

me to be behind him on these proposals. I know they will be reasonable, and I know they will be straightforward. Boy oh boy. If, when we see those images, we are not able to step up with a commonsense, bipartisan, and quick response, then shame on all of us. I commend the Senator for his leadership, and I look forward to working with him.

GOVERNMENT FUNDING

Madam President, as if that isn't enough—and with the challenges we face with having close to 200,000 of our fellow citizens dead from coronavirus and there still being no national plan on PPE or testing or, my fear, that we could see a repeat of the mistakes that were made on testing and PPE happen on vaccinations if we are not careful—what I actually came to talk about and to remind my colleagues about is something that the Senator from Oregon will also be very, very involved in. I express my grave concern that we are only 16 days away from a potential lapse in government funding.

It is encouraging that Secretary Mnuchin and Speaker PELOSI seem to have reached at least an agreement in principle on this must-pass stopgap funding, but I have been around here long enough to know that when negotiations between and within two Chambers on supposedly must-pass coronavirus relief legislation breaks down and stalls—and when that breakdown lasts for months—that we cannot let the funding of our government get mired in the same complacency and lack of urgency.

I hope and pray that the devastating impact of the 2018-2019 government shutdown is still in the front minds of all of my colleagues here in the Senate. I acknowledge it has been a long year, so here is a little recap for those who need it.

The government shutdown over the holiday of 2018 and into the beginning of the new year of 2019 was the longest shutdown of the Federal Government in history—not of this Congress's and not under this administration but in our country's history.

For 35 days, the Federal Government did not hold up its end of the bargain with taxpayers or the public servants who have dedicated their lives to delivering services to them. The economic impact and human toll were devastating. More than 380,000 Federal workers were furloughed, and another 450,000 were forced to work without pay. While Federal employees eventually received backpay, furloughed workers who happened to be contractors still have not been made whole. To put that in context, contractors, including those who had served the Federal Government as custodians, cafeteria workers, and security guards, had to figure out how to pay rent and buy medicine and put food on the table after two entire paychecks just evaporated.

The economic effects were not just personal either. The Congressional

Budget Office estimates that the 2018-2019 government shutdown cost taxpayers—cost all of us—about \$3 billion. It actually registered as a decrease in 2019's gross domestic product of about two-tenths of a percent. Those will be losses that we will never recover.

As bad as that all sounds, that was only a partial government shutdown. There were 9 out of 15 Departments and several Agencies that were closed.

What we are facing in a couple of weeks would affect the entire Federal Government. To state the obvious, that was when we were not in a global pandemic and an economic recession. Virginians and people across the country continue relying on services from the Federal Government to help keep their families and businesses afloat.

I am sure the administration will take steps to ensure people continue to receive their most essential things, like SNAP benefits to keep their families fed and PPP loans to keep their businesses afloat. Shutting down the entire Federal Government will inevitably lead to disruptions and bare-bone contingency matters.

The American people need and, frankly, deserve better. With food insecurity, housing instability, and job loss all on the rise, now is the time for the Federal Government to do more to help everyday people—not by turning the lights out. Shutting down the government just as we are expecting a surge in COVID-19 cases post-Labor Day and as the flu season is starting and as we are needing to work double time to secure the November election and as the Postal Service needs relief and, as Senator WYDEN just indicated, as the entire west coast is burning—boy oh boy. Calling it a self-inflicted injury doesn't even cut it. If we were to shut down, it would be more like kicking ourselves. Failing to reach an agreement on funding the government would be absolutely disastrous.

I can only hope that there will be bipartisan agreement on this point and that we will be able to put aside any of the unrelated policy differences to fulfill one of our most basic obligations as lawmakers—that of funding the government and keeping our commitments to both our constituents and the Federal workforce that works so tirelessly to serve them.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mrs. CAPITO. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

BROADBAND

Mrs. CAPITO. Madam President, I rise to address broadband connectivity and broadband access in rural States like the Presiding Officer's State and my State of West Virginia.

Our Nation has experienced a very tough couple of months because of the

coronavirus pandemic. With the new normal consisting of teleworking, virtual learning, and telehealth appointments, there is no question that this has forced us to recognize and to reckon with the digital divide in this country. The ability to have affordable and reliable service is more valuable than ever.

However, in 2020, my State remains one of the least connected States in the country. Over the last few months, I have heard from many constituents—hundreds of my constituents—who are having difficulties properly and efficiently working from home, helping their kids with their homework because they lack robust internet access.

You know, I think about those children who either don't have connectivity or don't have an adult in the home who can really help them do their digital learning. We have to get our kids back in school, but in the meantime we have to have this connectivity.

Some examples of this are Randy from Parkersburg, whom I spoke to recently during a tele-townhall meeting that I held with constituents. Randy expressed his frustration with not being able to access the internet, making it difficult for his kids to complete their homework. He was driving to a hot spot.

Laura from Wheeling expressed her concern that her children will fall behind in school without access to their homework online.

And Mandy from Elkins, who is a professor, needs internet because of required online learning at Davis & Elkins.

These are just examples of the few of the concerns that I have heard from my constituents, but, unfortunately, there are many, many more just like those. I am sure you are hearing them as well in the great State of Iowa.

The reality is that broadband build-out in rural areas of West Virginia and across our country are extremely expensive and take more time to complete because, in our case, we have those beautiful West Virginia mountains. I have always said that if we can communicate with somebody on the Moon, we can surely find a way to deliver broadband to individuals, families, and businesses all across this Nation.

Fortunately, the FCC Chairman, Ajit Pai, understands this and has been working with the other Commissioners at the FCC to structure the future of rural broadband deployment. The FCC's upcoming Rural Digital Opportunity Fund—which I am going to call it RDOF, which is how we address it—is the largest Federal investment aimed at closing the digital divide.

RDOF will award \$20.4 billion over the next 10 years for broadband service in rural America, with a special emphasis at the beginning on those who are totally unserved and then moving to those who have some service, but it is inadequate.

The first phase of the funding will be up to \$16 billion deployed through a reverse auction, which is slated to begin next month.

On Friday, I talked with Chairman Pai for an update on the RDOF Program and what it will mean to West Virginia.

We also discussed where my State stands in the process. West Virginia is set to receive a significant amount of funding over the next 10 years to connect 121,000 eligible homes—so that is probably over 200,000 individuals—particularly those in the underserved areas, as I mentioned.

During my call with the Chairman, I received assurances that the FCC has been diligently working to get as many providers into the RDOF Program as possible.

The FCC has already provided feedback to providers on their short-form applications so that they may be prepared to bid in the upcoming auction next month.

Another partner in my quest to close this digital divide is West Virginia Governor Jim Justice. Recently, the Governor signed an executive order to help expand broadband capabilities in West Virginia—very innovatively, I might add. His executive order would remove the regulatory cap on the amount of money that West Virginia's EDA can provide as loan insurance for broadband projects. In other words, the State is going to stand behind these providers to make sure we get our share of the RDOF money.

This is an innovative and bipartisan Federal-State partnership that hopefully will allow more local providers to successfully bid on the majority of the RDOF census blocks in our State.

These areas are oftentimes the most challenging to serve, and we need to ensure that our local providers—that are ready and able to connect their communities with high-speed broadband—have the ability to compete in the upcoming auction.

Our Governor's bipartisan effort is supported by leaders in both the majority and minority party of both chambers of the West Virginia Legislature, including the Senate president, Mitch Carmichael; our house speaker, Roger Hanshaw; the Senate minority leader, Roman Prezioso—whom I would like to thank for his service, as he is leaving the senate—and also the house minority leader, Tim Miley, who is also leaving, and I would like to thank him for his service.

So what is next and how do we continue to improve on this progress? One major undertaking is improving the FCC's broadband maps with more granular data. Far too often these maps show rural areas that are covered, but, in reality, if you are living in and around the area, you know they are not covered. There is no service. It is not the case.

This data collection and correction is tedious but critical, as these maps often determine funding levels and what areas are prioritized, naturally.

As cochair of the Senate Broadband Caucus, I cosponsored the Broadband DATA Act, which this body passed last year and President Trump signed into law in March.

This new law will lead to the creation of a singular Federal broadband map, with new more granular data collected by the FCC from State and local governments, consumers, and other third parties, and will be updated biannually.

It would create an online mechanism where individuals can challenge the coverage maps. Let's say you live in an area and you say: Well, they are saying I am covered, and you know darn well you are living in a place that is uncovered. You can submit that data online, and it will be submitted to the providers.

It also requires regular auditing of data submitted by providers, allowing for crowdsourcing verification. This is important, too, because if you are grading yourself, you are going to give yourself a better grade, but if you are grading yourself and then you have a third-party verifier who is actually making sure that the data you are putting forward is correct, you might be just a little more circumspect about how accurate that data is.

Another step forward would be dovetailing road infrastructure with fiber broadband buildout. We all recognize broadband is infrastructure, and a "dig once" approach would sure save time and money. Digging through those mountains is pretty tough so we only want to dig once if we have to.

This is why I am happy to see that the Department of Transportation's Federal Highway Administration in mid-August made an announcement of a new rule to improve coordination in the use of highway rights-of-way to support the installation of broadband technologies.

In other words, they are making it regulatorily easier at the Federal level to move forward.

This proposed rule would help ensure that the digging required to install utilities would also be utilized for broadband infrastructure. That makes sense, doesn't it? This would help cut down on the expense associated with the deployment into rural areas.

The good news is, this issue is one of the few issues that lawmakers on both sides of the aisle are eager to work on together. We will continue to have obstacles ahead as we seek to close this digital divide, but I believe it is important to note the progress that we have made up to this point.

Five years ago, I created my Capito Connect Plan, which is a roadmap for bringing affordable, high-speed internet access to homes, businesses, and classrooms in my State of West Virginia.

Each year, we have made significant strides, and I am proud of these accomplishments that have been made. Are we all the way there? No. That is why I am talking about it today—how im-

portant it is, especially in this COVID environment.

So, for example, there is the Facebook Fiber Project. I personally asked founder and CEO Mark Zuckerberg, during a Commerce Committee hearing, for his commitment to partner with West Virginia on rural fiber deployment. They announced they are investing 275 miles of long-haul fiber right through the southern portion of the State. I just drove by it on my way here. I can see the big coils, and they are moving forward with that.

Other investments are the State's first fiber infrastructure investment from Zayo. They will be constructing a similar build through the northern part of the State.

I have also worked to leverage Federal agencies like the USDA and their ReConnect Program to invest in West Virginia with Federal grants and loans.

Since the launch of my initiative, I have successfully delivered \$37 million in funding for residential broadband projects through the USDA Programs and will continue in those efforts.

Last month, I was in rural Preston County, where I witnessed firsthand as broadband service was being installed to the home of Beverly and Jeff Stemple. This fiber installation project was funded by the USDA's Community Connect project and made possible by those initiatives.

I also visited Lincoln Primary Care in Hamlin, WV, which received a telemedicine grant from the FCC to help provide better care in Southern West Virginia, and they have a great plan that they are going to put in their community health centers and about 5 or 6 counties in 17 locations.

We have had a great deal of success with also identifying new areas for cell towers—one in Lincoln County. We visited with the providers there.

As you can see, all levels of government, along with the private sector, along with our municipalities and our local leaders, have stepped up to the plate to work toward this common goal.

Capito Connect is making a difference of connecting thousands of West Virginians. I have worked with colleagues on both side of the aisle through my committee work and also worked with the administration, which has truly prioritized this issue.

Perhaps one upside to the pandemic—or I would say better maybe lessons learned—is that it has helped us better appreciate the time that we can physically spend with one another. But lessons learned are we cannot disadvantage certain parts of this country because you don't have what I consider to be one of the essentials in order to do business, to have healthcare, and to learn, and that is the deployment of high-speed broadband.

Getting back to the human connection—wow. It is so important, and I know we miss it. A lot of us miss it. But it makes our work on broadband all that much more important.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mrs. BLACKBURN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Tennessee.

FREE SPEECH

Mrs. BLACKBURN. Madam President, it seems like every other week we turn on the TV only to hear a pundit declare that we are living in the most divisive time in the history of our Nation. Now, as I am sure many would point out, especially if we were having this discussion on social media, those who lived through the Civil War and other contentious eras might have something to say about that, but we can all agree it is a contentious time.

What I know for sure is this: Every single day I see the American people losing the hope they once had in the absolute inviolability of our fundamental right to free speech and expression. They may not be too worried about official action changing those rights, but what they do see is a dwindling respect for what those rights mean outside of the context of what lawyers and lawmakers understand as protected speech. They are not thinking about Supreme Court cases. They are wondering what changed in the hearts and minds of their countrymen to turn simple disagreements into all-out war. They long for the days when they would have friendly banter with their neighbors and with their friends and discuss the issues of the day.

Well, over the past few months, I have watched this national discourse spiral to the point where most people I talked to back home believe that civil debate is just about impossible, and it worries them. What happened to mutual respect? What happened to point-counterpoint? What happened to civil discourse in the public square? What happened to sitting around the table after a Sunday School class and talking about how what you have discussed applies to the issues of the day? Have we lost it?

I have witnessed obvious efforts to threaten and intimidate conservative activists. I have watched these go unchecked by powerful legal figureheads who should have known better. And what is worse, these threats and intimidation tactics have spilled over into the online platforms millions of Americans use to check the news, stay connected to friends, and share updates on the lives of their families.

Now, I think we can agree that most of our friends in Silicon Valley who are in charge of those platforms harbor some liberal bias. That being said, I think we can also agree that doesn't mean they can't be objective when it comes to things like content moderation. Of course, that is not how it

works out in real life. The modern era's hostility toward debate provides those platforms with a perverse incentive just to flip the switch, shut down conservative voices, and then suggest that we had it coming all along: You shouldn't have been saying such. Well, we all know that this seems to be a one-sided argument.

Now, those in this Chamber who follow technology policy know that Big Tech uses the liability shield granted under section 230 of the Communications Decency Act to justify this type of censorship. In part, the statute reads:

No provider or user of an interactive computer service shall be held liable on account of—any action voluntarily taken in good faith to restrict access to or availability of material that the provider or user considers to be obscene, lewd, lascivious, filthy, excessively violent, harassing, or otherwise objectionable, whether or not such material is constitutionally protected.

Remember that “otherwise objectionable” catchall. That is going to be important. Congress originally constructed those provisions to protect startups and innovators from frivolous content moderation lawsuits that could either bankrupt their firms or severely restrict their access to venture capital. But, in reality, Big Tech has abused this privilege.

Now, listen to this part because this also is as important as that “otherwise objectionable” phrase. Congress originally constructed these provisions of section 230 to protect startups and innovators from frivolous content moderation lawsuits that could either bankrupt their firms or severely restrict their access to venture capital. This was done because the internet was in its infancy, and people wanted to make certain they could get their sea legs underneath them, have a little space, and be able to innovate. If they made mistakes, they would be able to rectify those mistakes and not get sued.

Those days are long gone, and, yes, Big Tech has abused this privilege. They became very comfortable with looking at section 230 and using it as a way to issue take-down notices, as a way to restrict content, and as a way to manipulate prioritization. It came in line with their thought processes and their ideas, but, in reality, we know that this has become an excuse to censor content that they disagree with in principle, and, in doing so, they have damaged—perhaps in some ways irreparably—the integrity of the national discourse.

The problem isn't just that they have unilaterally imposed their own preferred content filter into the browser and news feeds of millions of Americans and manipulated the availability and quality of the information; it is that in the process of doing so, they have trained their customers to expect that filter to cover their real-world interactions with people whose beliefs are much more diverse than those of the Silicon Valley's wealthiest residents.

You know, this is one of those Hollywood versus the heartland sorts of issues. They think they know better than the people across this country, so they feel that they can impose their own filter onto your browser and your news feed and thereby manipulate the availability and the quality of information to which you are going to have access, and they are doing it because they can, they think, because they have been using 230 as their shield.

Last week, I joined my colleagues Senators WICKER and GRAHAM to introduce the Online Freedom and Viewpoint Diversity Act, and I thank them for their willingness to work with me and to move a product to completion and introduction. To introduce this legislation means we are introducing accountability into our dealings with this notoriously opaque and unregulated industry.

To be clear, this piece of legislation isn't meant to construct a new set of guide rails that will let Washington dictate the inner workings of a platform's content moderation strategy. What it does is change the language of the existing statute to clarify some ambiguous terminology. Basically, you are clarifying who can use liability protection, when they can use it, how they can use it, and where it can be applied.

First and foremost, the bill clarifies those scenarios when an online platform's decision to restrict access—restrict it, censoring, diminishing, pushing it back—to certain types of content will result in their losing that section 230 shield. Did they do it because they wanted to or did they do it because it is language that should be shielded and taken down?

This provision will address those famously vague content moderation policies that are almost impossible for users to challenge. How many times have you looked at terms of service and how many times have you looked at community standards and said: I can't figure out what this means. Guess what. Most people cannot. And the online platform—it is fine with them if you can't figure it out. It gives them more latitude.

Next, it conditions the content moderation liability shield on a reasonableness standard. In order to be protected from liability, a tech company may only restrict access to content where it has an “objectively reasonable belief” that the content falls within a certain specified category.

So the purpose of this is to take away the benefit of the doubt. We want them to really think before restricting content. What they have done is just take it down—no fear that their hands would be slapped. And what do we know about Big Tech? They are going to push the envelope until they get their hands slapped.

So, instead of giving them the benefit of the doubt, the next time they decide they are going to go in here and they are going to take something down, we