

Senator JOHNSON's right to refuse a judge from his home State, which, as I said, was respected by then-Chairman LEAHY, was defended publicly in an op-ed by—guess who—Mr. Brennan himself. He wrote an op-ed—he was not a nominee for judge then—saying JOHNSON's right to hold the seat open should be respected. Now he is on the floor with the blue slip being ignored for the first time since I have been here, since 1998.

How is Senator BALDWIN's right to consult on judges for her State any less important than Senator JOHNSON's? It is mind-bending hypocrisy, it is an appalling double standard, and it is another erosion of minority rights and the tradition of comity that I know so many of my colleagues on both sides of the aisle wish played a greater role in the Senate.

Furthermore, as Senator BALDWIN has talked about, they have always had a bipartisan commission recommending judges in Wisconsin. There were several nominees who got through that bipartisan commission, needing both Democratic and Republican support to get through that commission. As I understand it, they were ignored by the White House, and Mr. Brennan, a hard-right nominee—I am not sure if he didn't pass the committee or wouldn't have passed the bipartisan committee of Wisconsin—is here on the floor. This is the second time we are going to be voting on a judge who didn't receive both blue slips. There will be another hearing today in the Judiciary Committee on Ryan Bounds for the Ninth Circuit in Oregon, even though he didn't receive a blue slip from Senator WYDEN or Senator MERKLEY.

I would admonish my friends on the other side of the aisle that this is a very dangerous road you are treading. As everyone knows, the winds of political change blow swiftly in America. The minority one day is the majority the next. There will come a day when the shoe will be on the other foot once again, and I don't think my friends will be too happy if they are not afforded the courtesy of consulting on home State judges.

I like the tradition of bipartisanship when it comes to judges. I argued privately with Leader Reid that we shouldn't remove the 60 votes. I was successful on the Supreme Court—he didn't include that—but not on district court and circuit court judges. So in a tit for tat—I understand that—Leader MCCONNELL said that we are doing it for the Supreme Court too. But the blue slips are a whole new world.

I have always had three standards for the judges I participate in choosing for New York. Excellence—they should be legally excellent, not political actors. Diversity—I like diversity on the bench when we can get it. We always try, and we have had a lot of success in New York. But I also like moderation. I don't like judges to the far right—that is obvious—but I also don't like judges

to the far left because judges who are ideologues tend to believe they can make law rather than interpret law.

Week by week, month by month, year by year, the bounds—both sides of the aisle are somewhat to blame, but this blue slip goes way beyond—and the tradition of bipartisanship that have kept judges more in the center, that have kept judges who tend to interpret the law rather than make it have evaporated. Once the blue slips are gone, that is the last vestige. There will be little incentive for the majority to consult the minority on judicial nominations. That is objectively not a good thing. We want judges who are qualified, evenhanded, not partisan instruments. A Senate that acts only as a rubberstamp for the President's nominees is not doing its job, and we may as well not advise and consent if the party in power, even by one vote as it is here today, just rubberstamps every one of the President's judges.

So I urge my Republican friends to consider the larger implications of the vote on Michael Brennan—the seat that was vacant for 6 years in response to the blue slip. By the way, Leader MCCONNELL and Chairman GRASSLEY signed a letter with Leader Reid—then-Majority Leader Reid—not to get rid of the blue slip, which he listened to. So if you want to talk about tit for tat, this one doesn't belong. Reid kept the blue slip, even though lots of vacancies stayed for a lot longer than a year. MCCONNELL is getting rid of it for circuit court judges, and it is a move away from an impartial, nonpolitical judiciary.

Every Senator, if he or she were facing what Senator BALDWIN is facing today, would want this body to defend their rights. I would urge at least one or two of my colleagues on the other side of the aisle not to vote in lockstep and for the sake of the Senate, for the sake of the country, to vote no on Brennan, whether you agree with his views or not, as a protest to the way this has happened.

#### NET NEUTRALITY

Mr. SCHUMER. Mr. President, now, there is one final topic—net neutrality. Later today, Democrats will take the Senate another step toward the consideration of a resolution to restore net neutrality. When the Republican-led FCC voted to repeal net neutrality in December, they handed the large internet service providers all the cards. They said: Do what you will with the internet. Charge consumers more for faster service if you like or segment the internet into packages forcing the average family to purchase faster times for their favorite websites. Let big corporations purchase faster internet service while startups, small businesses, and consumers are left in the dust. Public schools, rural Americans, communities of color, or anyone in a remote area or without substantial resources could be at a significant dis-

advantage if the ISPs start charging more for decent internet.

People say: Well, let a private company do whatever it wants. Let them charge whatever they want. But in certain goods, which are essential, we don't do that—utilities, highways. The same thing now applies to the internet. It is a necessity, and we have to have protections for average folks, for small businesses, for working families. That is why Democrats are so concerned about net neutrality and why we are trying to restore it. We believe that the internet should be kept free and open like our highways—accessible and affordable to every American, regardless of the ability to pay. It is not that you don't pay; it is that if you are a little guy or gal, you shouldn't pay a lot more than the big shots. We don't do that on highways, we don't do that with utilities, and we shouldn't do it on the internet, which is another modern, 21st-century highway that is a necessity.

Every Democrat supports our net neutrality CRA, as well as one Republican, Senator COLLINS. Unlike most legislation, Democrats can force a vote on the floor of the Senate on our proposal. Today, Senator MARKEY will take the first step in that process. He is going to discharge the CRA from the Commerce Committee to the Senate calendar. That means we will have a vote on the ability to preserve net neutrality and help the little guy pay for services on the internet, and that will make that vote available next week. So I urge average Americans—young people, old people, everyone in between—and small businesses to email, call, write, visit your Senator on the Republican side, and urge them to preserve net neutrality. It is only right, it is only fair, and it makes economic sense.

No matter what, my friends on the other side are going to have to put themselves on the record on this issue. Whose side are you on—the big internet and cable providers or the average consumer who depends on the internet? This vote can be summed up in one phrase: Whose side are you on? I urge all Americans—particularly younger Americans who get this better than my generation because they have lived with the internet their whole life—to contact their Senators this week and next week before the vote and demand that their Senator restore net neutrality.

Americans, please contact your Senators. Your wallet and well-being, in ways far more significant than most things we do here, depend on it.

I yield the floor.

#### RESERVATION OF LEADER TIME

The PRESIDING OFFICER. 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 to resume consideration of the following nomination, which the clerk will report.

The senior assistant legislative clerk read the nomination of Kurt D. Engelhardt, of Louisiana, to be United States Circuit Judge for the Fifth Circuit.

The PRESIDING OFFICER. The Senator from South Dakota.

### TAX REFORM

Mr. THUNE. Mr. President, as I have said before, Republicans had two goals when it came to tax reform. First we wanted to put more money in the pockets of hard-working Americans right away. Second, we wanted to create the kind of economy that would give Americans access to economic security for the long term. To achieve the first goal, we cut tax rates across the board, nearly doubled the standard deduction, and doubled the child tax credit. Americans are already seeing this relief in their paychecks. To achieve the second goal, we reformed our Tax Code to make it easier for businesses to create jobs, increase wages, and expand opportunities for workers.

I am proud to report that less than 5 months since the Tax Cuts and Jobs Act was signed into law, we are already seeing an improved playing field for American workers. There are a lot of things that go into giving a worker a secure economic future: a good job, good wages, opportunities to grow, good retirement benefits, and opportunities to achieve the education necessary for that good job or that wage hike. Sometimes a degree or certification can make all the difference between an OK job and the kind of job that brings financial security for the long term, but getting that degree or certification isn't always easy. Sometimes it can be cost-prohibitive, and sometimes it can be difficult to fit the degree requirements around an existing job.

As I have said before, the Tax Cuts and Jobs Act is already improving the playing field for workers and creating the kind of economic environment that will give more Americans access to economic security for the long term. Businesses are creating new and better paying jobs. They are increasing and raising wages, and they are expanding opportunities. All of these are essential elements of giving workers access to the careers that will give them access to long-term financial security. But that is not all. Businesses are also increasing benefits, including, in several cases, education benefits.

Grocery store chain Kroger recently announced its Feed Your Future program, which will provide employees with up to \$3,500 a year to put toward their education, whether the employee is working toward a GED or an advanced degree. Both full- and part-time employees will be eligible for the program, which will provide employees with up to \$21,000 for their education. The company is even introducing an educational leave of absence, which will allow employees to take time off for approved studies without losing their place at the company.

It is not just Kroger. McDonald's is accelerating increased investment in its Archways to Opportunity education program, thanks to the Tax Cuts and Jobs Act. The program will now offer workers \$2,500 a year toward their education costs, up from \$700 a year previously. There is no lifetime cap on the amount an employee can receive for his or her education. Plus, employees can now work as few as 15 hours a week and still be eligible for the program, which will make it easier for employees to combine a job and an education.

Then there is Boeing, which is investing \$100 million in training and education for its employees.

Express Scripts is investing in the workers of the future by creating an education fund for employees' children.

Disney is investing \$50 million in an education program for employees, and there are more.

It is another way that the Tax Cuts and Jobs Act is giving American workers access to the resources they need for a secure and prosperous future.

### NET NEUTRALITY

Mr. President, I would like to switch gears for just a moment and turn to another important topic that was addressed moments ago by the Democratic leader; that is, net neutrality. There is widespread agreement among Senators of both parties that we need to maintain a free and open internet, and there is widespread agreement among both parties that we need net neutrality legislation. But as with other issues that should be and technically are noncontroversial, Democrats have decided to take the issue of net neutrality and make it partisan. Instead of working with Republicans to develop permanent net neutrality legislation, they decided to try to score political points with a partisan resolution that would do nothing to permanently secure net neutrality.

For years, the commercial internet flourished under a light-touch regulatory regime. Free of onerous, heavy-handed legislation, the internet grew and thrived, offering Americans a steadily increasing array of benefits from online education to online shopping. But during the Obama administration, the Federal Communications Commission, on a party-line vote, decided to change the way in which the internet was regulated. Instead of the regulatory approach that had worked for years, the Obama FCC decided that

the internet should be regulated under a set of regulations that were developed over 80 years ago to manage monopoly telephone services. Think about that: the Communications Act of 1934 that was designed to govern and regulate Ma Bell being used to regulate the internet.

That decision posed a number of problems for the future of the internet. For starters, heavyhanded government regulations tend to stifle the kind of growth and innovation that always flourished around the internet.

There was also serious reason to be concerned that this new regulatory regime would discourage companies from expanding access to broadband. That is a big concern for my State, where too many individuals still lack reliable internet service. In fact, the FCC found that the decision to regulate the internet under the 1934 telephone regulatory regime has, in fact, slowed investment, which has restricted the improvement of internet services for rural Americans, like many I represent in South Dakota.

In response to these problems, the FCC recently decided to restore the light-touch regulatory regime under which the internet had thrived. Up until 2015, for two decades, the internet was regulated under the light touch. Everybody agreed that was the best approach. Let the internet grow, flourish, innovate, and expand to give more people access to high-speed internet services. Well, the FCC decided to change that. It created the opportunity for us to adopt net neutrality legislation to permanently address concerns about blocking, throttling, paid prioritization, and deal with these concerns under a regulatory regime that is suitable for the 21st-century internet. That is what the FCC did when they went back to what we had for two decades prior to 2015. They opened the door to address this the way we should address this—through the people's representatives here in Congress.

People are concerned about the blocking of lawful content on the internet and the throttling of internet speeds. Let's lock it into law. Let's put rules for the open internet into law so that we fully understand and can move forward in a way that doesn't have this constant ambiguity and back-and-forth from one FCC to the next or, worse yet, spending it in litigation in courtrooms.

But instead of moving forward with that approach with Republicans to draft such legislation, the Democratic leadership decided to try to score political points by pushing a resolution to undo the FCC's decision, even though undoing this decision will do nothing to provide a permanent solution on net neutrality. The Democratic leader's position to pursue this partisan course stalled conversations that were occurring on a bipartisan basis between Members on both sides of the aisle who have wanted to come together to deal with this issue. I have been engaged in those conversations now for the last 3