

decision to destroy the tapes was not hers but her supervisor's, who took full responsibility for that.

As I said, it is easy here today, in the safety and security of 2018, to remember what the post-9/11 climate was like. It is easy to second-guess the legal guidance that had been provided to our intelligence professionals at the time, which they relied upon in good faith. It is easy to overlook the considerable pressure placed on the Agency at that time. As I said, if they didn't do enough, we would criticize them. If they did too much, we would criticize them for that. So it is a fine thin line they had to walk, which they did with incredible skill and determination.

I would say it is nothing less than obscene to hold someone to a standard that was set after their actions were performed, in good-faith reliance on the law, as determined at the time they did act. In this case, two different Justice Departments—one under President Bush and one under President Obama—conducted investigations, exonerated Ms. Haspel, and chose not to proceed against her or her colleagues at the CIA.

The fact is that early on Congress was briefed on a regular basis and approved of the activities in which she was engaged when it came to the enhanced interrogation program, which she herself did not directly participate in but which occurred during her time in the counterterrorism center.

That Congress decided after the fact to change some of those policies does not make the prior implementation of the policies improper at all. Indeed, it was her professional obligation to carry them out, and it was not for her or her fellow officers to second-guess the legality of those policies. At the time at issue, Ms. Haspel was a GS-15, which is a civil service ranking that would be the equivalent of either a major or lieutenant colonel. It is as if saying that as for decisions made by the Commander in Chief, where a lieutenant colonel participated in executing those orders, that somehow they were responsible for the policy decision made by the Commander in Chief in the military. It just doesn't make any sense at all. As long as our military and intelligence officials rely in good faith on the best legal guidance given to them at the time, they should be free to conduct their activities and not be second-guessed later on.

Some have now gone so far as to complain her full personnel file has not been released. As I said, Ms. Haspel has the unique qualification of having served 33 years essentially undercover, and she has participated in some of the most sensitive intelligence activities our country is engaged in. The idea that now we would jeopardize the sources, the methods, and the alliances we had at that time just so colleagues could display that in full public view strikes me as terribly misguided.

It is true that in the Intelligence Committee we did have a classified

hearing, at which all of those matters were aired, but in an appropriate setting, protecting that important sensitive information, which is absolutely critical to keeping the country safe. The idea that we ought to release her full personnel file, including sensitive operations, to jeopardize the safety of other officers and expose sensitive sources and methods of intelligence collection is to risk national security itself. Some of our colleagues are suggesting that this happen, but they simply know better, and they should know better.

You saw a stark difference at the hearing today between those who wish to ensure we have the most qualified person leading the CIA and those who have determined to obstruct President Trump's nominees at all cost. In fact, during my time questioning Ms. Haspel, I mentioned a national security expert who said, if Ms. Haspel had been nominated by President Obama, it would be an easy call, but because she was nominated by President Trump, and ironically happens to be the first woman nominated to this important position as Director of the CIA, for some reason, now we are going to hold her and President Trump to another standard, a double standard.

If people were really listening, they would have heard Ms. Haspel confirm what many of us have been saying about her all along; that she is the right person for this job. We learned that former Defense Secretary and CIA Director Leon Panetta and former Director of National Director James Clapper, both former Obama officials, unequivocally support Ms. Haspel. We have heard from Michael Hayden, John Brennan, both former CIA Directors. Both have criticized President Trump for other matters but praised this pick to head the Agency.

We read about this nominee, too, as the Wall Street Journal Editorial board penned its support, writing:

[T]he people misrepresenting the CIA nominee were in the cheap seats during the worst days of the war on terror. Ms. Haspel didn't have that luxury.

I couldn't agree more with that characterization. Yet some of our colleagues simply refuse to listen. In fact, we have been seeing this same pattern play out throughout the Trump Presidency—people playing politics and obstructing the nominees of the President simply because they disagree with the President, not because of the qualifications of the nominees. Sadly, we have seen character assassination against nominees who have subsequently withdrawn because they have simply been unwilling to go through the process and see the destruction of a reputation they have worked a lifetime for. It is our Nation's loss that good people withdraw from the process rather than go through that sort of character assassination.

The Senate has a duty, after all, to ensure that our country has well-qualified people at the head of our national

security agencies like the Central Intelligence Agency. While Ms. Haspel's credentials are certainly more than sufficient to support her nomination against some of the baseless claims we have heard, there is just as important a case to be made for her that is based on upholding the CIA as an institution.

Two lawyers who formerly served in the White House Counsel's office and the Justice Department, David Rivkin and Lee Casey, wrote in the Wall Street Journal: "If agents are blamed following the directives of their superiors, the CIA's ability to protect the U.S. will be fundamentally compromised."

I agree. We want our intelligence officers to be as aggressive as they can within the confines of the law, collecting and analyzing intelligence they can then provide to policymakers so we can keep our country safe. We ought to, at least for a while, put a hold on the politics of obstructing nominees, particularly at a national security post, so we can put Americans' safety first.

We have to ask ourselves, in an increasingly uncertain and dangerous time, what does the CIA mean to the national security of the United States? For an agency at the very forefront of protecting our country's citizens, what type of person do we want at the helm? I believe we want a person like Ms. Haspel. It is Ms. Haspel—short and sweet—who I think fits the mold of that sort of person we want.

I urge our colleagues to rethink what they are doing here, to shift gears and support this nominee who is so well-qualified and so devoted to protecting our country. Can you imagine the individual sacrifices intelligence officers who serve undercover have to make—the sort of strain on relationships when they are deployed abroad like our military is and the hardships they have to sustain, but they do it because they love our country and they are dedicated to keeping the American people safe. Those sort of people—that kind of character, that kind of integrity—ought to be rewarded and not criticized and punished.

As I said, I urge our colleagues to rethink what we are doing and shift gears and support this qualified nominee. She is exactly what the American people deserve, so let's get her confirmed.

FIRST STEP ACT

Finally, Mr. President, on another matter, earlier today, the House Judiciary Committee took action on the FIRST STEP Act, which is companion legislation to the bill Mr. WHITEHOUSE, the junior Senator from Rhode Island, and I introduced in the Senate. The committee's passage of this bipartisan legislation advances prison reforms tried out and proven in States like

Texas, Rhode Island, Georgia, and elsewhere, which was successfully implemented to rehabilitate low-risk offenders and save taxpayer dollars while reducing the crime rate and helping people reestablish themselves as productive members of society.

This is not true across the board. I am not naive enough to think that people who go to prison—that we will be able to salvage and save every single one who comes out, but I do believe we can do much better if we give people the opportunity, those who have the will and the determination to take advantage of the opportunity to turn their lives around, to deal with their addiction, to deal with their lack of skills and education, and when given the opportunity to do so, decide they want to take advantage of that to turn their lives around.

Helping low-risk offenders prepare to lead productive lives in our communities is a goal we should all share, regardless of where we are on the political spectrum. I applaud our colleagues in the House Judiciary Committee for this important action.

Prison reform itself has never been controversial. Everyone in this Chamber can agree we need to better prepare folks who are about to be released from prison so they don't end up right back where they started and where we can help them lead a life that is law-abiding and productive and does help improve the safety and security of our communities. I look forward to continuing to work with our colleagues in the House and Senate as we move this important legislation forward.

The PRESIDING OFFICER (Mr. GARDNER). The Senator from Massachusetts.

NET NEUTRALITY

Mr. MARKEY. Mr. President, to you and all of my colleagues on the floor this afternoon, we are about to have a huge debate in this country. We are taking to the floor as a chorus of Americans across the Nation are going to go to the phones and their devices to support our principle of net neutrality in this country.

We are speaking out because the American people know the internet is the most powerful platform for commerce and communications in the history of the planet. They know the internet is for everyone and was invented with the guiding principle of nondiscrimination. The internet is designed to democratize access to information, to opportunity. They know the health of our economy, our civic life, our educational system, and so many other parts of today's American experience all depend on the internet being free and open to everyone, not just those who can afford Big Telecom's price of admission. They know strong, clear, and enforceable net neutrality rules are the only way to protect the internet as we know it. That is why an overwhelming 86 percent of Americans oppose the Federal Communications Commission's decision last December to repeal net neutrality rules.

Outside of Washington, this isn't a partisan issue at all. In fact, 82 percent of Republicans oppose the net neutrality repeal. In a time when we hear so much about what divides us and how we differ, net neutrality is something nearly all Americans agree on. It should be a bipartisan bright spot. Yet, in December, the Trump administration eliminated the very rules that prevent your internet service provider—Comcast, AT&T, Verizon, Charter, and others—from indiscriminately charging more for internet fast lanes, slowing down websites, blocking websites, and making it harder and maybe even impossible for inventors, entrepreneurs, and small businesses—the lifeblood of the American economy—to connect to the internet.

Why did they do this? The reason is simple. The Trump administration, time and again, sides with the rich and the powerful first and consumers last. From the GOP tax scam to the repeal of the Affordable Care Act, to rolling back fuel economy standards, and to net neutrality, this administration has repeatedly ignored the needs of everyday American families. A free and open internet means an internet free from corporate control and open to anyone who wants to connect, communicate, or innovate.

That is why, today, the 49 Members of the Senate Democratic caucus are officially filing this discharge petition to force a vote on my Congressional Review Act resolution, which will put net neutrality back on the books as the rule of law for the United States. This resolution would fully restore the rules that ensure Americans aren't subject to higher prices, slower internet trafficking, and even blocked websites because the big internet service providers want to pump up their profits.

How does all of this work? First, my CRA resolution will reinstate the rule against blocking. For example, without this protection, AT&T could stop you from visiting your favorite streaming platform, so your only option is their DIRECTV NOW service. Verizon could prohibit you from using Skype, so you have to use their phone service. That is bad for competition and innovation, and it is very bad for consumers.

Second, my CRA—Congressional Review Act—resolution will restore the rule against throttling. Without this protection, broadband companies could slow down any website they want. If activists take to Twitter to share stories about unfair labor practices at an internet service provider, for example, that company could slow down the social media platform to protect its public image and limit the spread of information. Imagine what that could do during a Trump administration that is stifling science, undermining law enforcement, and questioning intelligence. The prospects are Orwellian.

Third, my Congressional Review Act resolution will restore the rule prohibiting paid prioritization. Without this rule, internet providers could charge

large established websites for access to an internet fast lane—meaning those websites would load quicker, while websites that can't afford the internet "E-ZPass" will load at a bumper-to-bumper pace. Small businesses that rely on fast internet service would be dwarfed by corporate competitors who could afford the faster service. This would spell doom for mom-and-pop businesses that are the backbone of our communities.

Finally, my Congressional Review Act will restore the forward-looking general conduct rule. When the FCC eliminated this guideline, it removed protection against future harms, such as arbitrary data caps and other discriminatory behavior by internet service providers. So don't be fooled by the voices that say this is all doom and gloom and that the internet service providers would never let this happen. Mark my words, without net neutrality, these are not alarmist and hypothetical harms—they are very real. In a world without net neutrality, they very well may become the new normal.

This is a historic moment. We are approaching the most important vote for the internet in the history of the Senate. Should the Senate resolution pass, it will be the first time in more than a decade a minority party-sponsored Congressional Review Act resolution will have overturned a majority party administration's rule. We can and should put President Trump on notice. Countless Americans have called and emailed Congress to express support for net neutrality and for my CRA resolution.

All one has to do is look at the internet today—to this "red alert for net neutrality" that is on dozens and dozens and dozens of companies' websites all across our country. These are smaller companies, not the big companies that are all saying the same thing, which is that they need net neutrality, that they need to be protected, that they don't want to have the large companies being able to act in a discriminatory way. Those companies—Reddit, TripAdvisor, Etsy, Vimeo, Tumblr, match.com, and so many others—all speak with one voice. They are saying: Do not allow discriminatory practices to be made legal. Put the old net neutrality rules back on the books. They were working.

Activity in support of net neutrality at the State level has also been remarkable in that Governors in five States have issued executive orders; attorneys general in 23 States have filed lawsuits; 27 State legislatures are working on legislation to protect net neutrality.

We all know that in 2018, access to a free and open internet is not just a privilege, it is a right. I knew that back in 2006, when I introduced the very first net neutrality legislation in the House of Representatives. RON WYDEN knew the very same thing when he introduced the same legislation in the Senate. It is a debate that has been