

## NET NEUTRALITY

Mr. MARKEY. Madam President, last year, Chairman Pai, of the Federal Communications Commission, threatened to take a weed whacker to the FCC's net neutrality rules. On December 14, Chairman Pai and the FCC are likely to make good on that promise. Last week, they issued their plan. They are quite proud of it. Chairman Pai is very proud of their plan. They got that done last week. Then, on December 14, they are going to execute their plan to execute the net neutrality rules of our country.

Net neutrality applies the principles of nondiscrimination to the internet world, ensuring that broadband providers—America's internet gatekeepers—do not block, slow down, or prioritize internet traffic. In 2015, the FCC correctly adopted the open internet order, enshrining these net neutrality principles into law, but now net neutrality and the free and open internet—this diverse, dynamic, democratic platform—are under attack.

Here is what Chairman Pai is proposing. No. 1, he would gut the rule against blocking. What does that mean? It means an internet service provider could block any website it wants. It could block something just because it decided to. That includes a website of a competing service or a website with a contrary political view. Whatever they want, they can block. The biggest companies—Comcast, AT&T—they can just block it.

No. 2, Chairman Pai would gut the rule against throttling. What does that mean? That means the internet service provider could slow down any website it wants.

No. 3, Chairman Pai would gut the rule banning paid prioritization. What does that mean in easy-to-understand language? That means the internet service provider could charge websites for an internet fast lane—meaning those websites would load quicker, while websites that can't afford the internet "EZ pass" would be stuck on a gravel path, taking more time to load and frustrating consumers with long buffering times.

No. 4, Chairman Pai would gut the forward-looking general conduct rule. What does that mean in easy-to-understand language? That means whatever discriminatory conduct ISPs think of next in the coming months or years would be perfectly legal.

No. 5, Chairman Pai would create an unregulated interconnection market. What does that mean, an unregulated interconnected market? In plain English, it means the Federal Communications Commission would lose authority to oversee places where the internet service providers connect to the internet and extract fees.

No. 6, Chairman Pai would prevent States and localities from adopting their own net neutrality protections. If you live in Massachusetts or you live in California or you live in Alabama,

capital, which not only induces U.S. firms to invest more, but also makes it more attractive for both U.S. and foreign multinational corporations to locate investment in the United States.

There is some uncertainty about just how much additional investment is induced by reductions in the cost of capital, but based on an extensive body of scholarly research, many economists believe that a 10% reduction in the cost of capital would lead to a 10% increase in the amount of investment. Simultaneously reducing the corporate tax rate to 20% and moving to immediate expensing of equipment and intangible investment would reduce the user cost by an average of 15%, which would increase the demand for capital by 15%. A conventional approach to economic modeling suggests that such an increase in the capital stock would raise the level of GDP in the long run by just over 4%. If achieved over a decade, the associated increase in the annual rate of GDP growth would be about 0.4% per year. Because the House and Senate bills contemplate expensing only for five years, the increase in capital accumulation would be less, and the gain in the long-run level of GDP would be just over 3%, or 0.3% per year for a decade.

Is this estimate of the growth effect realistic? According to one leading model using an alternative framework, the proposal would increase the U.S. capital stock by between 12% and 19%, which would raise the level of GDP in the long run by between 3% and 5%. Yet another model, this one used in the analysis of the "Growth and Investment Plan" in the 2005 President's Advisory Panel on Federal Tax Reform, found that a business cash-flow tax with expensing and a corporate tax rate of 30% would yield a 20.4% increase in the capital stock in the long run and a 4.8% increase in GDP in the long run. More conservative estimates from the OECD suggest that corporate tax changes alone would raise long-run GDP by 2%. In short, there is a substantial body of research suggesting that fundamental tax reform of the type being proposed would have an important effect on long-run GDP. We view long-run effects of about 3% assuming five years of full expensing, and 4% assuming permanent full expensing, as reasonable estimates.

Another advantage of the corporate rate reduction embodied in the House and Senate Finance bills is that it would lead both U.S. and foreign firms to invest more in the United States. In addition, U.S. multinational firms would face a reduced incentive to shift profits abroad, which would raise federal revenue, all else equal.

In the foregoing analysis, we assumed a revenue-neutral corporate tax change. Deficit financing of part of a reduction in taxes increases federal debt and interest rates, all else equal. For the House and Senate Finance bills, this offset is likely to be modest, given that the United States operates in an international capital market, which means that the impact of changes in interest rates resulting from greater investment demand and government borrowing are likely to be relatively small.

## LOWERING INDIVIDUAL TAX RATES ALSO OFFERS GENERALLY POSITIVE ECONOMIC EFFECTS

The House and Senate bills also contemplate a number of individual tax provisions that can affect economic activity and incomes. In recognition of the fact that non-corporate business income is substantial in the United States, both bills would reduce taxation of non-corporate business income and increase the amount of capital expensing allowed. While difficult to quantify, as the bills specify different effective tax rates, these provisions would increase investment and GDP above the level associated with the

corporate tax changes discussed above. Also on the individual side, both the House and Senate bills reduce marginal tax rates on labor income for most taxpayers, increasing the reward for work. Increases in labor supply, in turn, increase taxable income and tax revenues. One should note, however, that some taxpayers would face increases in effective marginal tax rates because of base-broadening features of the bills, such as limits on the federal tax deductibility of state and local income taxes. On balance, though, we believe that the individual tax base broadening embodied in the proposals would enhance economic efficiency by confronting most households with lower marginal tax rates. In addition, fairness would be served by reducing differences in the tax treatment of individuals with similar incomes, and simplification by reducing the number of individuals who itemize for federal tax purposes.

## CONFIRMING A PRO-GROWTH OBJECTIVE IS IMPORTANT FOR THE PATH FORWARD

You have consistently stressed that the objective of tax reform should be to enhance prospects for increased economic growth and household incomes. We agree with this objective, which is consistent with the traditional norms of public finance going back to Adam Smith. We believe that the reforms embodied in the House and Senate Finance bills would achieve this objective. The increased growth, in turn, would lead to greater taxable income and federal tax revenues, which would reduce the static cost of lost federal tax revenue from the reform.

We hope these analytical points of support for the growth effects of tax plans being discussed are useful to you and to the Congress as you complete the important economic task of fundamental tax reform. We would be happy to discuss our conclusions with you at your convenience.

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Mr. CORNYN. I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

your State can't give you any protections. They can't say: Here's how we want the internet to be operating.

What will replace these enforceable net neutrality rules? Nothing. Chairman Pai will leave it to the internet service providers—to the big companies we all subscribe to—to regulate themselves. We will just put them on the honor system. We know the broadband industry—your cable, your wireless or telecommunications provider—cannot regulate themselves. They struggle to even show up on time to install or fix your service. Do we really trust the broadband industry to resist leveraging their internet gatekeeper role and putting their online competitors at an unfair disadvantage? Of course not.

What is Chairman Pai's silver lining in light of gutting all of these rules? He has proposed to keep some transparency rules, requiring the internet service providers—these broadband behemoths—to disclose their practices to consumers. What good is transparency when most Americans have little or no choice for high-speed broadband access? After all, 62 percent of Americans have one choice for high-speed fixed broadband. If a household's only choice for high-speed broadband is transparent about its plans to set up internet fast and slow lanes, the consumer has two choices: accept the internet provider's terms or live without the internet. That is not a real choice at all. People are not going to be living without the internet in the 21st century. You are going to pay whatever that company tells you, you are going to pay.

It is clear that most Americans do not want what the FCC is proposing. A record number of people—over 22 million—made their voices heard at the FCC. Americans know the internet—the world's greatest platform for commerce and communications—is at stake. 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. To meet America's insatiable demand for broadband internet, U.S. broadband and telecommunications industry companies invested more than \$87 billion in capital expenditures in 2015. That is the highest rate of annual investment in the last 10 years.

We have hit the sweet spot. Investment in broadband and wireless technologies is high. Job creation is high. Venture capital investment in online startups is high. With these net neutrality protections in place, there is no problem that needs fixing, but under Chairman Pai's plan, broadband providers get exactly what they want—an unregulated Wild West where they can set up internet fast and slow lanes.

Chairman Pai proposes to have the FCC completely abdicate its rightful role to oversee telecommunications networks under title II of the Commu-

nications Act. Chairman Pai claims that the FTC—the Federal Trade Commission—provides a sufficient backstop to discriminatory behavior by the big broadband companies. That is simply not true.

Under the Federal Trade Commission regime, the big broadband barons would establish their own net neutrality policies, and if the internet service provider wants to block websites, slow down the competitors' content, or charge innovators and entrepreneurs to reach their customers, they will be free to do so. That is because the Federal Trade Commission can only step in if a broadband provider violates its own net neutrality policies, but what if the internet service provider has a written policy that charges websites for internet fast lanes? There is nothing the Federal Trade Commission can do about it because the broadband baron told you what they are going to do. They were transparent about what they were going to do, but you just have no recourse whatsoever going to the Federal Trade Commission. It is a false promise of protection that Chairman Pai is presenting.

The only way to protect a free and open internet is with strong net neutrality rules of the road, not voluntary guidelines. Chairman Pai's proposal would put the future of a free and open internet in the hands of big corporations and the powerful few at the expense of ordinary consumers all across our country. Our consumers will be tipped upside down and have money shaken out of their pockets because they will not have the protection of net neutrality provisions that are now the law but are soon to be wiped off of the law.

The Trump administration is waging an all-out assault on our core protections: the Affordable Care Act, the Paris climate accord, the Clean Power Plan. Now Trump's Federal Communications Commission has net neutrality in their sights. For all of those who rely on the free and open internet—whether it is for commerce, education, healthcare, entertainment—I urge you all to rise up and create a firestorm of opposition to this assault on net neutrality. This goes to the fundamental principles of nondiscrimination online. This is the greatest engine for commercial job development our country has ever seen. It is the engine for new companies to be started. It is the way in which young people are able to disrupt established companies, to take new concepts that create jobs but also benefit consumers across our country. That is the opportunity this represents, and it is also a powerful force for democracy, for everyone's voice being heard equally. That is what net neutrality is about. That is what the Trump-Chairman Pai Federal Communications Commission is about to end, and that is why we must fight. That is why I am so proud to be standing as part of this effort with our great

ranking member of the Commerce Committee, Senator BILL NELSON from the State of Florida, because this is a fight worth having.

I yield the remainder of my time.

THE PRESIDING OFFICER. The Senator from Florida.

MR. NELSON. Madam President, one cannot say it much better than the Senator from Massachusetts has said it. Everyone has come to expect a free and open internet—one that does not charge more for certain content and charge less for favorite content. It is supposed to be free. It is supposed to be open. It should be balanced. Hopefully, since it seems that the Pai regime is, in fact, going down this road, there will be immediate lawsuits that will be very time-consuming. At the end of the day, sometime in the future, there may be an opportunity for a legislative solution, but it has to be a balanced solution that protects the right of the public to a free and open internet.

#### PUERTO RICO RECOVERY EFFORT

Madam President, I want to discuss another issue.

What do you think it would be like to be in your home for 3 months without electricity when all of your home appliances and all of your daily routines have been built around the fact that electricity has provided the power to run your home in the way that you would expect?

Do you know that half of the people of Puerto Rico, 3 months after Hurricane Maria, still do not have electricity? Is it any wonder that 160,000 people—our fellow citizens from Puerto Rico—have now chosen to get on an airplane and go to the State of Florida? Is it any stretch of the imagination that there will not be hundreds of thousands more? They see a land that was devastated by a category 4 hurricane—that verged on a category 5—and that covered the entire island, with remote parts of the island having been completely cut off for 2½ weeks from transportation to get there, except by air, like the town of Utuado, which is up in the mountains, that I visited shortly after the hurricane.

Is it any wonder that people like them are now being very creative and very inventive? There are neighbors helping neighbors. They are all coming together. But they have been without electricity for such a long period of time that the opportunities for jobs are drying up, businesses cannot open, and commerce has slowed. With a \$250 plane ticket, in 2 hours they can be in Florida, and, indeed, that is what has happened—160,000, as of now, just to Florida. How many have gone to New York and to other States? We do not have that calculation, but we expect several hundred thousand more to go.

For all who come here, the island of Puerto Rico is their home. They want to return, but is there going to be a quick resumption of business? In its contracting through the U.S. Army Corps of Engineers, is FEMA going to get the electricity back up? Are there