

# 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

years. We were making progress. We were coming together around a legislative solution that would get rid of all this uncertainty and unpredictability and ambiguity and the clouds that hang over this issue and allow open internet rules to be put into place and allow the internet to continue to thrive and grow and innovate.

For decades, the commercial internet has been a source of innovation, economic growth, and opportunity, but that growth and opportunity will be stalled and stifled if we keep going the way we are going. We can't have internet regulations ping-ponging back and forth from administration to administration or from year to year, for that matter. That will bring innovation and investment to a standstill, and that is the worst possible thing you can do for those people across this country—many of whom I represent in South Dakota—who still don't have access to high-speed internet services. Nobody is going to be interested in taking risks or investing in innovation if they can't predict what the rules will look like a year down the road.

The only way to preserve the dynamism of the internet, while also protecting consumers, is for Democrats and Republicans to come together on legislation to provide long-term certainty. For that to happen, Democrats are going to have to rise to the occasion, and they are going to have to stop playing political games to score political points and start focusing on actually legislating, because you see this CRA, this Congressional Review Act resolution, is going nowhere. Yes, they might narrowly get a vote out of the Senate because we have a Senator missing here, but it is not going anywhere in the House, and it is not going to be signed into law by the President. All it does is prolong this debate we are having. We could settle this debate once and for all if we were willing to sit down and actually work on a legislative solution.

I hope that once the Democrats have gotten this latest political stunt out of their system, they will be willing to come to the table and develop a real solution that will allow the internet to flourish for generations to come.

The Democratic leader, who was just down here, said the question here is, Whose side are you on? Well, I think that is a good question to ask because the question is, Whose side are you on? I think the choice is, Are you on the side of Big Government and heavy-handed regulation that stifles investment in the internet, stifles innovation, or are you truly for a free and open internet, a free market where the internet continues to thrive and to grow and to provide so many opportunities for people around this country?

He said passing the CRA makes economic sense. Well, not if you want to get 5G, not if you want to provide high-speed internet services, not if you want to deploy broadband to rural areas in this country, because that takes in-

vestment. Investment follows certainty. They want to know what the rules are. They want the rules to be clear and unambiguous so that this can move forward, so that they can move forward and continue to see this economic miracle of the internet advance and continue to be taken advantage of and benefited by so many Americans.

We have a chance to do that. We really do. But we can't do it when we sit around and mess around with political theater and political stunts, which is precisely what this is, and everybody knows it. Our colleagues on the other side know it. I have talked to lots of them who say: We want to work with you on legislation, but, you know, right now, we have this CRA we are going to vote on—which is a shiny object, and everybody gets to shoot at it. People can go out and raise money, and they can get people fired up at the grassroots that this is somehow going to be some magic solution, but it is not. It doesn't do anything.

Even if it succeeded, what are you doing? You are just creating more back-and-forth from one FCC to the next. You are just requiring more money to be spent in courtrooms on litigation and lawsuits rather than invested in the types of technologies that will bring that high-speed access to more people in this country, that will get us to the fifth generation of technology, which is where everybody wants to go. Why don't we just sit down and do that? Why is this so hard? Well, it is because people think there are partisan political points that can be scored by doing this.

Remember one thing too: The Congressional Review Act resolution of disapproval was created by Congress to unwind or prevent harmful regulations from going into effect—that an administration might be putting into effect. It is a way for Congress to be heard from if, in fact, the Congress—the people's representatives—believes the administration is heading in the wrong direction when it comes to some regulation.

The CRA has never been used to regulate. That is what this is doing. The FCC is unwinding the heavyhanded regulation that went into effect in 2015, and this is going to attempt now to regulate, not to deregulate or prevent regulations from going into effect. That has never happened before. Do my colleagues on the other side honestly think that Republicans in the House of Representatives are going to vote for that or that President Trump will sign it into law? No. Everybody knows better than that.

So what are we doing? We are playing a silly game here at the expense of a real solution—a solution that is out there waiting for us if we will simply sit down, as we should as elected representatives, as Senators, on both sides of the aisle, and address an issue that is very important to our economy and very important to a lot of Americans. I hope we can do that. We are not going

to get there as long as we continue with this charade that we are taking on here today and in the weeks ahead.

It is time for clear rules. We want an open and free internet that investors can invest in—and people can benefit from that investment—and that provides opportunities and gains in productivity and continues the economic miracle that the internet has been for this country. That is what this debate is about, pure and simple. It is nothing else. We have a chance to do that, but we can't do it if we continue to play this sort of a game.

I hope my colleagues will at some point—maybe we will go through this, and maybe we will have this vote. If we do, maybe they will win. They might win by a one-vote margin. It is not going anywhere. We all know that. Let's get serious on behalf of the American people. If there are legitimate, serious concerns about potential abuses by internet service providers when it comes to throttling speeds or blocking lawful content or any of that sort of thing—paid prioritization—let's address that in law. Let's quit messing around. Let's get to work.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. SULLIVAN). The Senator from Connecticut.

HEALTHCARE

Mr. MURPHY. Mr. President, this week people in Virginia and Maryland are waking up to the first rate filings by private insurance companies in 2018. The numbers are simply stunning.

I am coming to the floor today to talk about what is going to be a very unhappy spring and summer for healthcare consumers all across the country, as health insurance companies—having now dealt with a full year and a half of President Trump's sabotage of the American healthcare system—are going to be looking at gigantic, unaffordable premium hikes for private healthcare insurance.

I wanted to come down today, as we are starting to get into these rate filings, as our constituents are starting to ask why they are facing premium increases of, in some cases, up to 90 percent—think about that. Think about getting a notice from your insurance company telling you that in 1 year, your premium is going to double. The cost of getting health insurance is going to double. I feel it is time to come down and talk about why this is happening, why you are seeing these radical rate hikes being proposed from insurance companies.

I want to walk through, for my colleagues, this very deliberate campaign of sabotage that this administration and congressional Republicans have waged against the Affordable Care Act and the American healthcare system writ large.

It starts on January 20. Within hours of being inaugurated, President Trump issues an Executive order in which he directs all of his Federal agencies to use their administrative powers to begin dismantling the Affordable Care