Member of the Federal Communications Commission.

Mitch McConnell, Joni Ernst, Thom Tillis, Ben Sasse, Steve Daines, Mike Crapo, Jerry Moran, Tom Cotton, John Thune, Pat Roberts, James M. Inhofe, Johnny Isakson, John Cornyn, James Lankford, John Boozman, James E. Risch, Roger F. Wicker.

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 Ajit Varadaraj Pai, of Kansas, to be a Member of the Federal Communications Commission shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

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

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. MENENDEZ) is necessarily absent.

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

The yeas and nays resulted—yeas 55, nays 41, as follows:

[Rollcall Vote No. 208 Ex.]

YEAS—55

Alexander	Flake	Paul
Barrasso	Gardner	Perdue
Blunt	Graham	Peters
Boozman	Grassley	Portman
Burr	Hatch	Risch
Capito	Heller	Roberts
Carper	Hoeven	Rounds
Cassidy	Inhofe	Rubio
Collins	Isakson	Sasse
Coons	Johnson	Scott
Corker	Kennedy	Shelby
Cornyn	Lankford	Sullivan
Cotton	Lee	Tester
Crapo	Manchin	Thune
Cruz	McCain	Toomey
Daines	McCasikill	Wicker
Enzi	McConnell	Young
Ernst	Moran	
Fischer	Murkowski	

NAYS—41

Baldwin	Feinstein	Markey
Bennet	Franken	Merkley
Blumenthal	Gillibrand	Murphy
Booker	Harris	Murray
Brown	Hassan	Nelson
Cantwell	Heinrich	Reed
Cardin	Heitkamp	Sanders
Casey	Hirono	Schatz
Cortez Masto	Kaine	Schumer
Donnelly	King	Shaheen
Duckworth	Klobuchar	Stabenow
Durbin	Leahy	

Udall
Van Hollen

Warner
Warren

Whitehouse
Wyden

NOT VOTING—4

Cochran
Menendez

Strange
Tillis

The PRESIDING OFFICER. On this vote, the yeas are 55, the nays are 41.

The motion is agreed to.

The Senator from Nebraska.

Mr. SASSE. Mr. President, I would like to extend thanks to my colleagues from Ohio and Maryland for allowing me to cut in line.

PUERTO RICO AND U.S. VIRGIN ISLANDS
RECOVERY EFFORT

Mr. President, a few minutes ago, the Senator from Connecticut made a speech about the natural disaster and humanitarian disaster unfolding in Puerto Rico. He urged the executive branch and, in particular, FEMA, the Department of Homeland Security, and the Department of Defense to move quicker to enable the Congress to do our oversight responsibilities.

Director Long at FEMA today made clear to a number of us on a conference call briefing that there are constraints into and out of the airport at San Juan. There are all sorts of legitimate arguments he has made. At the same time, it is absolutely imperative for the American people and for the disaster unfolding in Puerto Rico that the Congress, in general, and the Senate, in particular, be able to do our oversight work.

I would like to associate myself with the comments of the Senator from Connecticut.

Thank you.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. PORTMAN. Mr. President, I appreciate the comments of my colleague from Nebraska, and our hearts go out to those victims of the hurricane now in the Virgin Islands and Puerto Rico, following the terrible devastation in Texas and Florida. These are American citizens who deserve our assistance and urgent help.

I am glad to hear there is now more support mobilizing on the island. I would like to associate myself with the comments of those who talk about the need to move quickly to save lives.

STOP ENABLING SEX TRAFFICKERS ACT

Mr. President, I rise to talk about something different today, something equally urgent and concerning. It has to do with legislation that is present here in the U.S. Senate and in the House of Representatives. It is about an issue called sex trafficking—human trafficking. It is a crime against humanity. It is a human rights issue that really transcends partisanship and transcends politics.

Every day that we aren't acting here to help push back against this, countless vulnerable women and children are suffering. I personally think it is a stain on our national character that sex trafficking is increasing in this country, in this century, at this time. Experts tell us that it is increasing because of the internet. So the internet,

which has so many positive aspects, also has a dark side. One is the selling of children and women online with ruthless efficiency.

I appreciated the Senate Commerce Committee holding a hearing last week on bipartisan legislation called the Stop Enabling Sex Traffickers Act. I appreciated the opportunity to testify in support of this legislation at that hearing. But, actually, the most powerful testimony by far came from a mom. Her name is Yvonne Ambrose. Yvonne received a call on Christmas Eve that every parent dreads. As a dad of three kids, I can't imagine. Her 16-year-old daughter, Desiree, was murdered while being exploited and sold for sex on backpage.com, the industry leader in the online sex trafficking of minors.

A 16-year-old girl should never have been trafficked online, but the tragedy of her death is compounded by the fact that backpage.com, the website she was bought and sold on, has repeatedly evaded justice for its role in child sex trafficking.

We know from the National Center for Missing and Exploited Children that backpage alone is responsible for most child trafficking. In fact, 75 percent of all child trafficking reports the organization receives from the public have to do with backpage.com. We know from a nearly 2-year investigation by the Senate Permanent Subcommittee on Investigations, which I chair, that backpage actively and knowingly facilitated online sex trafficking, coached its users on how to post so-called clean ads for illegal transactions, and knowingly edited ads to conceal evidence of crimes, including the concealed evidence of underage girls being sold online.

Despite these facts, which are horrendous, courts have consistently ruled that a Federal law called the Communications Decency Act protects backpage from its liability for its role in sex trafficking. This law is 21 years old. It shields websites from liability for crimes others commit through their site. It was enacted when the internet was in its infancy. It was intended, by the way, in part to protect children from indecent material on the internet. Now it is protecting websites that sell women and children for sex.

This was never Congress's intention when enacting the Communications Decency Act. In fact, last week, California's attorney general, Xavier Becerra, testified at the Senate hearing I talked about. He was a Congressman in 1996 when the law was enacted. In discussing the Communications Decency Act, he said: "I don't remember in 1996 believing my 'yes' vote meant I was going to allow, 21 years later, for kids to be sold through the internet for sex."

Congress clearly did not intend for this broad immunity to occur, but courts have made it clear their hands are tied because of legal precedent and have invited the Congress to fix this injustice.

Just last month, a Sacramento judge made the most blatant call on Congress yet. The court threw out pimping charges against backpage.com because of the liability protections provided to the website under Federal law. The court opinion stated: "If and until Congress sees fit to amend the immunity law, the broad reach of section 230 of the Communications Decency Act even applies to those alleged to support the exploitation of others by human trafficking."

Because of this interpretation of the law over the last 20 years, only Congress can fix this injustice. Again, that is why I introduced the bipartisan Stop Enabling Sex Traffickers Act.

Along with coauthors Senators BLUMENTHAL, MCCAIN, MCCASKILL, CORNYN, and HEITKAMP, we are determined to get this bill passed to make a difference in the lives of countless women and children who have been exploited by online sex traffickers.

Last week's hearing was a great positive step in that direction. We had bipartisan support in the hearing, and I hope that after the hearing, we can move quickly to a markup. I thank Senator THUNE, who was on the floor earlier—chairman of the committee—for his leadership in this area.

The bill would do two things. They are both very targeted and narrow. One, it would allow sex trafficking victims to get the justice they deserve against websites that knowingly facilitate crimes against them. Second, it would allow State and local law enforcement to prosecute websites that violate Federal sex trafficking laws, again, with the knowing standard.

This standard of knowing is a high bar to meet. Websites would have to be proven to knowingly facilitate, support, or assist online sex trafficking to be liable. Because the standard is so high, our bill protects good technology companies—good actors—and targets rogue online traffickers like backpage. Our bill also preserves the Good Samaritan provision in the Communications Decency Act, which protects the actors that proactively screen their websites for offensive material.

These are commonsense updates to bring a 21-year-old statute into the 21st century.

This bill has received wide bipartisan support. Thirty-three Senators have supported it, one-third of the entire U.S. Senate as cosponsors. We also have the support of dozens of anti-human trafficking groups in all of our States, faith-based groups from around the country, law enforcement groups, all the national law enforcement groups, including the attorneys general, the groups out there that actually are involved in these prosecutions. They have all publicly endorsed this legislation.

Some significant players in the tech and business community have also stepped up to support it. Recently, Oracle endorsed the legislation, also 21st