

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

Act “to the maximum extent permitted by law.”

This is before there is any proposal for what should substitute for a piece of legislation that insured 20 million people who didn’t have insurance before the Affordable Care Act. It was before we knew that replacement would, in fact, be uninsured, not 20 million people but 30 million people and drive up rates by double digits.

On the first day, President Trump tells his agencies to start dismantling and attacking the Affordable Care Act. At this point, the Affordable Care Act is so wrapped into the healthcare system of this country that when attacking the Affordable Care Act, you are attacking the entirety of the healthcare system.

On January 26, 2017, the administration announces that it will stop advertising the open enrollment period for the Affordable Care Act. The administration says: We are no longer going to tell Americans that they have an option to become insured or to get less expensive coverage through the healthcare exchanges set up around the country or through the national exchange, leaving millions of Americans in the dark.

Next, the President starts to threaten insurance companies—threatening to pull the subsidies that Congress approved allowing for premiums to be reduced for lower income beneficiaries. The Trump administration starts threatening to pull those cost-sharing reduction payments in April of 2017. Eventually, in October of last year, the administration follows through on that threat and ends payments to insurance companies to help reduce cost-sharing for beneficiaries, driving up the cost of insurance all across the country.

If you listen to health insurance executives talk to you about why they are passing on these big premium increases, they will tell you that one of the biggest reasons is the end of this program to help defray the costs for lower income individuals. Also, in 2017, about the same time he starts threatening to reduce these payments, the President cuts in half the open enrollment period. There is no reason to cut in half the open enrollment period other than you just don’t want people to get insurance. It is a deliberate sabotage.

Cutting in half the enrollment period is simply a mechanism to try to deny people the ability to get healthcare. There is no practical or logistical benefit to reducing the amount of time people have to buy healthcare, just as there is no practical benefit to cutting off all the advertising for the healthcare exchanges other than you don’t want people to sign up.

In July of 2017, the Department of Health and Human Services starts to unveil videos—23 of them in all—featuring individuals explaining how the Affordable Care Act has hurt the American healthcare system. They used their Twitter account to amplify these

anti-ACA messages, and they removed any content promoting the exchanges from the website. Once again, it is just a spiteful attack on Americans who want to get health insurance and now will not know about it because of these attacks and removal of that content.

Open enrollment outreach funding was reduced in August of 2017 by as much as 90 percent. So the helpful people you used to have trying to figure out whether you qualified for Medicaid or whether you qualified for a subsidy or a tax credit are no longer available because that money was taken away.

Then there was the big legislative intervention, the repeal of the individual mandate. The individual mandate was repealed as part of the tax bill, even though CBO told Congress: If you do that, 13 million people will lose insurance. With full knowledge that the repeal of the mandate would result in 13 million Americans losing their health insurance, Congress went forward with it. CBO also said it will result in double-digit premium increases. Congress was told, if you take this step, 13 million will lose coverage, and premiums will go up. Congress still moved forward with it, and it was passed as part of the tax bill, with no Democratic votes.

Finally, the President most recently unveiled what he called the short-term health insurance plan rule. These are more commonly referred to as junk plans. These are plans that last up to a year but don’t need to comply with Federal regulations; for instance, regulations that require insurance companies to actually give you coverage for things like mental illness or maternity care or regulations that require insurance companies to protect people with preexisting conditions. All of those superpopular benefits in the Affordable Care Act—the ones the Republicans were so nervous to remove—are now no longer available to many Americans. Because of this short-term plan rule, these junk plans are going to be much more widely available.

So you have this very coordinated, very deliberate attack on the American healthcare system: the Executive order in January of 2017, directing all Federal agencies to start undermining the American healthcare system; in April of 2017, the cut in the open enrollment period; in May, the votes start happening on the floor of the Senate to take insurance away from 23 million people—one of the bills took away insurance from 30 million people; in December, the repeal of the individual mandate, resulting in premiums going up by double digits; and now this junk plan rule, taking away protections from millions of Americans. The effect of that junk plan rule is also to move healthier patients out of the exchange pools into the junk plans because the junk plans don’t have to cover anything, so healthy people will go to those plans, which drives up rates for the plans that people with any kind of preexisting condition would be able to access.

You have this very deliberate plan to try to undermine the American healthcare system, and we are now seeing the consequences. As I mentioned, the period of rate filings is beginning across the country, where insurance companies have to announce what their rate increases are going to be.

Healthcare inflation, on an annual basis, has been holding steady over the years. It certainly never gets above 10 percent, and for a number of years during the early rollout of the Affordable Care Act, that number was at or lower than 5 percent. So if you are just looking at the amount we are spending on an annual basis above last year on healthcare, that number has not recently been more than 5 percent. Yet one insurer in Virginia—a subsidiary of the big health insurance company, CareFirst—is proposing a 64-percent increase in Virginia. Other rate increase requests in Virginia are 26 percent and 15 percent. Nobody can afford a 64-percent increase in health insurance premiums in Virginia, but it is a consequence of this deliberate campaign of sabotage.

Let’s take a look at Maryland. There is one insurance company in Maryland that is asking for a 91-percent increase in premiums—again, this is a CareFirst plan—for its broad network PPO plan that currently has about 13,000 people in it. Thirteen thousand people in Maryland potentially are going to get a 91-percent increase in their health insurance premiums because of this deliberate campaign of sabotage.

If you are in other CareFirst plans in Maryland, you are getting a 19-percent increase. Your premiums are going up by one-fifth in one single year, in large part, because of this deliberate campaign to undermine the Affordable Care Act because of actions this Congress has taken that would knowingly increase rates for healthcare consumers.

My colleagues and I are going to come down to the floor of the Senate, over the course of the spring and summer, to make sure everyone here and every one out there in America understands what the consequences of this American healthcare sabotage campaign is. It starts in Maryland with rate increases that get as big as 91 percent, and in Virginia, where health insurance increases get as big as 64 percent. These numbers will continue to roll out all across the country, and Americans are going to be stunned—stunned—at how much this Republican campaign sabotage is costing them.

I will just add one last note, which, to many of my constituents in Connecticut, feels like insult to injury. The tax bill did drive up rates by 10 percent, at least, in the first year. A big chunk of these increases, more than 10 percent, is a result of the repeal of the individual mandate, but the tax bill also gave a windfall to insurance companies and drug companies—some of the biggest players in the healthcare space.

I just totaled up the projected 2018 tax savings to eight of the biggest insurance companies in the country, and it is over \$4 billion. At the same time that these companies are passing along rate increases of 64 percent or 90 percent, they are getting billions of dollars in tax savings from this Congress. It appears none of the tax breaks this Congress bestowed on the insurance industry is going to consumers.

When you look at the drug industry, where we have a little bit more mature information, you know why. One report, I believe released by the Finance Committee, showed that pharmaceutical companies already have announced \$50–50–billion in stock buybacks and share buybacks as a result of the tax bill. These drug companies aren't announcing price cuts to insurance companies; these drug companies are not announcing price cuts for consumers; these drug companies are announcing massive share and stock buybacks that will largely benefit the millionaire and billionaire investors in those drug companies. This is insult to injury for the people in my State and people all across the country because they are watching their healthcare insurance premiums skyrocket, while the windfall of the tax bill accrues to the owners of the insurance companies and the drug companies.

What a great time to be in the healthcare business today. You get a giant tax break, and you get to pass along gigantic premium increases to consumers all across this country.

Think about it. Somebody in Maryland, making \$30,000, \$40,000 a year and being told the insurance company he does business with is going to get \$1 billion in new tax relief from this Congress, and he is going to get a 91-percent increase in his premium. That is outrageous. That is outrageous, and yet it is just going to get worse.

As this spring and summer plays out—I think every single week there is a new State or set of States unveiling rate filings—I will come down and update this chart so everybody knows what the numbers are. It starts with rate increases as high—and I am not saying every single increase is this high, but in Virginia it is 64 percent, and in Maryland it is 91 percent. I have a feeling there are going to be a lot of very big numbers on this board, and I want to make sure everybody understands that if you want to know why premiums are going up at the rate they are, you don't have to look any further than this campaign of healthcare sabotage that has been waged by the Trump administration and Republicans in Congress.

I yield the floor.

The PRESIDING OFFICER. The President pro tempore.

Mr. HATCH. Mr. President, I listened carefully to the distinguished Senator, and I am going to come back to the floor and explain why he is wrong on every point. I am just really amazed that they make these arguments when

they are the ones who really caused the healthcare bill to come forth, which is just eating us alive, but I am here for another reason.

WELCOMING HOME AMERICANS HELD IN NORTH KOREA

I would like to open my remarks by joining the President and the American people in welcoming home three courageous individuals who have been held in captivity in North Korea.

We are all grateful for their safe return, but even as we celebrate their homecoming, we cannot forget about another brave American who has been unlawfully detained abroad—Joshua Holt.

For 2 years, Joshua and his wife Thamy have been held on spurious charges in a prison in Venezuela, and for 2 years I have been working hard to bring them home. Rest assured that I will continue to work closely with the administration to secure their release.

NOMINATION OF GINA HASPEL

Now, Mr. President, I would like to turn to another matter as President pro tempore of the U.S. Senate and as the longest serving Republican on the Senate Select Committee on Intelligence. I ask my colleagues to come together in voting to support Gina Haspel's nomination to serve as the next Director of the Central Intelligence Agency.

I took to the floor just 2 weeks ago to speak on behalf of Secretary of State Mike Pompeo. While I am delighted we were able to get behind his nomination, I am shocked and embarrassed by the scale of partisanship and enmity that marked his confirmation process.

On the day of Ms. Haspel's hearing, I am once again disappointed at how poorly a dedicated servant has been treated by the press and by some in this Chamber.

This is someone who has served her organization faithfully for over three decades. She is one, among a very small group, who rose up through the ranks within the Directorate of Operations during the Agency's transition from the Cold War to the War on Terror.

The job of the CIA operative—our Nation's first line of defense—is a thankless one. For generations, the American people will never know the length of the sacrifices these men and women make to keep us all safe. For these men and women, public service is not only a profession but a lifestyle—a commitment that often requires the sacrifice of family and loved ones as well. It is a life of constantly being on the frontlines, being in the arena in every sense of the expression.

Ms. Haspel embodies all these qualities and has given of herself in ways we can never imagine or begin to do ourselves. In turn, she has not only acquired the needed experience and expertise for this job but has also gained the respect of men and women of the organization she is to head.

She has also worked closely with Secretary Pompeo as his Deputy for

the year during which he was Director—a level of trust that would be critical in her new role as Director working with the Secretary of State.

It is worth pointing out to my colleagues on the other side of the aisle the words of praise offered for Ms. Haspel's nomination by security officials who served under President Obama.

James Clapper, the former Director of National Intelligence, said: "I think the world of Gina; she is capable, smart, very experienced, well respected by the Agency rank and file, and a great person."

Leon Panetta, who served as both CIA Director and Secretary of Defense, said: "I'm glad that they have a first woman as head of CIA, and I'm glad that it's Gina because frankly she is someone who really knows the CIA inside out."

John Brennan, who also served as President Obama's CIA Director, said: "She will be able to provide that unvarnished, apolitical, objective intelligence input to Donald Trump and to others."

If these words do not represent a seal of approval, then I don't know what does. Never have I seen someone receive such widespread praise from such a distinguished and bipartisan group of seasoned authorities, and never did I think I would live to see the day that the CIA would receive its first female Director.

I know we will all come together, ultimately, to vote to confirm Ms. Gina Haspel as Director of the CIA, but I would like to take this opportunity to again remind my colleagues in the Senate of the destructive nature of this partisanship. Two weeks ago, we were on the cusp of not having a Secretary of State all because we were more concerned with political loyalties.

Today we see the same dynamic in play. We are again divided along party lines and, once again, on a candidate who is supremely qualified to lead the organization for which she was nominated. This type of partisanship is unprecedented in our history, and it is destructive for our future. It represents a true national security threat of the highest order.

We can disagree about specific policies, we can have our political stakes, but let's keep those out of our first responsibility of serving the American people, whose physical well-being and safety should be our first priority. Who better understands this than Gina Haspel, a distinguished public servant who has kept our country safe during the most dangerous times in recent memory.

I ask my colleagues to stop with this dangerous behavior. Enough of the partisan games. We will be able to hold Ms. Haspel, as other Cabinet members, accountable for specific policies, as is our job, but let's get them into their jobs first. Our Nation needs them, and our Nation needs us to behave as the representatives and stewards of our democracy that we ought to be.

I urge all of my colleagues to vote in favor of Ms. Haspel's nomination.

REMEMBERING MICHAEL BEAVER

Now, Mr. President, on another subject—indeed, a deeply somber one—I would like to address a tragic loss we experienced in the Senate. Last week, Michael Beaver, a beloved member of the Senate family, passed away unexpectedly. We will all miss him dearly.

Michael served us as the Assistant Parliamentarian of the U.S. Senate, following a prior record of accomplishment in his legal career and a vibrant life which was tragically cut short at the young age of 39.

I am sure I speak for all of us in saying our hearts go out to Michael's family, including his beloved wife, young children, and parents.

Michael was known and admired by us all for his legal and parliamentary talents, as well as for his sharp wit and humor. Parliamentarians in the Senate work hard for the American people and often face long hours and extended debates. They are an integral part of the fabric that holds the Senate in order and allows us to achieve results. With Michael's talents and demeanor, our accomplishments were made all the more rigorous and our work all the more pleasurable.

It was not unusual for Michael to provide comment or advice on Senate work in progress that included a unique and brilliant mixture of insight, wit, and humor. Succinctly stated, working with Michael was refreshing.

Michael engaged with my staff and Members of the Senate on a daily basis when the Senate debated healthcare reform and then tax legislation. There were many late nights, and work often spilled over into the weekends. Michael was always there to help us through and would often make us smile with his ever-present sharp wit.

Without the dedication of public servants like Michael, it would simply be impossible for the rest of us in the Senate to function as we should.

Michael's passing is hard on all of us, from his colleagues in the Office of the Parliamentarian to every committee in the Senate, and to those of us who saw him regularly seated directly below where the Presiding Officer sits. We all benefited from his counsel.

My heartfelt condolences and prayers go out to Michael's family in their time of grief. He will be sorely missed. I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PETERS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

NET NEUTRALITY

Mr. PETERS. Mr. President, competition is the lifeblood of the American economy. Competition is what makes capitalism work. It is competi-

tion that has established the United States as the world's dominant economic force for over a century.

American competition is driven by innovation. We created the light bulb, the automobile, and the internet.

We all know that the internet has revolutionized the way we communicate, learn, and do business. A free and open internet allows students in Houghton, Lansing, and Mount Pleasant to access research and to collaborate internationally. A free and open internet allows startups in Detroit, Grand Rapids, and Flint to reach customers across the globe. A free and open internet allows a small bed and breakfast in Traverse City or Muskegon to reach millions of potential guests that they couldn't otherwise reach.

While the internet has been a potent force for innovation and economic growth in recent decades, our economy has been facing some serious headwinds. I am deeply concerned that we are seeing increased business consolidation—big firms are getting bigger—and we are seeing fewer new small businesses and startups. A recent study found that across 900 different industries, over two-thirds have become more concentrated in the past decade. The formation of new companies is falling. The number of jobs created by new businesses has fallen, even as our workforce has grown.

We have seen a large national internet service provider acquire a similarly large media company. We have recently seen the largest online retailer acquire one of our Nation's most successful grocery chains. Now we are seeing two of the four largest wireless carriers making preparations to merge.

Certainly, consolidations and mergers are a part of our economy, but we need rules of the road to level the playing field, to help small businesses and startups to compete, and to drive innovation. This is exactly why we need net neutrality.

Net neutrality protections prevented internet service providers from blocking, slowing, or prioritizing web traffic for their own financial gain. Without net neutrality, we could be subject to a two-tiered internet. Without net neutrality, large corporations, which keep getting larger and larger, can pay for a fast lane and buy the power to slow down or to block content. Without net neutrality, consumers, small businesses, and startups can be forced into the slow lane. Simply put, net neutrality keeps America competitive.

Unfortunately, net neutrality is under attack by the Trump administration. In December, the FCC voted to repeal crucial net neutrality protections, despite the fact that 86 percent of Americans wanted the rules to stay in place. The decision to scrap these net neutrality protections is anti-consumer, anti-innovation, and anti-competitive. It disadvantages small businesses, startups, and families all across our country.

While the FCC vote to repeal net neutrality rules is over, we are still here in the Senate fighting. In fact, we are closer than ever to reinstating the rules of the road that will keep the internet free, open, and competitive.

Fifty Senators, including the entire Democratic caucus, have signed a petition that would force a vote on legislation that would reinstate these crucial protections. With 51 votes, we could overturn the FCC's original repeal and move one step closer to restoring fairness.

Students, artists, advocates, entrepreneurs, and other visionaries who could be inventing the future and creating the next big thing could once again be on an equal playing field with multinational corporations when it comes to using the internet.

We need net neutrality to keep our economy dynamic, growing, and innovative. We need net neutrality to keep our startups and small businesses competitive.

Five months ago, I stood here in this Chamber urging the FCC to abandon their dangerous vote. Now I stand here urging my colleagues to reverse this dangerous and disastrous decision.

We have the power to do it, and we must. We need one more vote.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mrs. ERNST). Without objection, it is so ordered.

Under the previous order, all postcloture time has expired.

The question is, Will the Senate advise and consent to the Engelhardt nomination?

Mr. INHOFE. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from South Carolina (Mr. GRAHAM) and the Senator from Arizona (Mr. MCCAIN).

Mr. DURBIN. I announce that the Senator from Indiana (Mr. DONNELLY) and the Senator from Illinois (Ms. DUCKWORTH) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 62, nays 34, as follows:

[Rollcall Vote No. 87 Ex.]

YEAS—62

Alexander	Blunt	Capito
Barrasso	Boozman	Cassidy
Bennet	Burr	Collins

Coons	Inhofe	Perdue
Corker	Isakson	Portman
Cornyn	Johnson	Risch
Cotton	Jones	Roberts
Crapo	Kennedy	Rounds
Cruz	King	Rubio
Daines	Klobuchar	Sasse
Enzi	Lankford	Scott
Ernst	Leahy	Shelby
Fischer	Lee	Sullivan
Flake	Manchin	Tester
Gardner	McCaskill	Thune
Grassley	McConnell	Tillis
Hatch	Moran	Toomey
Heitkamp	Murkowski	Warner
Heller	Murphy	Wicker
Hoeven	Nelson	Young
Hyde-Smith	Paul	

NAYS—34

Baldwin	Harris	Schatz
Blumenthal	Hassan	Schumer
Booker	Heinrich	Shaheen
Brown	Hirono	Smith
Cantwell	Kaine	Stabenow
Cardin	Markey	Udall
Carper	Menendez	Van Hollen
Casey	Merkley	Warren
Cortez Masto	Murray	Whitehouse
Durbin	Peters	Wyden
Feinstein	Reed	
Gillibrand	Sanders	

NOT VOTING—4

Donnelly	Graham
Duckworth	McCain

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table, and the President will be immediately notified of the Senate's action.

CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Michael B. Brennan, of Wisconsin, to be United States Circuit Judge for the Seventh Circuit.

Mitch McConnell, John Hoeven, Johnny Isakson, James Lankford, Steve Daines, Ben Sasse, Mike Crapo, John Kennedy, John Barrasso, Thom Tillis, Roger F. Wicker, James M. Inhofe, Richard Burr, Mike Rounds, Shelley Moore Capito, Tom Cotton, Cory Gardner.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Michael B. Brennan, of Wisconsin, to be United States Circuit Judge for the Seventh Circuit, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from South Carolina (Mr. GRAHAM) and the Senator from Arizona (Mr. MCCAIN).

Mr. DURBIN. I announce that the Senator from Indiana (Mr. DONNELLY) and the Senator from Illinois (Ms. DUCKWORTH) are necessarily absent.

The PRESIDING OFFICER (Mrs. HYDE-SMITH). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 49, nays 47, as follows:

[Rollcall Vote No. 88 Ex.]

YEAS—49

Alexander	Flake	Perdue
Barrasso	Gardner	Portman
Blunt	Grassley	Risch
Boozman	Hatch	Roberts
Burr	Heller	Rounds
Capito	Hoeven	Rubio
Cassidy	Hyde-Smith	Sasse
Collins	Inhofe	Scott
Corker	Isakson	Shelby
Cornyn	Johnson	Sullivan
Cotton	Kennedy	Thune
Crapo	Lankford	Tillis
Cruz	Lee	Toomey
Daines	McConnell	Warner
Enzi	Moran	Wicker
Ernst	Murkowski	Young
Fischer	Paul	

NAYS—47

Baldwin	Heinrich	Peters
Bennet	Heitkamp	Reed
Blumenthal	Hirono	Sanders
Booker	Jones	Schatz
Brown	Kaine	Schumer
Cantwell	King	Shaheen
Cardin	Klobuchar	Smith
Carper	Leahy	Stabenow
Casey	Manchin	Tester
Coons	Markey	Udall
Cortez Masto	McCaskill	Van Hollen
Durbin	Menendez	Warner
Feinstein	Merkley	Warren
Gillibrand	Murphy	Whitehouse
Harris	Murray	Wyden
Hassan	Nelson	

NOT VOTING—4

Donnelly	Graham
Duckworth	McCain

The PRESIDING OFFICER. On this vote, the yeas are 49, the nays are 47.

The motion is agreed to.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Michael B. Brennan, of Wisconsin, to be United States Circuit Judge for the Seventh Circuit.

The PRESIDING OFFICER. The Senator from Connecticut.

ANNIVERSARY OF THE FIRING OF JAMES COMEY

Mr. BLUMENTHAL. Madam President, 1 year ago today, the President of the United States did the unthinkable. He did at least what many people thought was unthinkable. He fired the Director of the Federal Bureau of Investigation, James Comey. Shortly thereafter, he acknowledged the reason. He told NBC's Lester Holt that he fired James Comey because he was thinking about "this Russia thing" and how unjustified he thought the investigation was. He later told officials of Vladimir Putin's government in a private meeting in the Oval Office that this firing relieved him of the pressure that he was feeling as a result of the Russia investigation.

The 1-year anniversary of Jim Comey's firing might well be permitted

to pass without notice, but little did we know at the time that it would be part of a relentless and repeated denunciation of professional law enforcement at the Federal Bureau of Investigation, at the Department of Justice, even at the CIA, and law enforcement agencies all around the country. This concerted and coordinated attack on the FBI and Department of Justice is no accident. It is part of a strategy to undermine the credibility not only of the special counsel's investigation of collusion by the Trump campaign with Russia in its meddling in the 2016 election and the potential of obstruction of justice and coverup by the President and his administration, but it is also deeply alarming as an attack on professional law enforcement.

The President's attacks have become so numerous and so brazen that they have almost become the new normal. Likewise, the attacks by his sycophants and surrogates in Congress undermine the credibility and trust of the FBI and the Department of Justice. That is why I am here today—because words have consequences.

These attacks have ramifications for the FBI when it investigates a crime. The willingness of potential witnesses to talk to them may be undermined. Their ability to prevent crime may be undercut because of informants' lack of trust in them. And the credibility of FBI agents at a trial in a conflict of credibility with a defendant who is lying can be sabotaged by the President through these denunciations—far beyond the special prosecutor's investigation.

This attack on law enforcement has consequences for the safety and security of our Nation, indeed, our national security, because the FBI needs those informants, needs credibility as witnesses, needs the trust of the American people to do its job in keeping America safe from sabotage or subterfuge internally, as well as organized crime, drug dealing—the panoply of threats that exist to our safety.

It is no accident that terrorist attacks have reduced in severity since 9/11. It is no accident that crime is at lower levels than in recent years. It is no accident that Americans feel safer as they walk the streets and communities of America, rural and urban. It is because we have devoted resources to local law enforcement, as well as the Federal agencies that are vital to support local law enforcement with the information and data they need to do their job and with the enforcement they provide in solving crimes and making sure the bad guys are convicted and go away.

The best laws in the world are dead letter if they are unenforced. The new laws that we pass here will mean nothing without strong and effective law enforcement.

We should all be deeply alarmed and concerned about this new normal of a President of the United States—who is responsible for making sure the laws