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	Wicker
Enzi	Moran	Young
Ernst	Murkowski	
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

are faithfully executed—actually attacking the agency that is responsible for the enforcement necessary for execution of those laws.

Here are a few examples. On April 6, 2018, a notice appeared on the front page of backpage.com confirming that the Department of Justice seized the website and took it offline—a crucial and important step in the fight against sex trafficking. On that same day, the FBI raided the Sedona home of Michael Lacey, a founder of backpage.com and one of the 7 individuals charged in a 93-count indictment for Federal crimes relating to facilitating prostitution and laundering money.

For years, backpage.com and its owners have knowingly concealed evidence of criminality by systematically editing its adult ads to facilitate prostitution and sex trafficking, including modern-day slavery of children. Backpage's misconduct led to the prostitution of a 14-year-old Connecticut girl, who was advertised on the website for clients in Connecticut, New York, and Atlantic City. Without the intervention of the Department of Justice and the FBI, many more children could have been exploited and victimized by backpage.

We know about the extraordinary magnitude of backpage's activities and about the deep harm it causes as a result of an investigation performed by Senate committees. The Senate has taken steps to stop that kind of promotion on the internet as a result of legislation that Senator ROB PORTMAN of Ohio and I led here, legislation called SESTA. It was bipartisan legislation that passed overwhelmingly. The legislation will assist victims and survivors in having their day in court and allow law enforcement to do even better in the fight against sex trafficking.

That story is just one example of the laudable work that the Department of Justice and the FBI do every day to keep America safe. The attack against them has extraordinary irony and harm because it seeks to sow doubt about democratic institutions that are vital to our way of life.

President Trump has literally taken a page from his authoritarian heroes who systematically seek to say that the law is not what our enforcement agencies say, not what our democratic institutions say, but what they say. He has persistently and purposefully attempted to undermine all of the Department of Justice.

The fact is, these attacks have effect. When they come from the President's mouth, they have consequences. Not surprisingly, these repeated caustic and careless attacks have diminished public confidence in these institutions. Since Donald Trump entered office, reports suggest that a number of Americans who view the FBI capably has diminished by 28 percent. Just 38 percent of Americans have confidence in the FBI. That is distressing for a party that once espoused and supported law enforcement. The long-term negative collateral consequences of these assaults on our top law enforcement agencies are likely to be extensive.

Consider the dedication, the courage, the tenacity, and the strength that is required of those at the FBI to do their job day in and day out, putting their lives on the line, literally risking their well-being not over a year or a couple of years but, many of them, for careers, a lifetime. They are among the finest men and women in public service.

The FBI is one of our premier law enforcement institutions. The Department of Justice is and should be the marvel of the world for its fairness and its unrelenting dedication to do justice. As one Attorney General—Justice Jackson—said, its goal is not to seek convictions but to do justice, and that is the mission that it performs.

A recent case by the Department of Justice's National Security and Civil Rights Division shows how Donald Trump's attacks are weakening support for the FBI's important work.

In March of this year, three anti-Muslim militia members who were on trial for plotting to slaughter Somali refugees in Southwest Kansas adopted a defense strategy that could have been taken directly from the Trump playbook or from his Twitter feed. Defense attorneys in that case argued that a biased FBI conspired against their clients because of their political beliefs. The defendants said that their political beliefs were responsible for their prosecutions, not their own actions. In a turn of phrase that is very suggestive of the President's Twitter feed, the defense attorney argued that the defendants' discussion of killing Muslim ''cockroaches'' amounted to ''locker room talk,'' which was inspired, no doubt, partly by the 2016 election.

Meanwhile, the government had to deal with jurors who expressed a number of concerns about the honesty and corruption at the top levels of the FBI, questioning the ability and integrity of the organization.

Ms. Ifrah Ahmed, a Somali resident of the apartment complex the defendants were plotting to blow up, felt differently about the FBI investigation. She and other residents said that the verdict allayed their fears and affirmed their faith in the justice system.

It was because of the work of dedicated law enforcement professionals that the defendants' plan to bomb innocent and peaceful Muslim immigrants was thwarted in a victory for the rule of law and a victory for civil rights and our national security. But instead of applauding or lauding victories like this one, the President of the United States continues to spread a false narrative. His sole purpose is advancing his political agenda, protecting himself, and shielding himself from accountability. His attacks are designed to undermine the credibility of the FBI and designed to shield him from responsibility and apparent culpability for possible criminal wrongdoing.

In reality, the FBI and the DOJ work every day to protect Americans against threats, both foreign and domestic, while upholding the Constitution.

The Department of Justice includes more than 40 separate organizations, including the FBI, and more than 110,000 employees. I know about the ones in Connecticut. As a former U.S. attorney, the ethic and tradition of the U.S. attorney's office is about upholding the rule of law and the dedication to doing justice.

The FBI has more than 30,000 employees spread over 56 field offices around the United States. They are dedicated to protecting the United States from terrorism, cyber attacks, public corruption, violent crime, and abridgement of civil rights. According to its most recent annual report, the FBI disrupted more than 700 terrorist incidents and over 170 violent criminal organizations in 2017 alone. The FBI targets crimes not only in the streets but in boardrooms. In the same time period, it disrupted more than 430 criminal enterprises engaged in white-collar crimes.

Let's make no mistake—wrongdoing affects real people in their real lives. There are very few victimless crimes, if any. Every crime has some victim and some survivor. That is the reason they are prosecuted, and that is why we hire those prosecutors and FBI agents to go after lawbreakers. We should reward them for disrupting and deterring the lawbreakers, not denounce them, as the President has done.

The FBI's hard work in building cases the right way leads to victories in the courtroom. I have seen them and have prosecuted them myself. The prosecutor, whether it is an assistant U.S. attorney or a U.S. attorney, contributes mightily to those victories, but they would be impossible without the nuts and bolts—the investigative work, the shoe leather, and sometimes the very significant risks involved in uncovering the truth and bringing it to court. Sometimes FBI agents work for months undercover on a single case at grave jeopardy to themselves. More than 90 percent of terrorism- and gang-related cases result in a conviction—a judgment favorable to the United States.

These statistics that I have cited here represent only a fraction of the work these agencies do to protect America every day, in real life, for real people. Despite President Trump's efforts to water down environmental protections, the FBI continues to pursue cases where corporations violate clean water and clean air standards and threaten public health.

At the end of April, the Department of Justice charged the ex-CEO of Volkswagen with conspiracy in the company's rigging of diesel vehicles to feign compliance and falsely portray compliance with the company's and Federal standards.

Volkswagen deceived American regulators. Why should that matter to ordinary Americans? Well, it is an unlevel

playing field with its competitors if it cuts corners. So it impacts fair competition, but it also impacts our clean air and the safety and health of Americans who breathe that air. Essentially, they not only deceived regulators, but they defrauded American consumers for years, promising them those standards, which they knew they were failing to meet. Only because of the tireless efforts of Federal investigators and prosecutors has the company's chief executive now been brought to justice to face these charges. The Department of Justice's actions send a message to businesses both here and abroad that efforts to cheat American consumers or harm the environment will have consequences. They ought to pay attention. They ought to be deterred.

The Department of Justice also develops key initiatives to respond to urgent threats, particularly in the frontline against terrorism. The FBI's Joint Terrorism Task Forces are comprised of small cells of highly trained, locally based, passionately committed investigators, analysts, linguists, SWAT experts, and other specialists from dozens of U.S. law enforcement and intelligence agencies. They operate as part of the FBI's Joint Terrorism Task Force, because the FBI has that responsibility for our national security, along with them as a team. When it comes to investigating terrorism, they do it all. They chase down leads, gather evidence, make arrests, provide security for special events, conduct training, collect and share intelligence, and respond to threats and incidents at a moment's notice. These task forces are based in 104 cities nationwide, including at least one in each of the FBI's field offices.

Without any exaggeration, these investigators and prosecutors protect us. They protect American lives from terrorist threats, both at home and abroad. Just last month FBI agents, working with the Newark Joint Terrorism Task Force, thwarted a plot of five men to join ISIS and carry out an attack in ISIS's name on U.S. soil using homemade bombs. Because of their brave and tenacious efforts and their countless hours of hard work—hour after hour, day after day—this plot, and many others like it, were disrupted and American lives were saved.

America has always faced threats to our national security and public safety, even as they are more complex today than ever before. We need the kind of professionalism that the FBI and the Department of Justice and other agencies bring to law enforcement every day. For all of us who have been Federal prosecutors—whether a U.S. attorney, as I was, or in another capacity—these attacks are repugnant. They belie a fundamental misunderstanding of the ethos and tradition of justice and the rule of law in our democracy.

Unfortunately, President Trump has failed not only to stand up for those law enforcement agencies, but he has actually hindered, actively and consistently, their vital work in protecting our Nation. He has undermined their stature and credibility. He has attacked their integrity, all without any basis in fact.

President Reagan once said that facts are stubborn things. The American people should know the facts. If they do, they will appreciate that the facts show that the Department of Justice and the FBI, even with their faults, are a paragon of law enforcement. Their faults should not be minimized or dismissed. They ought to be addressed, but not by denouncing or demeaning their hard work.

The numbers and statistics I have given and the examples I have cited are not meant defensively for them. They don't need my defense. Their actions and their work speak louder than anyone's words. I hope they will continue that service and sacrifice, undiscouraged and undeterred by these rash and reckless attacks from the President and surrogates who support him.

I personally thank them for their service and sacrifice, as all Americans should, and I thank many of them for their friendship.

Thank you, Madam President.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Madam President, this week the Senate will vote on the nomination of Michael Brennan to serve on the Seventh Circuit Court of Appeals in Milwaukee.

Judge Brennan is a highly qualified nominee with broad, bipartisan support in his own State of Wisconsin. The Senate Judiciary Committee received numerous letters in support of Judge Brennan's nomination, including from the longtime Democratic Milwaukee district attorney. I fully support this nomination.

I have heard from some of my colleagues—and especially from those on the other side of the aisle—that they believe Judge Brennan shouldn't have received a hearing before the Judiciary Committee. They say this because one Senator from Wisconsin didn't return the blue slip. But their opinions are based on an incorrect understanding of the blue slip's history.

As I explained last year several times on the Senate floor and several times in committee, the blue slip courtesy is just that—a courtesy. It has a history going back to 1917. Since then, chairmen of the Judiciary Committee have distributed blue slips to home State Senators to get feedback on the nominees to the Federal bench in their respective States.

Chairmen have applied the blue slip courtesy differently in its 100-year history. For the first 39 years of its existence, the blue slip had no bearing on whether a nominee went through the committee process. Then, in 1956, Senator James Eastland of Mississippi became chairman. He started requiring both home State Senators to return positive blue slips before the committee would ever proceed on a judicial nomination. Scholars maintain that Chairman Eastland adopted this policy to allow southern Senators to veto nominees sympathetic to the Supreme Court decision in Brown v. Board of Education.

Then, when Senator Ted Kennedy took over the chairmanship from Senator Eastland in 1979, he went back to the original blue slip policy.

Then comes along Chairman Strom Thurmond continuing that policy. Then comes along Chairman Joe Biden continuing that policy, and Chairman ORRIN HATCH followed that policy. Under the policies of those chairmen just mentioned, negative or unreturned blue slips did not necessarily preclude a hearing for a nominee.

When Senator LEAHY became chairman during the Bush administration, he did away with this policy and resurrected Chairman Eastland's strict blue slip policy. The reason for this strict blue slip policy was obvious to everyone at that time—at least obvious to everybody on our side of the aisle—to block President George W. Bush's judicial nominees based on politics and ideology, something that never played much of a role in a lot of these nominations prior to 2002. In sum, only 2 of my 18 predecessors who extended the blue slip courtesy required signoff from both home State Senators.

When Senator LEAHY adopted an historical blue slip policy, that was his prerogative as chairman, and nobody argues with that. But it is my prerogative to have the same blue slip policy as Chairman Biden and Chairman Kennedy and the vast majority of predecessors. Accordingly, I have said this: Negative or unreturned blue slips will not necessarily preclude the hearing for circuit court nominees unless the White House failed to consult with home State Senators. I get all sorts of information—and I demand all sorts of information—from the White House on this sort of consultation that is going on. That is why I held hearings for David Stras, Kyle Duncan, Michael Brennan, and Ryan Bounds, despite the lack of two positive blue slips from home State Senators. This policy is completely bipartisan. I have applied it to blue slips of Democratic and Republican Senators.

Some people have suggested that I had a different blue slip policy during the final 2 years of President Obama's administration. They pointed to nine judicial nominees with blue slip problems who didn't receive hearings. But five of these nominees were to district courts, and I have said repeatedly that I am less likely to proceed to district court nominees without two positive blue slips.

With respect to the four circuit court nominees who didn't receive hearings during the last Congress, their nominations simply came too late in the Congress to process. They were nominated during the Presidential election year of

2016, and in Presidential election years, we have the Leahy-Thurmond rule that applies. Under the Leahy-Thurmond rule, the Senate typically stops confirming judges by midsummer. I am assuming that I gave Senators in 2016 the same timeline that I gave to former Senator Franken to return his blue slip for Justice Stras. We wouldn't have started holding hearings then until 2016, and by delaying until that period of time, we would have not had the record number of circuit court judges that we have had during this Presidency, because, then, the Leahy-Thurmond rule would have barred their confirmations. These four nominees also lacked floor support, and it would have been a waste of time and resources if we had proceeded. That was my judgment as chairman.

Chairman LEAHY similarly refused to hold hearings for at least six circuit court nominees for reasons besides the blue slips. He denied hearings for three nominees in the Fourth Circuit: Steve Matthews, Robert Conrad, and Glen Conrad. These nominees had two positive blue slips from their home State Senators, and two were nominated more than a year before the 2008 Presidential election, but even then, Chairman LEAHY refused to process them.

Chairman LEAHY also refused to act on the nomination of Peter Keisler, President Bush's nominee to the DC Circuit, who was nominated in 2006. Obviously, blue slips were not the reason for my predecessor's decision to stall Mr. Keisler's nomination for more than 2 years since the District of Columbia has no Senators. These decisions allowed President Obama then to stack the DC Circuit and also the Fourth Circuit with liberal judges.

Chairman LEAHY also declined to hold hearings for two Sixth Circuit Court nominees to Ohio seats, even though both Ohio Senators had returned positive blue slips. The Democratic Senators from Michigan asked Chairman LEAHY to halt proceedings on all Sixth Circuit nominees, not just those from Michigan. So Chairman LEAHY honored this request and denied a hearing to the Ohio nominees, even though the blue slips had been returned. This was the first time ever a chairman allowed Senators to halt committee proceedings on nominees for seats in other States.

As Chairman LEAHY's example shows, there isn't just one reason. There are multiple reasons for any chairman of the Judiciary Committee to deny a hearing to a nominee. Likewise, my decision not to hold hearings for the four nominees in 2016 wasn't based solely on the lack of blue slips. It is simply false, then, for my colleagues to say I changed my blue-slip policy since that particular time.

As to my decision then to hold a hearing on the nominee now before the Senate, Judge Brennan, I was satisfied that the White House adequately consulted with both Wisconsin Senators. The White House sought input from the Wisconsin Senators and considered all the candidates recommended by each Senator. I understand the frustration that Wisconsin's judicial nominating commission hasn't worked out as had been planned by the two Senators, but Judge Brennan was the only candidate to receive bipartisan support from the commission process that is used in Wisconsin. Moreover, the commission's dysfunction can't be used as an excuse to deny the President his constitutional authority to make judicial nominations.

I would also like to point out that each Senator who has withheld a blue slip this Congress also voted to abolish the filibuster for judicial nominations back in 2013. The argument then was that 41 Senators shouldn't be allowed to block the will of a majority of this Senate, but now these same Senators have reversed themselves, saying any one Senator should have that right, through holding a blue slip, to denying the Senate an opportunity to vote.

Understand, just a few years ago, they wanted to abolish 41 Senators holding up a nomination, but today they stand before us and say one Senator ought to be able to do what they said 41 Senators shouldn't be able to do. I will not allow the blue slip to be abused in this way. The blue slip is meant to encourage consultation between the White House and home State Senators. It is not a way for Senators to have veto power over nominees for political or ideological reasons.

Finally, I hear a lot these days about the President stacking the courts or the Senate rubberstamping nominees. Well, I stand by our process. It gives Senators every opportunity to probe deeply into nominees' backgrounds. As five nominees from last year will attest, not everyone makes it through this rigorous scrutiny. I would like to bring attention to two recent Supreme Court decisions that the Trump administration lost.

In Sessions v. Dimaya, the Supreme Court held that the government could not deport an immigrant under a vague statutory provision. The pivotal vote was cast by President Trump's own Supreme Court nominee, Justice Neil Gorsuch.

In another case, Chicago v. Sessions, the Seventh Circuit held that the government could not deny funding to so-called sanctuary cities. It happens the three judges who carried that case were all appointed by Republican Presidents.

I bring up these cases not because I agree or disagree with their outcomes but simply to point out that the fears of the President stacking the judiciary are overblown. Conservative judges apply the law as written, regardless of the results, but I suppose liberals expect their judges to be results-oriented. That is why we can always confidently predict how a liberal judge might rule on a case. Liberal outside groups' real fear, then, is that newly confirmed judges recognize that their role is to neutrally apply the law, not to legislate from the bench.

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. DURBIN. Madam 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. DURBIN. Madam President, I come to the floor today to discuss an issue that impacts consumers, small businesses, our general economy, and most families. It is the issue of net neutrality. The concept behind this is pretty simple. It ensures that all content on the internet is treated equally so that the internet can remain an openly accessible platform for users and an equal playing field for everyone.

Unfortunately, some leaders at the Federal Communications Commission disagreed. Despite being given the responsibility to make sure they operate in the public interest when it comes to our Nation's communications networks, in December, the FCC walked away from this important responsibility and decided to put the needs of companies ahead of customers.

It appears with this administration that everything is for sale. That means public lands, our privacy, and, in this case, the pathway American families use every single day to get on the internet. Led by Chairman Pai, the FCC voted for a radical plan in December to dismantle net neutrality rules and threaten the existence of a free and open internet as we know it today. This new plan will allow large internet providers the power to freely block, throttle, or manipulate consumers' access to the internet in ways that profit the provider.

Think about your access to apps and the internet today, and compare it to your access to cable channels. If you want more channels, you put in more money. Today the internet is open to us, and we have access to it. The Trump administration, through the Federal Communications Commission, wants to change that. If you want fast internet service, you pay more money. If you want access to certain apps, you pay more money. That changes the nature of the internet as we have known it. It is a dramatic change in the way we communicate and gather information. It is just another bill.

Many people are now facing the prospect of cable TV shows and other things they have to pay more money for on a pretty substantial monthly bill. Now comes the FCC to say: We have another monthly bill for you if you want the same access to the internet today that you had before. Not only does this mean less choice and higher cost for consumers whose access to content could be determined by what is in the best financial interest of

their provider, but small businesses will no longer be able to compete on a level playing field.

For many small businesses and entrepreneurs in my State of Illinois and across the country, the internet has given them the ability to reach consumers across the globe and compete against large companies. The innovation and healthy competition that a free and open internet allows are essential to continue pushing our economy forward. If the FCC has its way, they are going to create internet fast lanes and slow lanes, where winners and losers are no longer determined by how good a business's product is but by whether a small business can afford to pay in. That is wrong. It is not good for the economy, and it is not good for our democracy.

I have heard from hundreds of thousands of Illinoisans who are concerned, and there is concern all across the country, across party lines. We filed a discharge petition today to take up this issue of net neutrality on the floor of the Senate.

We have considered a lot of rules and regulations from the Obama administration. Now we are going to consider one from the Trump administration. We are going to see if there is bipartisan support for net neutrality.

Senator COLLINS, Republican of Maine, has joined us. Will there be more? Are there a number of Republican Senators who want to stand up for net neutrality and for open access for America to the internet or do they want to sell off this opportunity to the highest bidders?

Keeping the internet a place where content is shared freely and accessed equally by everyone is important to our small businesses, educators, and consumers. We are pleading with America in the hours before we take up this measure to log on and tell the Trump administration to lay off. When it comes to net neutrality, it is too important a value across America to sell at the FCC.

Madam President, before the Senate left for last week's recess, the Republican leader, Senator MCCONNELL, filed cloture on six circuit court nominees.

I supported three of these nominees in the Judiciary Committee—Amy St. Eve, Michael Scudder, and Joel Carson—and I opposed three of them—Michael Brennan, Kurt Engelhardt, and John Nalbandian. I carefully consider each nominee's qualifications and record when I cast my votes.

I want to speak today, though, about the process that Senate Republicans are using to move judicial nominations under President Trump. I fear the Republican majority is diminishing the advice and consent role of the Senate in an effort to rush through President Trump's nominees. That troubles me. Just look at what Republicans are doing to the blue slip when it comes to circuit court nominations.

For the last century, the blue-slip process has worked well. It has encouraged negotiation and meaningful consultation between the White House and Senate when it comes to making lifetime appointments to the federal bench. The blue slip serves as a check and a balance, helping to steer the judicial selection process toward the center stripe, and it ensures Senators are meaningfully consulted on judicial nominations in their State.

Many Senators have established expert screening commissions to help evaluate and vet nominees in their States. When blue slips and screening commissions are respected, it leads to consensus and high-quality nominees.

Look at the way the White House worked with Senator DUCKWORTH and me on filling the two current 7th Circuit vacancies from Illinois. We had good-faith consultation and a substantive back-and-forth, and the White House respected our Illinois tradition of having an expert screening committee review and vet candidates.

This process resulted in a pair of excellent Illinois 7th Circuit nominees—Amy St. Eve and Michael Scudder, whom all sides could agree upon. That is the way it should work.

We know that blue slips and screening commissions can help build consensus and lead to good outcomes. Yet this week the Senate is taking major steps to abandon these processes.

Senator MCCONNELL is calling a vote on the floor this week on 7th Circuit Wisconsin nominee Michael Brennan. Mr. Brennan is a controversial nominee with a history of troubling statements. In particular, I am concerned by his 2001 National Review op-ed in which he argued that judges need only follow ''correct precedent''—which suggests judges can disregard precedent they don't agree with. I am also concerned by his 2004 Marquette Law Review article on personal responsibility, in which he was disdainful of criminal defendants who said they had a difficult upbringing.

The Brennan nomination is controversial on substance, but even more controversial is the way this nomination has been pushed forward. Both Senator BALDWIN and Wisconsin's bipartisan screening commission were effectively cut out of the process of selecting this nominee.

Mr. Brennan failed to meet the threshold vote of the screening commission that Wisconsin's senators had set up, but President Trump nominated him anyway. Senator BALDWIN has raised serious concerns about Mr. Brennan and has not submitted a blue slip for his nomination, yet Republicans are pressing ahead. This is taking us down a troubling path.

I know that Senators in both parties like to quibble over precedents and point fingers at each other when it comes to judicial nominations, but I think all Senators understand that we have a fundamental responsibility to our constituents when it comes to federal judges in our home States. We must exercise a vigorous advice and consent role for these judges who will sit in our States' courthouses.

It should concern all of us if any Senator is cut out of the judicial selection process in that Senator's State. None of us want that to happen to us.

If the Senate votes to confirm Mr. Brennan, we will be sending a clear signal that home State senators don't matter anymore in the judicial selection process. That is the wrong path to go down, but Senate Republicans appear to be doubling down on this path.

Today, in the Judiciary Committee, Chairman GRASSLEY called a hearing on a 9th Circuit nominee from Oregon, Ryan Bounds. This nominee has not received a blue slip from either home State senator, nor does he have the approval of Oregon's judicial selection committee.

I hope my Republican colleagues stop and think about how they would feel if this happened to them in their home States. I hope our example in Illinois shows that there is a better way—a path of good faith negotiations that can lead to compromise while respecting the Senate's important traditions and home-State practices.

There are other troubling nomination trends besides the bypassing of blue slips and home State screening commissions. Republicans also have been moving very quickly to confirm President Trump's picks for Federal judges. For example, last year the Senate confirmed 12 circuit court judges, a record for a President's first year in office. President Trump's first 15 circuit court nominees have been confirmed in an average of 131 days, including just 20 days pending on the Senate floor. This is a very fast pace. By comparison, President Obama's first 15 circuit court nominees took an average of 254 days to be confirmed, including 167 days pending on the floor.

This fast pace carries risks. Senators who do not serve on the Judiciary Committee need time to review the records of judicial nominees before voting on whether to confirm them to lifetime positions on the Federal bench.

This scrutiny is even more important in the Trump era, when nominees are often not carefully vetted before they are nominated. Just look at nominees like Brett Talley, who was rushed through the Judiciary Committee and reported on a party line vote before many Senators realized his utter lack of qualifications to be a Federal judge.

I understand the need to fill vacancies in the Federal Judiciary, but we must not do so at the expense of careful vetting.

I also want to briefly respond to the argument that somehow Democrats are being obstructionist when it comes to judicial nominees. It is wildly hypocritical for Republicans to make this argument.

Remember, my Republican colleagues retired the trophy for judicial obstruction during the Obama Administration: Republicans forced cloture filings on 36 of President Obama's judicial nominees in his first 5 years-the

same number of judicial cloture filings as in the previous 40 years combined; Republicans used the tactic of withholding blue slips to block 18 of President Obama's nominees; Republicans refused to support any Obama nominee for three D.C. Circuit vacancies, no matter how qualified; Republicans allowed only 22 Obama nominees to be confirmed in his last two years—the fewest judicial confirmations in a Congress since President Truman; and Republicans blocked Supreme Court nominee Merrick Garland from even having a hearing.

Senate Republicans often opposed President Obama's nominees simply because it was President Obama who nominated them. In contrast, Senate Democrats simply want to ensure that nominees are adequately vetted, well-qualified, non-ideological, and in the judicial mainstream.

We have the ability to make the nominations process work in a consensus way. We have done it in Illinois. I hope we can do it across the country.

Let's start by keeping the blue slip. Sometimes it can be frustrating-we saw that when Republicans used blue slips to block 18 of President Obama's nominees. But it is a tool that compels us to find consensus. Let's keep that tool.

I urge my Republican colleagues to vote no on the nomination of Michael Brennan, both because of his troubling record and because of what his confirmation would mean for the future of the blue slip. I urge my colleagues to vote for nominees like Amy St. Eve and Michael Scudder whose qualifications are outstanding, who were selected through a good process, and who have both home State Senators' support.

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

The PRESIDING OFFICER (Mr. COTTON). Without objection, it is so ordered.

THE ECONOMY

Mr. BARRASSO. Mr. President, last Friday, we got new numbers from the Labor Department in terms of jobs and how American workers are doing. The unemployment rate is now down to 3.9 percent. It is the lowest it has been in 17 years. One analyst from the network CNBC said: ''That's a wow number.''

The American economy has created 3 million jobs since President Trump took office. There are 3 million Americans who are now earning a paycheck instead of waiting for a government check. We have gotten 304,000 new manufacturing jobs since President Trump took office. There are 352,000 new construction jobs and 84,000 new jobs in the mining and logging industries. Compare this to when Democrats in Congress and in the last administration launched an all-out War on Coal. There are 84,000 new jobs in mining and logging.

Republicans ended the War on Coal. We struck down a major Democratic regulation that would have crippled the mining industry. We showed industries like manufacturing, construction, logging, and mining that we want people doing these jobs. We want people back to work. Employers have responded all around the country by hiring more people, and that makes the economy grow.

So far Republicans in Congress have gotten rid of 16 major regulations since President Trump took office—wiped them off the books completely. We have shown that Republicans are serious about cutting redtape and loosening Washington's stranglehold on our economy. Because we got rid of these rules, Americans have saved as much as $36 billion over time. That is the cost for families and businesses jumping through the hoops and filling out the paperwork that government had previously demanded.

The latest one of these regulations that were repealed was just last month. Republicans in the Senate passed a resolution to help save people money when they are shopping for a car. We got rid of a rule that the Obama administration had written to restrict how car dealers handled financing offers to buy a car. The rule was done in a way that was actually contrary to the law. It also had the potential to limit choices for consumers. We want consumers to have more choices. Republicans in the Senate voted to get rid of this unnecessary, burdensome regulation.

President Trump has been very active in getting rid of excessive regulations as well. One of the first things he did as President was to issue an order cutting redtape. He said that for every significant new rule any agency wanted to write, it had to get rid of two rules. For every one new rule, get rid of two. That is how this administration has made a difference in Congress.

The results so far have been even better than anyone had expected. The nonpartisan American Action Forum has been tracking the numbers. This is what they said. They looked at all the rules that agencies have been working on for the fiscal year we are in now—since last October. Agencies have cut 35 major regulations of the kind the President was talking about—cut 35. At the same time, they have written only five new major regulations. Major regulations are defined by how much money it costs people. President Trump said that he would cut two for every one new regulation, but so far, in terms of major regulations, he has cut seven for every new one.

Of course, one of the most important things Republicans have done in helping the economy—in addition to the regulations—has been passing the tax relief law. This law means that we now have a simpler tax system. We now have a fairer system, and we have a system that is much less expensive for American families. Almost immediately, hard-working Americans started seeing more money in their paychecks. People got bonuses at work. People got raises. People are seeing it.

Tax cuts have been good for American families, and they have been good for the American economy as well. The Congressional Budget Office says that the economy is going to grow by more than 3 percent this year—by more than 3 percent. That is much faster than it was growing for the previous years after the recession. The office actually went back and increased their estimates for economic growth. Why? Because of the tax relief law, the tax cuts.

Wages are up nearly 3 percent from a year ago. People are seeing it all across the country. Again, that is much faster growth than we had under the previous administration. When you figure in lower taxes, people's real take-home pay is up even more.

Democratic policies led to stagnant wages for Americans. Republican policies have allowed wages to grow much more quickly. Millions of people have gotten new jobs that didn't exist before. Millions of other people have been able to switch jobs, move up in their careers, and make more money.

Overall, hiring this past month, April, went up by 20 percent compared to April of last year. It is a huge increase. A lot of these jobs are being created by small businesses.

Last week was Small Business Week across America. I visited a number of business owners across the State of Wyoming. Small business owners know that the government can either create opportunity or crush opportunity, based on regulations, mandates, and taxes. That is the kind of change that is possible under Republican pro-growth policies—creating opportunities, not crushing opportunities, as we have seen before. It is things like a national economy that is growing larger and growing faster that the American people are seeing today. Their lives are better today than they were in 2016. It is things like a small business being free to expand because it doesn't have to waste so much time and money on taxes and paperwork and government redtape—things like making sure America takes less money out of people's paychecks, letting people keep more of their hard-earned money.

When you have policies that make life easier for families and for businesses, good things happen across America. People in my home State of Wyoming get it. They are seeing it, they are experiencing it, and they are living it every day. They understand that what Republicans are doing in Congress helps them at home. That is why we are going to keep doing what we are doing, and we are going to keep going on. We are going to keep cutting regulations. We are going to keep building an ''America First'' economy

that is strong, that is healthy, that is growing, so it can create more opportunities for everyone. That is what Republicans have promised to do. It is what we should be doing. It is what we are going to do. It is what we are going to continue to do. It is what we are delivering in Congress and in the White House for the American people.

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

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

Mr. PORTMAN. Mr. President, first, I want to talk about our growing economy. I listened to my colleague's comments, the Senator from Wyoming, about the importance of the tax legislation. I couldn't agree with him more. I think it is stimulating not just economic growth but higher wages and more jobs. I also want to talk about the need for us to connect to those jobs the Americans who are not currently employed. Then I want to talk about some very shocking, new information we have about why people are outside of the workforce.

We just had a good jobs report from April. It showed a steadily growing economy. It showed unemployment at 3.9 percent. That is the official number, but that is the lowest the official number has been since the year 2000.

In my home State of Ohio, there was a recent survey done by PNC Bank—it has been doing this for 9 years—that asked small- and mid-sized companies: What is your level of optimism about the future? They said their business optimism has been at record levels for the past 9 years. So there is something going on that is very good in the economy.

If you talk to the small business community, the National Federation of Independent Business survey shows the same thing, not just optimism but also a sense that companies are getting ready to invest even more. So there are some good things going on in our economy.

This week, the Ohio Chamber of Commerce issued its own report, and it shows something interesting, which is that three out of four businesses in Ohio are saying they want to add people—three out of four. More than half of them said they want to add more than 25 people. I was just home and had a lot of interaction with small business people over the last week. I can't go to a business in Ohio where I don't hear people talking about the need for a qualified workforce. They tell me, yes, the tax bill is helping—no question about it. It is helping middle-class families throughout my State. Ninety percent of Americans are getting paychecks that read Uncle Sam is going to withhold less money—on average, $2,000 for a median-income family in Ohio just from the tax cuts this year alone.

Again, small businesses are investing more. Companies are doing everything from investing in people, with bonuses and higher pay and better 401(k) matches, to investing in equipment and technology and, therefore, in the productivity of those workers, which will lead to better economic performance. So those things are happening.

On the regulatory front, I also think that much of what we have done in Congress is beginning to help. This includes 16 different times when Congress has said we shouldn't have this new regulation that was put on by the Obama administration at the end of his term. Rather, we ought to free up the economy more—over $60 billion, by the way, of relief to our economy. That is helping.

I think it is also very helpful, as Senator BARRASSO said, that with regard to the administration, there is a new attitude, which is, yes, we need rules and regulations, and let's make sure they make sense, and let's make sure we partner with businesses and try to help them comply with those rules and regulations rather than have an attitude of saying: Let's try to find out how we can punish businesses for not complying. I think that difference alone may be even larger than what we have done in Congress, in terms of passing this legislation to eliminate regulations, because that attitude change has helped, particularly, small businesses in my State feel like, OK, they have an opportunity now to be able to take a risk—to take a chance—to invest in work. They are not thinking the Federal Government is out there to get them.

I see that, and I am really happy to see it because it is not, again, just about growing the economy. Over the past few months, if you have looked at the numbers, for the first time in really a decade and a half, we have seen wages starting to go up in my home State and around the country. That is what we should all want.

Let me talk about something that concerns me greatly about the direction in which we are going—again, positive. The economy is picking up. Things are going well. Workers whom I talk to are happy with the tax bill because it is helping them both directly with their families and through the benefits they are getting at work. Yet what I am hearing is, the workforce is really the challenge. When you look at that, you come up with a shocking situation, in which the reason there aren't people showing up for work is, we have a record number of men and probably close to a record number of men and women—you would probably have to go back to the 1970s to find these kinds of numbers—who are out of the workforce altogether.

Now, what does that mean?

This means they are not working, and they are not looking for work so they are not showing up in the unemployment numbers. The number of 3.9 percent—again, the best since 2000—is all good news, but that is not the real number. I say that with respect because the Bureau of Labor Statistics does the best it can, but it can't include the people who aren't trying to find work. Those people are outside of the workforce. What the economists call this is a low labor force participation rate—in other words, the low percentage of Americans who are even showing up. That concerns me a lot because, one, obviously, it is hurting the economy. You have this huge pool of workers out there. There are 8.5 million men between the ages of 25 and 55—able-bodied men—who are in this category. They are unemployed, yes, but they are not even looking for work so they are not showing up in these numbers. When you add women and men together, it is millions of Americans. So we need them in the economy now because it is important for these small businesses I am talking to in Ohio who are looking for people.

Even more concerning to me is what is happening to these people and to these families, because they are not getting the dignity and self-respect that comes from work. They are not able to achieve whatever their goal is in life, their piece of the American dream. They are missing out. They are on the sidelines.

The 3.9 percent unemployment rate, by the way, is not a real number. Why do I say that? Because if you go back to the normal labor force participation rate—we are talking about people actually working in our workforce in more normal levels—the unemployment number would be far higher. How high would it be? Go back to the year before the great recession when we had a more traditional workforce participation rate. With that labor force participation rate attached to today's economy, the unemployment number would not be 3.9 percent. It would be 8.6 percent.

If we were to talk about an 8.6 percent unemployment rate, we would all be very concerned; wouldn't we? We should be very concerned because that is the real number. We need a more concerted effort to get all of those Americans back to work for all the right reasons.

So who are they? It is a complicated question. No. 1, there are people who don't have the skills that meet the needs out there. So today, in Ohio, if you go on OhioMeansJobs, our website, you will see 140,000 jobs being offered, and yet there are 250,000 people out of work. You will see that a number of these jobs require a certain level of skill.

People are looking for welders. People are looking for technology expertise, including coding. They are looking for people in the biosciences or the healthcare professions, where you have to have a certain level of skill. What workers are finding in Ohio is that if

they don't have those skills, it is hard to get those jobs. So there is a skills gap—there is no question about it—and we should be addressing that.

In Congress we have a great opportunity to do that through some relatively commonsense legislation. One measure is called the JOBS Act—a great name. The JOBS Act says quite simply that if you are able to get a Pell grant for college, shouldn't you also be able to get a Pell grant for a short-term training program? This is because what employers will tell you is that they don't need a 2-year training program or somebody with a 4-year college degree. What they need is someone willing to go through a training program to get the ability to learn how to weld or the ability to learn how to code or even to go through a commercial driver's license program. All these programs can be accomplished in less than 15 weeks, and you can get people to work. But guess what. You can't get a Pell grant for a course that is less than 15 weeks.

So our goal with the JOBS Act is very simple. Let's level the playing field. Let's give an opportunity to those young people who may not choose to go to college, at least now, but who understand that those jobs are out there. We are talking about good-paying jobs, making $40,000, $50,000, $60,000 a year. They are waiting out there right now. These jobs are open. Let's give them the ability—because they are low-income families, and they can't afford these training programs—to take advantage of Pell grants as they would if they chose to go to a 4-year college or university or a 2-year college for a number of years.

Senator KAINE and I have introduced this legislation with a bipartisan group. We think it is something we ought to do right away. Who are these people? People with a skills gap. That is one specific idea—just one of many that would get people the skills they need.

No. 2, there is something I would call the dependency trap. These are people who are on a government dependency program and they are not working. When they look at going to work they see two things. One, they see a reduction in their benefits. That is pretty obvious. But second, they see an increase in their taxes. Now the tax bill actually helps here, because it actually reduces taxes for those at the bottom of the economic ladder.

Specifically, I will state—because I asked the Joint Committee on Taxation about this, and they gave me an official response—that 3 million Americans who currently have income tax liability based on last year's Tax Code—in other words, the code that was changed at the end of last year—no longer have any income tax liability. That is good because it will help with this transition from welfare to work, because although people may be losing those benefits, some people will not see that cliff where they have a relatively high tax to pay. That is good, but we could do more to assure that people who are willing to make that step out of welfare and into work are not penalized by this tax cliff. I think the dependency trap is also part of the issue for this unprecedented level of people who are outside of the workforce altogether, and we need to address it.

I think there should be more work requirement programs for able-bodied Americans who are on these dependency programs. I think that would help partly to give them the work experience to get the dignity and self-respect that comes with work as they step into welfare-to-work transition. So that certainly is another issue. So it is the skills training and the dependency trap.

Another issue that I think is very clearly out there is that we have a lot of people in America who are getting out of prison or jail. Some of them have a record that makes it hard for them to get a job. Let's be honest. We have record numbers of people behind bars. It started in the 1980s, when we wanted to lock people up for lots of good reasons because of the violence or serious crimes they were committing. But 95 percent of the people in prison are someday going to get out of prison. When they do get out, we need to provide a better transition for them to get to work. Why? Because right now more than half of those people are back in the system within a couple of years. That makes no sense for anybody, particularly for those who are subject to the crimes that might be committed and to the taxpayers who are paying $35,000, $40,000, or $45,000 a year, when you include incarceration, the prosecution, and the additional costs that are associated with that.

So should we do more there? Yes. There is legislation supporting that. I think it is called the Fair Chance Act. It says that when somebody applies for a job with the Federal Government, for example, they have to be allowed to go through the process even though they may have a felony record. Why? Because you want to give them a fair shake, not just take the resume and put it in the circular file and toss it because you see a felony record. We have to give some of those folks a chance.

I was at a great program in Ohio last week. It is called the Flying HIGH welding school and the GROW Urban Farm. Their job is to teach ex-offenders a skill. They teach people how to work. A lot of them have not had a job before. Specifically, they teach them a welding skill that is badly needed in Northeast Ohio right now.

Their placement record is unbelievable, and their recidivism rate is so low. They are not only placing people into jobs, but they are working with businesses in what is called a junior apprenticeship program, where the workplace is actually working with the welding shop to give people work experience.

They are keeping people from going back into the prison system. They have a great record doing it. They got a loan and grant money from the Federal Government, including the Department of Labor. It is a program that is working very well to give people the ability to get a job and to get out of the trap. In this case, a lot of them have felony records, and they are able to take care of their families and be productive citizens. There are very encouraging stories there.

There is the skills training, which we talked about, and the dependency trap, which we talked about. For the people who are coming out of prison at very high numbers now and who have this background, we need to be sure that those people are getting engaged and getting into work.

Let me tell you what I think is the No. 1 reason we have these historic levels of people who are on the sidelines outside of work. It will not surprise some of you because you are involved with this, like my colleagues here in the Chamber, including the chairman of the Governmental Affairs Committee, who has now arrived and has been very involved in this. It is the opioid crisis.

The numbers are shocking of those people who are out of work altogether. They are on the sidelines, not even trying to get into work. They are people who would lead our unemployment numbers to be really more like over 8.5 percent rather than 3.9 percent. They are millions of Americans, over 8.5 million men between the ages of 25 and 55—able-bodied men. Of those people, based on two recent studies, about half of them are taking pain medication on a daily basis. When asked in one of the studies, it was found that two-thirds of them said it was prescription medication.

What does that mean? That means that we have a huge problem in our country of opioid addiction, and that is keeping people out of the workforce altogether, tearing apart those families and causing crime in our communities.

The No. 1 cause of crime in my State of Ohio is the opioid epidemic. People are involved in things they would never dream of except for the fact that they have this addiction. It is shoplifting, thievery, and fraud. It is an issue that affects every part of our community. The point I wish to make more strongly is that it is affecting our labor market in a huge way.

One study by the Brookings Institution says that 47 percent of men are taking pain medication on a daily basis. That is not being over-reported—I will guarantee that—because of the stigma attached and the legal consequences for some of these individuals. So I think that 47 percent has to be viewed as a relatively low number. But isn't that shocking if it were 47 percent?

Another study by the Bureau of Labor Statistics, in the Department of Labor, stated that 44 percent had taken pain medication the previous day.

Now these numbers should be a wake-up call for us here in this Chamber, and

it should be a wake-up call to everybody, including the business community. As I go around my State, I am seeing firsthand what the Ohio Chamber of Commerce reported this week: Three out of four businesses want to add workers. Half of them want to add up to 25 workers, and they can't find workers. You have millions of people at historic levels who are outside the workforce altogether, leading to an unemployment number that should be 8.5 percent, instead of 3.9 percent.

How do you get them back in? I think those three things we talked about today are important, but, unfortunately, given the opioid epidemic in my State of Ohio and spreading around the country, I think this is probably the single largest problem that we face.

What are the solutions?

We have made major strides in the past year in this Chamber. We passed the Comprehensive Addiction and Recovery Act. We passed the Cures legislation. We are now working on additional legislation called Comprehensive Addiction and Recovery Act 2.0.

We are doing things we have never done before in terms of funding, recovery, treatment, prevention, and education, and we need to do more. We have begun the process of turning the tide, I believe, by some of this legislation.

We need to do more on the law enforcement side. We have legislation called the STOP Act, which simply says that with regard to the most difficult problem we now face in Ohio and around the country, which is synthetic opioids—think fentanyl or carfentanil—let's at least stop the Post Office for being a conduit for its coming into the country, because that is what is happening.

All the studies show—including the study we just did in our committee, spending a year studying this—that fentanyl is coming through the Postal Service—mostly from China, by the way—and poisoning our communities.

In Ohio, two-thirds of our deaths in Franklin County last year were from fentanyl. Sixty percent of the deaths in the State of Ohio as a whole the year before were from fentanyl. That is the biggest problem we have right now.

Just as we were making progress on prescription drugs, then, heroin comes along. Just as we were making progress on heroin, then, synthetic heroin comes along. It is cheap and incredibly powerful. Three flakes can kill you. It is being spread on other drugs, such as cocaine, crystal meth, and marijuana, which last week law enforcement in Ohio just confirmed. Can we do more? This is a big issue, but, yes, we are starting to take some steps.

Where we perhaps have an opportunity that we are not taking advantage of is to get the private sector and the business community to get involved in this effort, because Washington can and should do more, but the problem is not going to be solved in Washington. It is going to be solved at the local level, in our communities, in our families, and, ultimately, in our hearts. We can get the business community more engaged, as an example, by pointing out statistics: If you are looking for more workers, you are going to have to deal with this issue.

Many workers are not able to pass the drug test. So that is something the business community does understand. In fact, I just left a group of employers from Ohio about an hour and a half ago in my office, and I asked them the same question I asked of employers in our State: How many people can pass the drug test who show up? The answer was that about 30 percent can pass. Another said: 50 percent are not passing. These are different kinds of businesses. The second is a more heavily manufacturing business. So there are people with lower incomes or lower wages and, therefore, lower income individuals. But the point is that it is a huge problem passing the drug test.

What I say to them, which is what I will say today, is that it is bigger than that. There are millions of Americans not even showing up to take the drug test. They are sidelined, and we have to deal with this opioid epidemic.

So what should the business community do?

I have three ideas. One idea is to roll up your sleeves and get involved in your community on projects that do work. There is one in Columbus, OH, called the Maryhaven Addiction Stabilization Center. The business community got engaged. They took $1 million from the CARA Act. They leveraged that for foundation money. They have a place where they have a great success rate getting people from overdosing and the application of this miracle drug Narcan, which can reverse the effects of the overdose, and then go into treatment. Unfortunately, in most parts of the country, of the people who are revived by Narcan, the vast majority go back into the same environment. Here they have been able to figure out a way to have those who are overdosing get to a central location where, right there, where the detox center is, there is a door you walk through with 50 beds to get people into treatment. They claim an 80-to-90-percent success rate in getting people into treatment. Do they stay in treatment? Not all of them.

But that is the first big gap I see in the system. People fall out of the system. Narcan is applied by the first responders. They do the best they can, but it is not their job to get them into treatment. People go back to their community and overdose again and again. Talk to your EMS personnel and police officers. I assume they will tell you the same thing they tell me.

The business community was involved in that thinking. Let's look at this as a business process. How can we help to change this obvious problem we have in the current way that people who overdose are treated and taken care of? Every business ought to roll up its sleeves and get involved in a creative, innovative project like that.

Second, over the years, back in the 1980s and into the 1990s, there was significant private sector participation in a prevention and education program. Now, locally in my State of Ohio, some businesses are starting to think about how they can do this more effectively, I believe, nationwide. Columbus is coming up with some very good ideas.

We need significant investment from the private sector in a national messaging program, a prevention and education program. Back then, it was TV ads. You may remember the ''Just Say No'' program and other programs on prevention under President Reagan. Some of those ads were very effective. Some of you may remember the ad ''This is your brain. This is your brain on drugs,'' with fried eggs being cooked in a pan, which is your brain on drugs. It is not going to be TV ads today. There will be some TV. I hope it will be broadcast media in various ways. But there will be a lot of online communication because that is where most people are getting their information, particularly younger people. It should be a concerted effort that is based on good research, good science.

What is the prevention message that works out there? Part of the prevention message that works with some young people I talked to is the fact that all these street drugs are subject to the possibility of fentanyl being included in them. Some people are taking drugs they would never think were dangerous and yet becoming addicted through fentanyl. So there is now a danger out there, with any street drug, of ruining your life.

But there is a broader prevention message that we need private sector help. This place, again, has authorized more money for this. There is $10 million in CARA 2.0 for a prevention and education program. That is good, but it is going to take more than that. The business community and the private sector have a strong interest in this for so many reasons. One, as we have talked about today, is to have the workforce they say they desperately need.

There are other opportunities for the business community to get involved. Walgreens recently took a step that I thought was very important to limit the number of days on prescription drugs. Every single business that has a healthcare program has an opportunity to be involved in this and say: Let's limit prescriptions. Probably 8 out of 10 people who overdose from heroin or fentanyl today started with prescription drugs in terms of the opioid that got them started with their opioid addiction. There still is overprescribing with regard to prescription drugs. Have we made some progress? Yes.

Our new legislation, by the way, CARA 2.0, has a 3-day limit on prescription drugs for acute pain—not chronic pain but acute pain from an accident, an injury, or a procedure that

you might have. We have that in there because the Centers for Disease Control has new guidance out that shows that after the third day, the chances of addiction rise significantly. For the vast majority of pain associated with acute procedures, 3 days is plenty. In fact, for many acute episodes, no opioids at all are needed as long as you use other pain medication.

That is something every business that provides healthcare can do. Every business that has a pharmacy can say: Let's limit those prescriptions ourselves. They don't need a government program to do that. There doesn't need to be a government edict or mandate to do that. They can just do it.

I know this issue of the workforce is frustrating to a lot of employers out there. I know that the benefits of a great tax bill are creating more economic opportunities. A better regulatory environment is providing real relief and is growing the economy in such positive ways. Wages are starting to go up. We see economic growth numbers that are very encouraging, showing that, in fact, this legislation is creating more economic growth and therefore more revenue, higher wages—the things we all hoped would happen. The investment is happening. We are not going to be able to take advantage of all of that if we don't have the workforce out there.

When we have millions of Americans—8.5 million men between 25 and 55, able-bodied, as an example—who are on the sidelines, not even showing up to look for work, we are not going to be able to fulfill our potential in this country for our economy and for them and for their families to achieve their God-given purpose in life, to have the dignity and self-respect that come from work.

We listed four very specific issues today, how we need to address this issue of people who are sidelined, who are not in the workforce, but the one that I think probably has the most impact is the final one, and that is dealing with this opioid crisis. Unless and until we do that, we will continue to see people fall between the cracks, and we will see ourselves as a country not meet our potential.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. JOHNSON. Mr. President, I rise today to encourage all my Senate colleagues to vote to confirm Michael Brennan as a judge on the U.S. Court of Appeals for the Seventh Circuit. Michael Brennan has an exemplary resume, including degrees from the University of Notre Dame and Northwestern University School of Law, two Federal clerkships, work as a prosecutor, and almost a decade on the State trial court bench before returning to private practice. His accomplishments in practice are noteworthy, but I would like to focus my remarks today on Mike's commitment to public service and his reputation as a jurist.

Becoming a Seventh Circuit judge will not be a huge adjustment for Mike because he has already spent 9 years as a judge. Anyone who spends time with Mike will be struck not only by his intellect but by his humility and strong commitment to justice and the rule of law. This explains why the attorney general of Wisconsin and the State's public defender—fierce adversaries in the courtroom—were able to come together to write a letter enthusiastically supporting his nomination. I have a sense those two don't often agree, but when it comes to who they want deciding their cases, they both point to Mike.

By the way, that is just one of many letters that influential members of the legal community in Wisconsin have written in support of Mike's nomination. Included in the outpouring of support are letters from 2 former Federal defenders, 5 former U.S. attorneys, more than 40 judges, and 15 former presidents of the State Bar of Wisconsin, Democrats and Republicans—all joining together to support Michael Brennan's confirmation.

One letter, signed by over two dozen Wisconsin judges from across the political spectrum, sheds light on the kind of judge Mike has been and will continue to be. It states:

> To the litigants who appeared before him, Judge Brennan was a wonderfully kind and patient judge with a humble demeanor.

Another letter attests that those same qualities have now made Judge Brennan one of the most sought-after mediators and arbitrators in Wisconsin. I am sure the litigants in the Seventh Circuit will have the same experience and reaction to his hearing their cases.

In this climate that has hyperpoliticized the judiciary, I want to bring my colleagues' attention to one very important paragraph in the letter supporting Mike that was signed by Wisconsin judges. It reads:

> Finally and significantly, Mike is not an ideologue, and he has never worn his politics on his sleeve. You could ask any number of lawyers who appeared before him, or his colleagues who worked alongside of him, and they will confirm that Judge Mike Brennan never let his personal, religious, or political views influence his legal decision in any case. He is brilliant, experienced, hard working, and fair-minded. Rest assured, they don't come any better than Mike Brennan.

I agree with that assessment. We all know that type of bipartisan praise isn't given; it is earned. In Mike's case, his longstanding dedication to law and public service, coupled with his ability and temperament, has won him the support of many Democrats and Republicans in Wisconsin, and it has earned him the rating of unanimously ''well qualified'' by the American Bar Association. Let me cite a few statistics to prove the ABA rating is well deserved.

In Wisconsin, a party can ask for a different judge, and they can make this request for any reason. Of the 9,000 cases Mike heard as a judge, fewer than one-tenth of 1 percent—let me repeat that—fewer than one-tenth of 1 percent of the litigants decided to go with another judge. That is an extremely telling statistic about his even-keeled temperament, his neutrality, and his legal skills.

Judge Brennan's low reversal rate also demonstrates his commitment to following the law and his dedication to performing his job with excellence. In 2005, out of 240 trial judges, Brennan was the most affirmed judge in the entire State of Wisconsin. He was No. 1 out of 240. Of the 9,000 cases Mike heard as a judge, he was reversed in only a handful of cases—fewer than 20—and in some of those, the Wisconsin Supreme Court ended up reversing the court of appeals and reinstating Brennan's original decision.

As final proof of the strong bipartisan support Michael Brennan enjoys within Wisconsin's legal community, let me provide more extensive quotes from a letter of support my office received from former Milwaukee County district attorney E. Michael McCann. Mr. McCann is a lifelong Democrat who served as the elected district attorney of Milwaukee County for 37 years. He is recognized as one of the most distinguished and accomplished district attorneys in the entire country. This is what Mr. McCann had to say about Mike Brennan on first working with Mike Brennan:

> Key personnel in our office and I, in short order, became impressed with Mr. Brennan's high energy, his mastery of the law, his integrity, and his good judgment. As an assistant district attorney, he was assigned to some very challenging cases. Mr. Brennan continued to exhibit those qualities of scholarship, integrity, and judgment which had initially earned him our respect.

On Brennan's work as counsel for Wisconsin's truth-in-sentencing committee, Mr. McCann said:

> Mr. Brennan provided splendid research and appropriate materials to the committee and with his gracious manner moved the committee through its very substantial workload so felicitously that the contentious disputes I and others had expected simply did not occur.

On Brennan as a judge, McCann—whose office had lawyers before Judge Brennan every day—said:

> He was an excellent judge in all regards. He was properly respectful of lawyers, witnesses, victims and of the rights of defendants. His courtroom was a model of judicial decorum. In jury trials and trials to the court and in the hearing of motions, he was thoughtful, patient, knowledgeable, and scholarly. He had mastery of the law and was cognizant of the problems in the justice system. He was fair, unbiased, devoid of prejudices and committed to justice. The comparatively very few motions for change of judge filed in his court quietly speaks eloquently of the perceptions of lawyers and litigants that they were receiving justice from him.

Mr. McCann finished his letter by saying:

> I urge you to confirm this nomination. Michael Brennan is an honorable man of immense integrity, ideally qualified by fine intellect, even disposition, extensive judicial

experience, a strong work ethic, sound judgment, good character and a firm commitment to justice. He will be an excellent appellate judge.

This strong endorsement is not from a Republican; it is from a lifelong Democrat who is one of the two longest serving district attorneys in any major city in America.

Based on this record, based on those endorsements, I am hopeful that when my Senate colleagues fully study his background and see the same virtues that garnered such ringing endorsements, their review will produce a strong bipartisan vote to confirm Michael Brennan to serve as judge on the U.S. Court of Appeals for the Seventh Circuit.

Mr. President, that concludes my prepared remarks about what a quality judge and jurist Judge Brennan would be, but I just have to say that I am very disappointed at the partisan nature of the cloture vote. It was unfortunate that it was completely party line for somebody who, as I have described, has bipartisan support within the Wisconsin legal community.

The Judiciary Committee majority issued an excellent memorandum dated November 2, 2017. I would like to discuss and address the primary objection that led to that unfortunate party-line vote on cloture. I am really hoping our colleagues on the other side of the aisle will take this to heart and take the background—the bipartisan support from the Wisconsin legal community—when they cast their final vote on confirmation.

Mr. President, I ask unanimous consent to have printed in the RECORD the Judiciary Committee's November 2, 2017, memorandum.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

To: Members of the News Media
From: Senate Judiciary Committee Majority
Date: November 2, 2017
Re: History and Context of the Blue Slip Courtesy

HIGHLIGHTS

The blue slip process is a courtesy extended by Committee chairmen, not a binding Senate rule.

Since the blue slip courtesy was created in 1917, only two chairmen (Sens. James Eastland and Patrick Leahy) had strict policies requiring two positive blue slips from home-state senators before the Judiciary Committee would consider a nomination.

In 25 of the 36 years before Senator Grassley became Chairman, chairmen have allowed hearings on nominees despite negative or unreturned blue slips.

The same senators who changed the Senate rules to ignore the views of 41 senators after evaluating a nominee now want to enable a single senator to block a nomination before the Committee can even review the nominee's background and qualifications.

HISTORY OF BLUE SLIP COURTESY

The blue slip represents an aspect of senatorial courtesy premised on an understanding that home-state senators are in a good position to provide insights into a nominee from their home state. Throughout its 100-year history, Senate Judiciary Committee chairmen have applied the courtesy differently. However, a vast majority of chairmen have not required two positive blue slips as a prerequisite for further consideration by the Committee.

Only two Chairmen—Senators James Eastland and Patrick Leahy—strictly required positive blue slips from both home-state senators before proceeding on a nomination. Senators Edward Kennedy, Strom Thurmond, Joseph Biden, and Orrin Hatch adopted policies that were more consistent with pre-Eastland policies, in which the lack of two positive blue slips did not necessarily prevent action on a nomination. (Senator Arlen Specter did not announce a blue slip policy during his two-year tenure as Chairman.) But Senators Biden and Hatch also emphasized the need for the White House to have engaged in consultation with home-state senators before they would allow a nomination to proceed without two positive blue slips.

1917–1956—ALL 11 CHAIRMEN—COMMITTEE COULD CONSIDER NOMINEES WITH A NEGATIVE OR UNRETURNED BLUE SLIP

The blue slip was instituted during the 65th Congress by the Chairman of the Senate Judiciary Committee to obtain the opinions of senators on the nominees to federal courts located in their home states. The policy of all 11 chairmen for the next nearly forty years was that the return of a negative blue slip did not preclude the Committee's further consideration of a nominee. For example, in 1917, Senator Thomas Hardwick of Georgia returned a negative blue slip on a nominee for the Southern District of Georgia. The Committee nevertheless reported the nominee negatively to the Senate, where the nominee was rejected. In 1936, Senator Theodore Bilbo of Mississippi objected to a Fifth Circuit nominee, but the Committee nevertheless reported the nominee to the Senate, where he was confirmed.

1956–1978—CHAIRMAN JAMES O. EASTLAND—ALLOWED A NEGATIVE OR UNRETURNED BLUE SLIP TO BLOCK A NOMINEE

Chairman James O. Eastland changed the Committee's blue slip policy so that a negative blue slip or the failure to return a blue slip by one home-state senator was considered an absolute veto of a nomination.

It is not precisely clear why Chairman Eastland adopted this policy. But some scholars maintain that its purpose was to empower federal courts in the South to resist implementation of Brown v. Board of Education. Villanova Law Professor Tuan Samahon explains, ''[w]hen segregationist 'Dixiecrat' Senator John Eastland chaired the Judiciary Committee, he endowed the blue slip with veto power to, among other things, keep Mississippi's federal judicial bench free of sympathizers with Brown v. Board of Education.'' Because the Supreme Court ''largely delegated the task of implementing Brown to local federal trial judges . . . it mattered a great deal who sat on federal district courts in the segregated South.''

1979–1981—CHAIRMAN EDWARD M. KENNEDY—COMMITTEE COULD CONSIDER NOMINEES WITH A NEGATIVE OR UNRETURNED BLUE SLIP

The blue slip policy was again revised under Chairman Edward M. Kennedy. During a Committee hearing in 1979, he stated:

If the blue slip is not returned within a reasonable time, rather than letting the nomination die I will place before the committee a motion to determine whether it wishes to proceed to a hearing on the nomination notwithstanding the absence of the blue slip.

Chairman Kennedy did not articulate an express policy with respect to negative blue slips, but there is at least one example of the Committee moving on a nominee despite the return of a negative blue slip. Senator Harry F. Byrd, Jr. returned a negative blue slip for a Virginia judicial nominee, but Senator Kennedy nevertheless held a hearing.

1981–1987—CHAIRMAN STROM THURMOND—COMMITTEE COULD CONSIDER NOMINEES WITH A NEGATIVE OR UNRETURNED BLUE SLIP

Chairman Strom Thurmond announced that he would continue Senator Kennedy's blue slip policy and clarified that he would assume a blue slip that remained unreturned after seven days meant there was no objection. Chairman Thurmond proceeded on several nominees when senators returned negative blue slips.

In 1981, the Committee held a hearing and moved John Shabaz to the Senate despite a negative blue slip from Senator William Proxmire of Wisconsin. Shabaz was confirmed to a district court seat.

In 1982, the Committee held a hearing and moved John L. Coffey to the Senate despite a negative blue slip from Senator Proxmire. Coffey was confirmed to the Seventh Circuit.

In 1983, the Committee held a hearing and reported the nomination of John P. Vukasin, Jr. despite California Senator Alan Cranston returning a negative blue slip. The Senate ultimately confirmed Vukasin to a district court seat.

In 1985, the Committee held a hearing on the nomination of Albert I. Moon, Jr. despite both Hawaii senators returning negative blue slips.

1987–1995—CHAIRMAN JOSEPH R. BIDEN, JR.—COMMITTEE COULD CONSIDER NOMINEES WITH A NEGATIVE OR UNRETURNED BLUE SLIP

Chairman Biden articulated his blue slip policy in a letter to President George H.W. Bush shortly after his inauguration:

The return of a negative blue slip will be a significant factor to be weighed by the committee in its evaluation of a judicial nominee, but it will not preclude consideration of that nominee unless the Administration has not consulted with both home state Senators prior to submitting the nomination to the Senate.

Chairman Biden proceeded on the nomination of Bernard Siegan to the Ninth Circuit despite Senator Cranston's return of a negative blue slip. The Committee rejected Siegan's nomination by an 8-6 vote. Likewise, Chairman Biden proceeded on the nomination of Vaughn R. Walker despite Senator Cranston's return of a negative blue slip. Although Chairman Biden said that Cranston's opposition would ''affect Walker negatively,'' the Committee held a hearing and reported Walker to the Senate, where he was confirmed.

1995–JUNE 5, 2001—CHAIRMAN ORRIN HATCH—COMMITTEE COULD CONSIDER NOMINEES WITH A NEGATIVE OR UNRETURNED BLUE SLIP

At the start of his chairmanship in 1995, Senator Hatch sent a letter to White House Counsel Abner Mikva stating that he would follow the policy articulated by Chairman Biden in 1989 that did not preclude review of nominees with negative blue slips unless the Administration did not consult with home-state senators. In 1997, Chairman Hatch sent another letter to the White House that reaffirmed this policy and articulated in more detail what meaningful consultation should look like.

JUNE 5, 2001–2003—CHAIRMAN PATRICK LEAHY—ALLOWED A NEGATIVE OR UNRETURNED BLUE SLIP TO BLOCK A NOMINEE

Senator Patrick Leahy became Chairman in June of 2001 after Democrats took control of the chamber. He sent a letter to White House Counsel Alberto Gonzalez essentially endorsing Chairman Hatch's 1997 blue slip policy statement. But Chairman Leahy made statements to the press indicating he would

move forward only when he received two positive blue slips from home-state senators. During the 107th Congress, seven nominees (five circuit court and two district court nominees) did not receive hearings because of blue slip issues. In fact, Chairman Leahy went even further and stopped Committee action with respect to two Sixth Circuit nominees for seats in Ohio because the Democratic senators from Michigan objected.

2003–2005—CHAIRMAN ORRIN HATCH—COMMITTEE COULD CONSIDER NOMINEES WITH A NEGATIVE OR UNRETURNED BLUE SLIP

The Republicans again took control of the Senate after the 2002 elections, and Senator Hatch again became Chairman of the Judiciary Committee. Chairman Hatch reiterated that ''a single negative blue slip from a nominee's home state won't be enough to block a confirmation hearing.'' He said he would give ''great weight to negative blue slips'' but would not allow senators to hold up ''circuit nominees.''

Chairman Hatch held hearings and votes on five of the six circuit court nominees who had blue slip issues. For example, Chairman Hatch held a confirmation hearing for Sixth Circuit nominee Henry W. Saad despite negative blue slips from Michigan Senators Levin and Stabenow. The Committee voted to send Saad to the Senate floor, where the Democrats successfully filibustered him as well as each of the other nominees. At the same time, Chairman Hatch did not move on any district court nominees with blue slip issues.

2005–2007—CHAIRMAN ARLEN SPECTER—UNCLEAR WHETHER A SPECIFIC BLUE SLIP POLICY WAS ESTABLISHED

Senator Hatch stepped down as Chairman of the Judiciary Committee at the beginning of the 109th Congress due to term limits. Senator Arlen Specter became Chairman. It is not clear what Chairman Specter's policy was with respect to blue slips or if he even had a stated policy. At least one reputable secondary source indicates that, under Chairman Specter, a ''[n]egative blue slip killed a nomination for district court judges, but not necessarily for circuit court judges.''

2007–2015—CHAIRMAN PATRICK LEAHY—ALLOWED A NEGATIVE OR UNRETURNED BLUE SLIP TO BLOCK A NOMINEE

Senator Leahy again became Chairman of the Senate Judiciary Committee in 2007. He announced that he was reinstituting his policy that he would proceed on a nominee only when both home-state senators returned positive blue slips. During the 110th Congress, Chairman Leahy did not proceed on sixteen of President Bush's nominees (six circuit court and ten district court nominees) who did not have the support of both home-state senators.

Chairman Leahy continued this policy throughout his chairmanship. In 2011, he explained that his blue slip policy was meant to encourage consultation between the White House and home-state senators. But he also warned that he expected senators not to abuse the policy to delay filling vacancies. When the Republicans were in the minority from 2009–2014, Republican senators returned blue slips for 25 circuit court nominees, withheld a blue slip for one nominee (for lack of consultation), and rescinded positive blue slips for one nominee after his hearing (this seat was ultimately filled by another nominee of President Obama). (By contrast, Democratic senators have withheld blue slips for three circuit court nominees in the first ten months of the Trump Administration.) The Republicans' restrained use of the blue slip to block nominees meant that there was no need for Chairman Leahy to deviate from his strict blue slip policy. It is unclear what Chairman Leahy would have done had the Republicans abused the blue slip process for President Obama's Judicial nominees under Leahy's chairmanship.

BLUE SLIPS AND THE END OF THE FILIBUSTER

Since 1949, the Senate rules required a supermajority of the Senate to end debate for lower court nominations. This longstanding rule was the primary tool for senators in the minority party opposite the president to block nominees. Under this rule, senators who intended to oppose a nominee could return a positive blue slip in Committee and then filibuster the nominee on the Senate floor. For example, during the Bush Administration, Senator Feinstein returned a blue slip for Carolyn Kuhl, who was later reported out of the Committee. Feinstein and other Democrats then filibustered Kuhl's nomination on the Senate floor, preventing confirmation. In instances in which the Committee reported nominees with negative or unreturned blue slips, those nominees could still be filibustered by the full Senate. For example, in 2003–2004, the Democratic caucus, which was in the minority at the time, filibustered several of George W. Bush's nominees for federal court seats in Michigan for whom Senators Levin and Stabenow had returned negative blue slips. This practice helps explain why few nominees with blue slip issues have been confirmed by the full Senate.

However, in 2013, Senate Democrats, then in the majority, unilaterally abolished the rule, ending the ability of a minority of senators to block confirmation of a lower court nominee. The Democrats argued that a minority of senators should not be empowered to block nominees who earned majority support after the committee has reviewed a nominee's background and qualifications. One of the leading proponents of abolishing the filibuster, Senator Jeff Merkley of Oregon, defended the move by saying.

''Advice and consent'' was never envisioned as a check that involved a minority of the Senate being able to block a presidential [nomination].

A blue slip policy allowing a single senator to block a nominee from even receiving Committee consideration is a more extreme example of a counter-majoritarian practice.

By eliminating the filibuster rule, the Democrats removed a tool for the minority to block nominees with negative or unreturned blue slips after the committee has evaluated nominees' qualifications. They are now, because of their own actions, in the position of having to rely on an ahistorical interpretation of the blue slip courtesy at the Committee level to attempt to defeat nominees they oppose on ideological or political grounds before the full Committee reviews a nominee.

Mitchel A. Sollenberger, The History of the Blue Slip in the Senate Committee on the Judiciary, 1917–Present, Congressional Research Service 8 (Oct. 22, 2003).

Mr. JOHNSON. Mr. President, rather than read this excellent memorandum, which I would encourage my colleagues to do, let me give a brief history, a little summary of what that memorandum states on the history of the blue slip.

The blue-slip courtesy was created in 1917, so it has basically been around for 101 years. Only 2 of 18 Judiciary Committee chairmen have allowed the blue slip to become an absolute veto blocking consideration and confirmation of judges. Those two chairmen were James Eastland between 1956 and 1978—so that was for a 22-year period—and then Senator PATRICK LEAHY for about 10 years. So of the 101 years that the blue-slip courtesy has been around, for only 32 of those years has the blue slip been used as an absolute veto by any Senator.

Looking further at the history—and I think it is relevant to a confirmation for Wisconsin's seat on the Seventh Circuit—in 1981, Wisconsin Senator William Proxmire returned a negative blue slip on Judge John Shabaz, a nominee to be a district judge. The Senate took that negative blue slip into consideration, but the committee still held a hearing, and the Senate voted to confirm the judge as a district judge. The next year, 1982, Senator Proxmire again returned a negative blue slip on a circuit judge nominee, Judge John Coffey. Once again, the committee took that blue slip into consideration but still held a hearing, and the Senate confirmed Judge Coffey later that year.

It is apparent that a blue slip—historically and by precedent for two-thirds of the 101 years in which the blue slip has been around—has not been used as an absolute veto by one single Senator but basically as advice, a particular Senator's view on a judge. I would suggest that is exactly the way the blue slip should be handled in the future, particularly in light of Senator Harry Reid, the majority leader in 2013, who employed the nuclear option and changed the Senate forever. He changed the rules of the Senate as they relate to confirming nominations with a mere majority. That, in effect, eviscerated the blue slip's possibility of being used as a veto because then there was no way a minority could block or actually support and confirm that blue slip. Harry Reid's precedent of changing the rules of the Senate with just 51 votes—changing the rules so that only a majority vote would confirm a judge—has pretty well rendered the blue slip moot from the standpoint of being able to block a judge.

The blue slip, from my standpoint, should be used primarily as the advice and consent of one Senator expressing opinion on a judge from their State. That is just a general description of the history of the blue slip.

I would like to address specifically the comments made around this particular circuit court vacancy and my role in it because I think there has been a lot of distortion. Let me correct the record. It is true that this circuit court vacancy is the longest in history. It has dragged on for a variety of reasons, but let me give you the history.

On January 17, 2010, Judge Terence Evans retired from the Seventh Circuit. President Obama was in office, and Wisconsin had two Democratic Senators, Senator Kohl and Senator Feingold. Five days later, on January 22, those two Senators, Kohl and Feingold, recommended four candidates to President Obama.

On July 14, 2010, President Obama nominated Victoria Nourse for that

Seventh Circuit slot. Ms. Nourse was not really a member of the Wisconsin legal community. She was an adjunct professor temporarily in Wisconsin. There was some tie there, but basically she had no other ties to Wisconsin. She was actually a former staffer and would become a future staffer of Vice President Biden.

On November 2, 2010, Wisconsin held an election for the Senate. To Senator Feingold's surprise, he was retired; I replaced him. There was no action taken from the date of July 14, when President Obama had nominated Victoria Nourse. In a Senate with a majority of Democrats and a Democratic President, there was no action taken prior to Congress expiring—the 111th Congress. So that nomination expired.

On January 3, 2011, the 112th Congress was sworn in. Within a few days, I received two blue slips on judicial nominations—one for a district judge and Victoria Nourse's nomination for the Seventh Circuit judgeship. I had just been elected. More than a million Wisconsinites voted for me. I had no role whatsoever in the nomination of this judge. So I decided not to return the blue slip.

This was during a time period when Chairman LEAHY was using the blue slip as an absolute veto. It was still the precedent in the Senate that it would require 60 votes to confirm any judge. Any minority member of the Senate who objected to a judicial nomination would be backed up by his party, and the nomination could be thwarted.

I continued to work with Senator Kohl, trying to become involved in the nomination of someone who I felt would be more appropriate for that seat—someone who actually had a connection to the Wisconsin community. Unfortunately, Senator Kohl did not have a great deal of interest in working with me, so the entire 112th Congress passed, and the seat remained vacant.

Let me remind you that through the entire year of 2010, the Seventh Circuit seat from Wisconsin was vacant when we had two Democratic Senators and President Obama. They could have nominated and confirmed someone any time during 2010. I was given no input into this nomination. The only thing I could really do was withhold the blue slip and work with Wisconsin's Democratic Senator to come up with a nominee who would be a good consensus choice.

Senator Kohl decided not to run for reelection. Senator TAMMY BALDWIN was elected in November 2012 and began her term in 2013. Because I felt it was so important that the judicial nominations be made and that we have a process to work on a bipartisan basis, I recommended a commission—a compact with Senator BALDWIN, which she agreed to. I would have three commissioners, and she would have three commissioners of people tied to the Wisconsin legal community—people dedicated to filling those judicial vacancies. The beauty of it was that it forced a consensus pick. We would forward to the President only someone who would receive support from five out of the six commissioners. It worked well.

The commission was set up. We nominated and confirmed district court judges for the Eastern District, Pam Pepper, and the Western District, James Peterson.

It would be a little more difficult to fill the seat on the Seventh Circuit. Our commission started working on that. One part of our compact required that four recommendations for judges be sent to the President. Because the applicant pool was limited, only two received the requisite five out of six votes. During the discussion of what we should do—because we hadn't fulfilled the terms of the compact that required four judges—I agreed to submit just the two. For whatever reason, Senator BALDWIN decided to forward to President Obama all eight applicants. She breached the compact. She violated the confidentiality of the process because part of the problem was that some of those applicants received zero to one or two votes.

In the end, President Obama nominated Don Schott. He is a fine man. I have no problem with who Mr. Schott is, but let's be honest, he is probably not my first pick for a judge on the Seventh Circuit. However, because the commission had nominated him and agreed on it, I returned the blue slip.

Unfortunately, because of the politicization of the commission by Senator BALDWIN, the Senate Judiciary did not act on that nomination, nor did the Senate, and that nomination expired, which brings us to the 114th Congress and Judge Brennan's nomination.

Again, I have spent probably about 10 minutes reading in detail the strong bipartisan support for Michael Brennan. There is no reason whatsoever that he should not receive a strong bipartisan vote for confirmation. I have described what happened specifically. I described the general precedent of the use of blue slips—not to be used as a veto but simply to indicate a Senator's opinion of a particular judge nominated from their State. It should not be used for a veto.

I urge all my Senate colleagues to provide a strong bipartisan vote of support for a fine man, a fine jurist, and someone who will make a wonderful judge on the Seventh Circuit Court of Appeals.

With that, I yield the floor.

The PRESIDING OFFICER (Mr. TOOMEY). The Senator from Missouri.

Mr. BLUNT. Mr. President, I have just seen the rarest of occurrences in the so-called debate on these nominees on the floor. We actually had an explanation of the nominee we would be voting on.

The fact that the Senate's time is taken in a way that it never has been before to process the President's nominations is outrageous. There is a view that we need more time to think about the nominee. There is plenty of time to do that. It is called the committee process. It is called a vetting process that also may very well take too long now, but there is plenty of time for these circuit court nominees we are voting on this week to be vetted. There is plenty of time to ask them questions. There is plenty of time to look into their backgrounds.

The only reason, in my view, that we take the time we are taking to do six votes on six judges in a week—that is six 15-minute votes. If we were efficient enough to do that, it would take an hour and half to vote on these six judges, and the final vote on none of them would be different than taking 5 days.

So why do we take 5 days? We take 5 days because that means we can't get to anything else. That means the President's ability to populate the government, as people elected him to do, is diminished. It also eliminates the time we have to do the other work the Senate is designed to do.

The Senate is in, as the majority leader likes to describe it, the personnel business, but that is not supposed to be the only business of the Senate. I think we have now had over 90 of these cloture motions on nominees that the President has made. What does that mean? In the first 2 years of each of the previous six administrations, there were a total of 24 cloture motions—24 times in six Presidencies in 2 years did we do what we are doing right now. That is an average of 4 times—we are certainly going to be up to 104 times well before the end of 2 years—the floor was abused in this way, an average of 4 times there was reason to have a debate.

I haven't looked back at those debates. I guess I should. Wouldn't it be shocking if those debates were actual debates? Wouldn't it be stunning if all four of those times in each of those six Presidencies, when the cloture motion was required and using the maximum time available was insisted on—or at least a substantial portion of the maximum time available was insisted on—wouldn't it be something if we looked back and found that there really was a reason to debate those nominees?

There might have been someone who was rejected, as John Tower was to be Secretary of Defense. If you were going to reject one of your colleagues in the Senate, that was probably a pretty debatable moment, and maybe it very well justified 20 or 30 hours, the maximum that could be insisted on. Now that is initially insisted on for everyone. Some of them take that time. Many of them take a portion of that time.

What is really lost is the other work that could happen in the course of the week. That is why in 2013 and 2014, when Democrats were in control of the Senate, a bipartisan group of Senators got together and said: Let's eliminate a lot of these confirmations that aren't worthy of Senate time. Let's take people who, when there were only one or two of them in the whole government

in 1882, might have been worthy of a Senate debate and Senate vote—let's take them off the list now that there are 210 of them to be confirmed. Let's take them off the list. Of course, neither of those numbers are numbers from the debate, but that is what we did.

Then let's put a whole other group on the list so that if no one demands a vote, they can be confirmed if the committee recommends they should be confirmed without a vote. We tried to eliminate the process so that we could focus in on that rare occasion when there really should be a debate on the Senate floor about these nominees.

At the end of this week, I will look to see how many minutes were actually taken talking about these six nominees. It doesn't mean that the six nominees shouldn't be talked about. It doesn't mean, when you are going to put someone on a court of appeals for life, that the Congress shouldn't look carefully at them, but that has already happened. In some cases, it happened months ago, and in other cases, weeks ago. That has already happened. This is just a matter of whether we are going to vote or not. No votes will be persuaded by running the clock. No votes will be changed by running the clock. Of course, the power to put people on a Federal bench for life is an important power given in the Constitution to the President for the Supreme Court and such other courts as Congress may determine the country needs. It is not something to be taken lightly, but it is also not something to be abused.

It is not a process where the protection you might use 4 times in 2 years is suddenly used 90 times in 15 months. Something is wrong when that has happened to the process.

At the end of the day, the Senate is a place where the minority deserves to be heard. The Senate is a place where the rights of the minority—it makes it a unique legislative body, just like electing only one-third of the Senate every 2 years makes it a unique legislative body. It takes a long time to change the entire Senate. It has always been one of the purposes of the Senate is to be sure the minority had a chance to be heard, and the minority is always able to hold on to that right until the minority decides they are going to abuse that right.

When a right becomes an entitled, ''Oh, it says we can have up to 30 hours of debate so we are going to insist on it every single time,'' that is when that right is in jeopardy. That is when you run the risk of losing that right.

NOMINATION OF GINA HASPEL

Also, today we are talking about a nomination in a committee that should look carefully at that. It is a committee I am on—the Intelligence Committee. It is the nomination of someone to run the CIA—the Central Intelligence Agency. It is critically important to the country. Actually, the President has nominated the most qualified person ever to be nominated to that job in the history of the CIA. She is someone who has spent her entire 30-plus-year career in the CIA, someone who has had almost every job you could have in the CIA, someone who has been at the front ranks in the most dangerous countries working for the Central Intelligence Agency, and someone who currently serves not just as the Acting Director but has been serving as the Deputy Director. Nobody has ever been nominated with that capacity.

When people look at the hearing that was publicly held today, I think they are going to see an individual who is incredibly prepared. They are going to see someone who needs no on-the-job training, someone who is not only running the Agency now day-to-day but someone who knows more about the Agency—the Central Intelligence Agency—than anybody has ever known who has held that job.

When we confirm Gina Haspel, and I believe we will—I know we should—there will be no on-the-job training necessary. She will run the CIA; the CIA will not run her.

Now, if any Member of the Senate—even Members who have been on the Intelligence Committee for years—went to the CIA, there would be a great likelihood that, at least for a while, the CIA would run them; that people at the CIA would say: Well, here is something we have to do; here is something we used to do; here is a box that has always been checked before. It takes a certain amount of time to determine why that may have been necessary, but it will take her no time to determine what is necessary and what is not.

She is nominated by the President, but she has been briefing since her boss became the Secretary of State and part of the time while he was the Director of the CIA. General Hayden is one of—virtually every past Director of the CIA, Democratic and Republican appointees, has said she is someone who should be confirmed.

In a quote I particularly like, Gen. Mike Hayden said she was the person he would want in the room when the President was making the decision. She would be the person whom I think you and I would want to be there understanding the facts. Sometimes we don't know all the facts, but all the facts we should know, and if anybody knows them, the Director of the Central Intelligence Agency should know them.

I said at the hearing this morning—this is a phrase I don't use very often, and I think it is overused, but if ever there is a moment when someone speaks ''truth to power''—if that is the right way to describe the discussion—that could certainly be the moment when the Director of the CIA, with a 32- or 34-year career there, would say to the President of the United States: Mr. President, that doesn't take into account all of the facts. Let's be sure we understand everything we need to know before you make that decision. That is truth to power.

Hopefully, we will get to that nomination. That may even be a nomination that would justify a 20-hour floor debate. We can certainly give 20 hours or 30 hours to every Member of the Senate who wanted to come to the floor to talk about that nomination, and it may be close enough that if it changed three or four votes, it would make a difference in the outcome, but in all likelihood, no votes would be changed. Believe me, this would be a debate where the country should really know exactly what they are getting when they get someone who has dedicated themselves to the Central Intelligence Agency and the country like Gina Haspel has, but that is a very different moment than the one we are in right now. The one we are in right now takes time and doesn't change any result.

I would just encourage my colleagues, let's get to work. Let's stop hearing that we don't have time on the floor to get our job done, where every time you turn on C–SPAN, more often than not, you see the Senate in what is called a quorum call, which is a very slow calling of the roll of the Senate because there is nobody here to say anything because we are using up someone's insisted-on 30 hours of debate.

Let's get to the business of the country. Let's do what we are—this is the greatest country in the history of the world, with the greatest capacity to impact the world of any country in the world.

When you turn on C–SPAN and look at what is happening in the U.S. Senate, it shouldn't be a blank screen because we are waiting x number of hours for people to cast a vote, and they already know what that vote is going to be. Let's take the time we need to debate the nominations we need to debate. Let's quit wasting the time and using the excuse of, well, we need to have thoughtful consideration of this nomination that, by the way, no one is going to come to the floor to talk about.

Senator JOHNSON may have set a new standard here. Certainly, when I checked just a few days ago, we had a debate on a very controversial nominee. This was the NASA Administrator. I think it passed by one vote. It was pretty controversial. We spent hours and hours for an open debate on the floor, and there were 17 minutes of debate on the floor—17 minutes in something exceeding 17 hours. No wonder people are frustrated with the way they would like to see their government work, the way the government should work, and the excuses we come up with to keep the government from doing what it ought to do in a way that people can openly see and be proud of.

I look forward to the quorum call no longer being the daily flag of the U.S. Senate.

Maybe, appropriately, seeing no one here, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

NOMINATION OF GINA HASPEL

Mr. CORNYN. Mr. President, earlier today the Senate Select Committee on Intelligence heard from the President's pick for Director of the Central Intelligence Agency, Gina Haspel. Actually, we had an open hearing this morning, and I just returned from a recently concluded closed hearing, during which classified information was shared with the committee and discussed with the nominee.

As we know, the President's nominees for various positions have been the victims of hearsay, innuendo, and rumor. Thankfully, Ms. Haspel had the opportunity today to respond to some of the questions—and attacks, really—that have been posed against her in the public. She has now had a chance to respond, and I thought she did so with tremendous knowledge, grace, and the kind of temperament you would hope for in a Director of the Central Intelligence Agency.

She exemplified the core attributes we have come to know about her since she was nominated: professional integrity, an innate sense of loyalty to her country, and a strong drive to work hard, not just for the advancement of her individual career but also to protect Americans and put our national security first.

The fact that she is here today, as President Trump's nominee to become the first female Director of the Central Intelligence Agency, is a testament to both her character and her exceptional, decades-long career as an intelligence professional.

All the while, she has endeared herself to her colleagues in the intelligence community, who have an immense amount of respect for her and her work. In fact, in addition to being the first female Director of the Central Intelligence Agency, Ms. Haspel would be the first operations officer in perhaps 40 years or more. In other words, at the CIA they have analysts, they have people who do operations, who are case officers and who do intelligence work, and, then, they have other people who perform technical intelligence activity. She would be the first in 40 years to actually have worked in some of the hot spots around the world that I will mention more about here in a moment.

Yesterday, I spoke about some aspects of her career, about some of the pieces that our colleagues across the aisle have left out of the picture, which, in fairness, should be painted in full context so people can understand that her career, spanning 33 years, is far more than a couple of anecdotes or caricatures of her experience. In other words, she is not defined by those experiences. Although, as she has said today, we have all learned from those experiences.

Her 33 years of service showcase an unparalleled commitment to the Central Intelligence Agency and a devotion to the rule of law. She understands that when the intelligence agencies don't follow the rules of the road, somebody is going to be held to account for it at a later time. In this case, ironically, having followed the rule of law, we find that some of our colleagues from across the aisle want to relitigate decades-old incidents after the fact of 9/11, where, relying on the premier legal authorities in the country from the Department of Justice and having received orders from the Commander in Chief, they simply did their job and now are being questioned in a way that suggests they did something less than honorable, when, in fact, they did exactly what they were asked to do.

The fact is that here in America we have not seen a follow-on attack from 9/11. I mentioned yesterday a book I was reviewing that reminded me that in the days following 9/11, on which 3,000 people died—some at the Pentagon, where one plane crashed, and two others crashed at the World Trade Center—there was some chatter about a potential nuclear device getting into the hands of al-Qaida, the same people who took down the two towers and hit the Pentagon.

That would have been catastrophic, obviously. Thankfully, as a result of the good investigatory work and intelligence collection that the intelligence community acquired, we learned that those rumors did not end up proving to be true. But that sort of sets the tone for the environment and attitude that many had about the potential for follow-on attacks, which would have been tremendously devastating.

It is a strange business that we ask our intelligence officials to play to the edge of the law—in other words, to follow the law but to be aggressive, to be forward-leaning to prevent these attacks. Then, when they do exactly that, we come back years later, when we are feeling safe and secure, and say: Well, you went too far.

We can imagine what it would have been like if there had been another follow-on attack during which American citizens were killed. We can imagine that our intelligence community would be criticized for allowing that to happen, for somehow not stopping it, finding out about it, and preventing it.

Unfortunately, too many people have 20/20 hindsight and are engaged in second-guessing. Frankly, for people who serve honorably in the intelligence community, it seems like a lose-lose proposition: Do too much and prevent an attack, and we will criticize you. Don't do enough and an attack occurs, and we will criticize you for that.

Suffice it to say that in all respects, during her career Gina Haspel has acted in accordance with the law, as determined by the Department of Justice. By the way, the Supreme Court of the United States is not going to hand out an opinion in a case where the executive branch has to act. Opinions handed down by the Office of Legal Counsel in the Justice Department are the authoritative legal guidance for executive branch agencies like the CIA.

Ms. Haspel has worked in assignments from Africa and Europe, and she has been posted to dangerous capitals around the world. She has been shot at, survived a coup d'etat, and run clandestine assets against hard targets.

Those who have worked with her say her management skills and integrity are unmatched. That is why she served as a station chief, the Deputy Director of the National Clandestine Service, and Deputy Director of the Central Intelligence Agency itself. All of this experience is extraordinary and it is important, and it is exactly what our country needs in this uncertain time.

Former Director of National Intelligence James Clapper testified in recent memory that, in his 50 years in the intelligence business, he has never before seen such a diverse array of threats confronting our country—from North Korea to Iran, to Russia, to China, to the terrorism threat, to domestic home-grown terrorist attacks inspired by social media and online activity from overseas.

America clearly needs someone with the deep expertise and understanding of the Central Intelligence Agency and the intelligence community and someone who doesn't have to get up to speed. Americans need someone with extensive counterterrorism experience who has worked with difficult and hostile intelligence services and, I would say, also with our friends and allies around the world. Some of the relationships we have with other countries, like Britain, are some of the most important relationships we have—government to government, intelligence community to intelligence community. Ms. Haspel has the admiration and respect of those coalition agencies around the world.

She may well be the most qualified person ever to be nominated for the role of CIA Director. But we saw today in the hearing that there is a determination by some to relitigate the past. We saw an attempt to relitigate issues that have been closed for a long time, going on 17, almost 20 years.

There were questions about Ms. Haspel's role in counterterrorism efforts in the days immediately following the 9/11 terrorist attacks. I am not questioning the questions, but I am questioning using some of these issues as pretext to block or to vote against her nomination. She was accused of making decisions that clearly were made by her supervisor, when it came to getting rid of videotapes because of concerns for the safety and security of the intelligence officers depicted on those videotapes, even though there were verbatim cables of the activity on the tapes. Obviously, in this case, the

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

taking place in our country now for an internet generation, going back 12, 13 years. It is what binds the millennials, teachers, librarians, entrepreneurs, medical professionals, social advocates, generations X, Y, and Z—all of these groups that are up in arms because the future of the internet is at stake.

To my colleagues across the aisle, I encourage them to seize this opportunity and stand with the American people, who overwhelmingly support net neutrality. Again, 86 percent of all Americans—82 percent of all Republicans across the country—support net neutrality.

By passing this resolution, we send a clear message to American families that we support them, not President Trump's special interest agenda. This is the issue of whether we are going to empower ordinary families and ordinary small businesses to be given the protections they need.

The American people are watching closely. They are paying attention to who is fighting for them and who is sitting on the sidelines, to who is listening and who is ignoring the public's demands. This vote is coming, and when it does, it will put a magnifying glass on Congress. It will be crystal clear who is protecting corporate buddies and who is fighting for everyday Americans.

The Senate has a job to do. I urge my colleagues to join this movement and stand on the right side of history. In the 20th century, the rural electrification process connected huge parts of our country to the benefits of electricity. It raised living standards. It expanded educational opportunities. It transformed society. That is what a free and open internet is doing for our country in the 21st century—job creation, small business development, social justice, distance education. Every day, the lives of Americans are transformed for the better because they can access this diverse, dynamic, democratic platform where history is made every single day.

Again, I urge my colleagues to vote yes on this Congressional Review Act resolution to restore net neutrality.

I will now file this discharge petition with the clerk of the Senate so we can begin the process of having this historic debate on the floor of the U.S. Senate.

I thank all of my colleagues who are going to participate in this discussion this afternoon. It begins at least 1 week of full discussion on the Senate floor and in our country on this critical issue.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Mr. KING. Mr. President, I love history, and we have been here before. We were in exactly this place in 1886. Let me read you a quote from Senator Thomas W. Palmer of Michigan on this floor in 1886. I am going to try to channel my 19th century Senator voice:

Among the servants of our civilization none have approached in efficiency the railway. It has annihilated distance; it has not only made the wilderness blossom as the rose, but also has enabled the rose to be readily exchanged for the products of cities. . . . These are the modern highways for commerce, and should differ only in extent and facilities from their predecessors back to the days of the Roman roads.

The point is, in the 1800s, the railroads were in a position, because of their unique nature as the highways of the time, to strangle competition and hold small businesses hostage. The situation today with the internet is almost identical, and the Senate is now going to grapple with a rapidly growing but mature industry that is central to economic opportunity in our country. Unfortunately, in both the cases of the railroads and today, the internet, often, there are players who have the means and incentives to engage in discriminatory pricing or prioritization due to the frequent existence of last-mile monopolies. It is the exact same situation.

My favorite quote from Mark Twain is that ''history doesn't always repeat itself, but it usually rhymes.'' In this case, it is repeating itself.

Back in 1886, here is what the Select Committee on Interstate Commerce said about the causes of complaint against the railroad system.

No. 1, ''that . . . rates are unreasonably high at noncompeting points.''

That means small towns—rural America—at noncompeting points, which is the same as what is happening with the internet. We see today, particularly in rural areas, that there is only one provider of the truly high-speed broadband that is needed to run an online business and its expenses.

Here is point No. 2 from 1886: ''The effect of the prevailing policy of railroad management''—you can put in internet management—''is, by an elaborate system of secret special rates, rebates, drawbacks, and concessions, to foster monopoly, to enrich favored shippers, and to prevent free competition in many lines of trade in which the item of transportation is an important factor.''

This is exactly what we are worried about with the internet. It could come roaring back if we don't reimpose net neutrality rules. It is not hard to imagine that if paid prioritization is allowed, which would have a customer on the pipes of the internet be able to get a faster speed, it will cement the dominance of Facebook and Amazon, which are great companies, but it will stifle the development of smaller competitors who can't afford the access fees.

One of the great things about the internet is its low barriers to entry. If, indeed, the major internet providers are able to impose barriers to entry, it will, by definition, stifle small businesses across the country. That has been the glory of the internet; the enabling of the development of small businesses throughout the length and breadth of this country.

Here is another one from 1886: ''Railroad corporations have improperly engaged in lines of business entirely distinct from that of transportation, and that undue advantages have been afforded to business enterprises in which railroad officials were interested.''

In other words, the railroads were getting into other lines of business which they could then favor on the railroads. That is exactly what we are worried about now. Large telecommunications companies are becoming vertically integrated with content companies. There is a clear potential for conflicts of interest. Net neutrality rules are so important for preventing any attempts of existing incumbent carriers to favor the delivery of their own content and degrade the delivery of competitors' content. This is exactly the kind of thing we are worried about.

Right now, anyone with a broadband connection has equal access. General Motors or Amazon or Exxon or Facebook has the same access to the internet as somebody who is starting a new company in his garage, and that is why the internet has been such a dynamic job creator across the country. Yet, in December of 2017, the Federal Communications Commission repealed the idea of net neutrality and basically said to the large providers: It is open season. You can do it. Do whatever you want. They have unenforceable rules, and small businesses and startups will undoubtedly, ultimately, be the losers. This is just the reality.

Quite often, we have issues around here that are in shades of gray, that we have to think about, and that can be argued on both sides. Reasonable people can differ. In this case, the people who repealed net neutrality are all wrong. There is no good argument for repealing rules that simply keep the pipes open for everyone just as the Interstate Commerce Commission in the 1880s was designed to keep the railroads open for everyone.

This is a little complicated because it is the repealing of a repeal. What we are talking about is a CRA that would repeal the repeal by the FCC of net neutrality rules. It is the ultimate small business bill. It will allow small businesses to compete without limitations, and small online companies and low-income consumers will not be left in the slow lane. Innovation will continue to blossom, and opportunity will have equal access to this incredibly important economic engine.

It is important to understand that what this bill does, in my view—or what net neutrality does—is not government regulation, which is what you hear: ''This is government regulation.'' Somebody is going to have the control of the pipes. The question is, Should it be the people who own the pipes so they can do whatever they want and discriminate against small businesses or other carriers and favor their own content or should the government simply be the referee that says, ''No. This is going to be equal''? I think net neutrality is deregulatory in the sense

that all it does is protect the neutrality and the openness of the internet to competitors across the country.

I had a roundtable in Maine, on Friday, to which I invited small businesses and ISPs, internet service providers. The opinion—the response—was unanimous in that this is absolutely crucial to the survival and the vitality of these businesses. We have a small company in Maine called Certify. It has 150 employees. It is a web-based solution for people who keep track of their receipts for business travel. It is a nationwide business. It has 10,000 clients across the country, but it is all about having equal access to the internet. It has 2 million users around the globe, and it is based in Portland, ME. That is the power of the internet. We don't want that business to be choked off by a large competitor who can pay preferential rates and make my companies in Maine pay higher rates and therefore unable to compete.

A little company called Big Room Studios and Yarn Corporation are two software development virtual reality companies based in Maine. They are dependent on continued access to an open internet. Their founder got in touch with me. He firmly believes that without net neutrality rules, there is a real risk that startup companies like his will face barriers to entry that will keep them from reaching their full potential.

Another great example is Dream Local Digital, a company in Rockland, ME, where the employees and customers are all over the place. It is based in a wonderful town in Maine, on the coast, Rockland. They have customers in 65 cities. It is a digital marketing company serving customers throughout the country, primarily small businesses, all connected through the internet. Led by a visionary named Shannon Kinney, their core existence and business model rely on the open internet enabling a significant number of employees to work from home in 9 different communities in Maine and 10 other States. They have to have open access to the internet.

This isn't a debate about ISPs and consumers. The smaller ISPs that were at my roundtable and that I have heard from around the country feel that an open internet is as important to them as it is to their customers. They support net neutrality.

OTELCO, a rural broadband company, provides voice over internet protocol, or VoIP, services, and they are worried that larger competitors can demand paid prioritization fees in order to maintain service quality, and that would be the end of their business.

This is an incredible moment in the Senate, and I don't think this is a political issue. I think this is a small business issue. This is a public issue. The crucial point is, who is going to control the future of the internet? Is it going to be the owners of the large pipes, or is it going to be the public? Can the internet maintain the quality of service, the openness of service, the fairness of service that has been a part of it, that has allowed it to grow so fast and become so important in our economy?

Again, the idea of net neutrality is really simple. It is that everybody has a fair chance at a fair speed at a fair price and that the owners of the pipes can't discriminate between certain businesses and those that can pay more and those that are bigger or those that are affiliated with the owners of the pipes. It is all about the small businesses of this country.

This is a real opportunity for us to do something important for the small businesses of America, and I believe this resolution is one that will restore us to a place where small businesses will be able to compete and blossom and prosper in the future of this country.

I urge support of the CRA that I understand will come to a vote in about a week. I believe this is absolutely essential to the development of the internet-based economy, in rural areas particularly. To go back to 1886, this body stepped up at that time, controlled the dangerous monopolies of the railroads, established the principle of nondiscrimination and common carry, and that is all we are talking about today.

Mark Twain was right: History doesn't always repeat itself, but it usually rhymes.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, I ask unanimous consent at this point to speak for up to 5 minutes and to let my colleague from the Pacific Northwest, Senator CANTWELL, follow me immediately thereafter.

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

Mr. WYDEN. Thank you, Mr. President.

Colleagues, this is the only resolution that provides a golden ticket to maintaining a free and open internet.

By way of a free and open internet—and I know a lot of folks are following this debate. I see folks in the Gallery. What a free and open internet is all about is, after you pay your internet access fee, you get to go where you want, when you want, and how you want. Everybody gets treated the same. A local florist selling roses out of their shop in Condon, OR, a kid in Roseburg who wants to learn about artificial intelligence, a mom in Pendleton who wants to find out about childcare—all of them get treated the same, and they get treated just like the big guys, the people with the deep pockets.

Now the head of the Federal Communications Commission, a gentleman named Mr. Pai, wants something very different. In effect, he wants to turn that on its head and start cutting deals for the people with the deep pockets. He would kind of like to have something called paid prioritization, which basically means that if you are one of the fortunate few, you can get faster speeds, more content, and you can get access to the kind of technological treasure trove that I have seen my colleague from the Pacific Northwest, Senator CANTWELL, talk about. He has all kinds of schemes to essentially suggest that he really is helping the consumer when he is really working for the folks at the top.

One of my favorites, colleagues—and my friend from Massachusetts and I have discussed this—is that the head of the FCC from time to time discusses the idea that we would have voluntary net neutrality. It is hard to keep a straight face with this one, the idea that the big cable companies, the big communications monopolies, are going to do this voluntarily. I think that is about as likely as getting my 10-year-old son, William Peter Wyden, to limit the number of desserts he eats. It just isn't going to happen. It is not going to happen. I see some parents on the floor who can identify with that. So what we have to do is pass the Markey resolution and ensure that there is a real position at the Federal Communications Commission that has some teeth.

The fact is, since he came to town, since he came to this position, Mr. Pai has basically tried to water down this whole effort on net neutrality again and again—we don't need title II protection; we don't need any of the basics that have been part of this effort that we have made for well over a decade to ensure that net neutrality has real teeth.

My friend and colleague mentioned that he introduced the first one in the House. I introduced the first one in the Senate. The point is, we have been working on this for well over a decade in both Chambers.

One of the reasons we sought to take this action now is that not only is Mr. Pai moving ahead to offer this ominous, dangerous definition of ''net neutrality,'' but we believe there is going to be a grassroots juggernaut all across the country saying that now is the time to be in touch with your Members of Congress to let them know how strongly you feel about this.

I just attended nine townhall meetings in Oregon. Most of them were in rural areas. Net neutrality for rural communities, folks, is a prerequisite to making sure you are not a sacrifice zone. Without good communications, how do you maintain, for example, rural healthcare?

I am very pleased to be out here with my friends—Senator CANTWELL, who knows so much about this issue; a former Governor, Senator HASSAN, who is very knowledgeable on these issues. Those of us from small States, like Senator HASSAN and me, know that this is really a lifeline. This is how you get access to the big financial markets. This is how you get access to the communication centers. This is how a kid in a small town in New Hampshire or a small town in Oregon gets a fair shake and has fair opportunity to get ahead,

just like a kid who lives in Beverly Hills.

We are going to be back on this floor frequently between now and next week when we will seek to advance the Markey resolution. I will close the way I began, colleagues. There is no path to a free and open internet without the Markey resolution. This is the golden ticket, this is the only ticket, and I hope folks all across the country will see how important this is and weigh in with their Senators in the days ahead.

Mr. President, thanks to my colleague for her courtesy.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. Mr. President, I join my colleagues, Senators MARKEY, WYDEN, and HASSAN, on the floor to add my name to a resolution to overturn the FCC's decision, which is ill-advised and very wrong as it relates to growing an innovation economy.

The internet is one of our most important national economic drivers. In 2017, our internet economy produced more than $1 trillion in output and created nearly 200,000 new jobs. In my State, Washington, it has provided a platform for new innovation across many platforms and applications. As a result, 13 percent of our economy is based on innovation and technology. This economic activity supports 250,000 jobs. To say that the FCC's stymieing of the internet is acceptable is fighting words for the State of Washington.

From increasing access to healthcare, such as telemedicine, to making sure we find more affordable healthcare, to reforestation after natural disasters—the internet is providing great tools and solutions for all of these things.

Last week, several companies from my State joined me in expressing opposition to the FCC and calling on Congress to pass this congressional resolution sponsored by my colleague Senator MARKEY and all of the Democrats. These companies know this resolution is important.

Redfin, an internet company based in Seattle, is trying to address new ways of doing real estate business. It is a full-service real estate online tool that has helped save $400 million in how we process home sales.

Another company, Deja vu Security, spoke about how, if you really want to be great on attacking cyber intrusion, you need to know when it happens, not after the fact or after a 20-minute delay because you are not paying the highest rates.

Seattle-based DroneSeed uses drone technology to help reforest lands after natural disasters.

All of those companies joined me in saying that they wanted to see the FCC's actions overturned and that they wanted this resolution to pass. Why? Because they know this is a big part of our economy.

Tech innovators got to where they are by having an open internet and a level playing field. This really is about cable versus the internet. It is about big cable companies that want to charge more to consumers and businesses versus startups and individuals who want access to these new applications.

Just three big cable companies control access to the internet for 70 percent of Americans, and over the past decade, the prices that Americans pay these kinds of companies have risen almost twice as fast as inflation. What the FCC is doing is giving cable companies the ability to raise your rates even more. That is what this debate is all about.

I hope our colleagues on the other side of the aisle will at least take a chance and look at this and understand that by giving all of that power to three big cable companies, they are going to charge more for internet access; that charging more or slowing down service for people who won't pay will have an undue impact on consumers and the economy. That is why we are out here fighting, because so much of the internet economy is based on an open internet, so much of a rural economy that is helping us grow jobs in rural parts of the United States or even just our ag economy that depends so much on current internet information as decisions are made. Are our farmers going to be charged more because they aren't willing to pay the cable rate that you wanted?

I join my colleagues in saying let's pass this congressional resolution that basically says there has to be a free and open internet. Let's get back to the innovation and the creation of more jobs, not artificially slowing down the internet and giving a big win to cable companies.

I thank the Presiding Officer, and I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Ms. HASSAN. Mr. President, I rise today to join my colleagues in support of reinstating net neutrality.

Access to a free and open internet is critical to promoting innovation, supporting entrepreneurs and small businesses, and growing our economy. Americans are accustomed to and want an internet that is consumer-friendly and that ensures equal access to content, no matter their internet service provider. Net neutrality helps ensure that the internet remains free and open by requiring internet service providers to treat all content the same way, providing equal access to applications and content online.

My constituents in New Hampshire are keenly aware of how important net neutrality is to their lives. Thousands of Granite Staters have called my office throughout the last year to voice support and urge Congress to protect it.

Unfortunately, last December the Republican-controlled Federal Communications Commission, led by Chairman Ajit Pai, repealed net neutrality protections—a harmful decision that has a variety of consequences. By repealing these protections, the FCC has taken away from consumers and small business owners the ability to control their own internet experience and turned that control over to their internet service providers. This directly impacts our small businesses and could threaten the ability of entrepreneurs to get their businesses off the ground.

Without net neutrality, internet service providers will be allowed to force businesses and consumers to pay to play online. While larger more established companies would be able to compete, new small businesses and entrepreneurs might not be able to afford such fees, harming their ability to boost their business and reach more potential customers. This could particularly impact those in rural communities. Last year, several members of the rural and agricultural business community in New England wrote to the FCC to say: ''Repealing net neutrality will have a crippling effect on rural economies, further restricting access to the internet for rural businesses at a point in time where we need to expand and speed up this access instead.''

This would also impact consumers by giving internet service providers the power to discriminate against certain web pages, apps, and streaming and video services, by slowing them down, blocking them, or favoring certain services while charging consumers more for other services.

Often consumers would have little option for recourse since we are at a time when many Americans only have, at most, one or two options for broadband providers, leaving them stuck with a provider that is using unfair practices.

This could also affect the ability of countless people to organize and civically engage online. An open internet serves as a platform to elevate and empower voices that have been underrepresented in traditional media. We have seen grassroots movements, like the national Women's March, organized largely through online activism on the free and open internet. Efforts like these are critical to our democracy, which is why we need to protect the open internet as a mechanism for civic engagement.

Given how critical net neutrality is to the lives of countless Granite Staters and Americans and to the strength of our economy, we cannot stop fighting to reinstate a free and open internet.

I am proud to join a bipartisan group of colleagues to show our support for net neutrality and to introduce a Congressional Review Act resolution to overturn the FCC's partisan decision. As we head toward considering this measure, we are just one vote away from passing it. So I urge my Republican colleagues to put consumers first, to help small businesses and entrepreneurs innovate and thrive, and to benefit our economy. With just one

more vote, we can move forward with restoring net neutrality and protecting an open internet.

Thank you, Mr. President.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. MARKEY. Mr. President, I thank the Senator from New Hampshire for her incredible leadership on this issue. I know she had a huge forum with small businesses up in New Hampshire that reflected the need to ensure that we had an open and free internet.

As we talk about net neutrality, I think many people wonder: What does that mean? What does ''net neutrality'' mean exactly? Well, the way to think about it is, instead of saying the words ''net neutrality,'' you say the word ''nondiscrimination,'' because that is what we are talking about. We are talking about whether you are an individual or you are a small firm and you are using the internet in order to have your voice heard, in order to start up a business and that you are not discriminated against just because you are a small voice; that you are not discriminated against because you are not some huge corporation; that, in this internet era, you are important and you can't be discriminated against. That is what this debate is all about.

Now, how does that reflect the state of commerce online in America today? Well, for example, last year in the United States—this is an incredible number—half of all venture capital in America went to internet and software startups or internet and software companies in their beginning stages. Think about that. That is half of all venture capital. Who gets that money? Well, they are newer people, newer ideas, and newer job creators—the people who have transformed our country over the last 20 years online. Those are the people who get access to venture capital in a regime where net neutrality is the law of our country.

Now, at the same time, the big broadband companies have been able to invest tens of billions of dollars in the upgrade of their infrastructure. So it is not as though we are talking about the big companies getting it all or the little companies getting it all. They are both doing great under the existing formula, but the tens of thousands of smaller internet-based companies across this country are the ones who are actually creating the jobs. They are the ones that are hiring the new people. They are the ones who need the new real estate—the 1,000 square feet, the 5,000 square feet, up to 25,000 square feet, and up to 1 million square feet, ultimately.

That is where we are, for example, with Wayfair, up in Massachusetts, which is a company from which you purchase furniture online. It started very small, and now it needs hundreds of thousands of square feet of space.

The same thing is true for TripAdvisor, up in Massachusetts. It started very small, and now it needs hundreds of thousands of square feet of space in order to hire all of their employees. That is what happens when you have an open internet. That is what happens when smaller companies and new companies online can raise the capital they need in order to finance their idea, in order to hire people who will advance this company's agenda across all 320 million people in the United States and, ultimately, for many of them, across the planet. You have to start somewhere, and the only way in which it really works is if net neutrality—if nondiscrimination—is the principle.

So that is what we are going to be debating over the next week here on the Senate floor. It is this fundamental issue of access to capital for the smallest companies and not to allow five companies—the biggest companies—to determine who gets access. The principle of net neutrality—the principle of openness—has worked. We now have a whole vocabulary in our country consisting of the names of companies that no one knew 20 years ago, 10 years ago, 5 years ago. Those are the companies that are rising up and saying they want net neutrality to be protected here today.

In addition to that, we have dozens of other groups, the free press, and others who are all saying that we need it to advance democracy as well. We want the smallest individual to know that their voice can never be stifled, that their voice can never be cut off. That is what this debate is all about. That is why the Members are out here on the floor. We are trying to reflect the 86 percent of Americans who support net neutrality. I know that is why Senator KLOBUCHAR from Minnesota is here.

At this point, Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, I am honored to be here today to join Senator MARKEY to talk about the importance of strong internet neutrality protections. He also came to Minnesota this past month and was able to meet with a number of our small businesses, including a woman who started a business making children's clothes and who saw growth because of the internet. He met people who never would have had that opportunity if we didn't have net neutrality.

Today we took a major step forward on this issue by forcing the Senate to hold a vote on legislation to save net neutrality. I believe, in the end, we will have the votes to get this done.

It will send an important message that the internet should remain free, open, and equal to all who use it. It will then be considered, we would hope, by the House because our goal is to actually get this done. Why? Because net neutrality is the bedrock of a fair, fast, open, and global internet. It holds internet service providers accountable for providing the internet access consumers expect while protecting innovation and competition.

It is also one reason the internet has become one of the great American success stories, transforming not only how we communicate with family and friends but also the way companies do business, how consumers buy goods, and how we educate our kids.

At its best, it is an equalizing force because it means kids on Tribal lands in Minnesota or kids that are in extreme rural areas are going to be able to access the same classes as people in urban areas.

It means that a small business in Ada, MN, is going to be able to sell their goods on the internet just like one of our big companies in the Twin Cities, like Target or Best Buy. It is an equalizing force.

Earlier this year, the FCC approved Chairman Pai's plan, unfortunately, to eliminate net neutrality protections. Despite the millions of comments from the American people asking the FCC to protect a fair and open internet—not to mention a half million comments from Russian emails—the FCC voted in December to move forward with Chairman Pai's plan to end net neutrality.

Under Chairman Pai's plan, the FCC gives major internet service providers the ability to significantly change consumers' experiences online. Big internet service providers may soon be able to block, slow, and prioritize web traffic for their own financial gain. They could begin sorting online traffic into fast or slow lanes and charging consumers extra for high-speed broadband. Internet service providers could even block content they don't want their subscribers to access because they would prefer other content that might benefit them financially.

The only protections maintained under the proposed order are requirements for service providers to disclose their internet traffic policies. But for consumers with only one choice for internet service, like so many in my rural areas in Minnesota, there is no real opportunity to comparison shop or find a new provider if they are unhappy. So that provision is of little help. This means that even though consumers may be aware that their internet service provider is blocking or slowing their connection, they have no choice because they have no alternative.

According to the FCC, more than 24 million Americans still lack high-speed broadband. We should be focusing our efforts on helping those households get connected, not eliminating net neutrality and worsening the digital divide.

But this isn't just about individual internet users. It will limit competition, and that is why it is also about small businesses. A truly open internet encourages economic growth and provides opportunities for businesses to reach new markets, drive innovation, and create jobs. Small businesses remain engines of job creation, and net neutrality levels the playing field. In one company I toured in Ada—this is a

great example—a woman started this business at her kitchen table. She had such bad internet access in Ada that she has to have her 2-person sales force located in Fargo—and that is a long way away. But if you look at her whole business model, it is about marketing on the internet. She has taken that business from the kitchen table to one that has 20 employees and is shipping her products—that would be chain jewelry—all over the country.

Well, without unrestricted access to the internet, entrepreneurs may be forced to pay for equal footing to compete online. So if it isn't bad enough that she doesn't have access right where her business is and has to have her employees located off campus—way over, actually in another State—now, if you get rid of net neutrality, she will not be able to have an even playing field at all. She will be in the slow lane.

This proposal will hurt the very people creating jobs and keeping our economy competitive. That is why I have joined my colleagues who push for a vote on Senator MARKEY's resolution to repeal Chairman Pai's plan and protect net neutrality rules.

Over the next few days, we need to keep the pressure on because the vote will have a major impact on the future of the internet. This repeal is part of a larger trend of helping large companies push out their competition. The fight to protect net neutrality is far from over, and we need to make our voices heard.

Mr. President, I rise to join many of my colleagues who have come to the floor to speak about our country's third branch of government—our courts—as well as to express my opposition to the nomination of Michael Brennan to the Seventh Circuit Court of Appeals.

As a member of the Judiciary Committee, I am very disappointed that the Senate has decided to abandon the blue-slip tradition for circuit court judges. The blue-slip policy held true throughout the entirety of the previous administration, including when Republicans ran the Senate and when Democrats ran the Senate. This is for good reason. The blue slip is a key check and balance. In my view, it has promoted cooperation, as well as resulted in better decision making for judges across party lines.

Senators have a solemn obligation to advise and consent on the President's nominees to the Federal courts, and I take that obligation very seriously. I know my colleague Senator BALDWIN also takes that responsibility very seriously. That is why she had a bipartisan process in place through which she worked with Senator JOHNSON in an effort to produce consensus nominees.

This nominee did not gain sufficient support from the Wisconsin judicial nominations commission. So it is unfortunate that we are considering his nomination on the Senate floor.

NUCLEAR AGREEMENT WITH IRAN

Mr. President, I also want to take a moment to discuss the Iran agreement and the President's decision. Yesterday, the President announced the United States will unilaterally withdraw from the JCPOA, commonly referred to as the Iran agreement.

In 2015, I supported the Iran agreement—although I may have negotiated differently—but we had the agreement that was before us. I supported it because I believed it was the best available option for putting the brakes on a nuclear weapon for Iran. I still believe that today. We cannot allow Iran to obtain a nuclear weapon. In this critical time, as we head into negotiations on North Korea's nuclear weapons, we cannot be backing away from international agreements and nuclear inspections.

Preventing Iran from obtaining a nuclear weapon is one of the most important objectives of our national security policy. I strongly advocated for, and supported, the economic sanctions that brought Iran to the negotiating table and the subsequent sanctions passed last year to address Iran's destabilizing activities and promotion of terrorism.

Unilateral withdrawal from the agreement has resulted in a splintered international partnership with our European allies that has been critical to preventing Iran from obtaining a nuclear weapon. We should, instead, be negotiating a more comprehensive agreement that includes Iran's nuclear ambitions today and in the future, ballistic missile tests, and destabilizing activities that pose a direct threat to Israel and other allies.

We can conduct those negotiations with our allies as part of a team without withdrawing from the existing agreement.

I yield the floor.

The PRESIDING OFFICER (Mr. LEE). The Senator from New Hampshire.

NET NEUTRALITY

Mrs. SHAHEEN. Mr. President, I am pleased to join my colleagues on the floor to very strongly support the Congressional Review Act resolution to restore net neutrality and maintain a free and open internet. I applaud Senator ED MARKEY for his leadership in introducing this Congressional Review Act resolution.

Restoring net neutrality is especially critical to small businesses and startup companies in New Hampshire and across the United States. Small businesses are the backbone of our Granite State's economy. They represent 99 percent of our employers. The internet continues to provide opportunity for these small businesses because it levels the playing field. It makes it easier to find new customers and grow online, but that level playing field is now in jeopardy because of the Federal Communications Commission's decision to end net neutrality protections.

Last Thursday, I convened a field hearing of the Senate Committee on Small Business and Entrepreneurship at the University of New Hampshire. I wanted to hear concerns of our small business owners about what the net neutrality rollback would mean to them. In particular, they are concerned that net neutrality will impede their ability to expand and create jobs.

In conversations with small business owners and leaders across my State, they tell me this rollback is a direct threat to their businesses. They say it would be like watching their large competitors take the highway while they are forced to take the slow roads. Without net neutrality, broadband providers could charge more for fast lanes—a cost that many small businesses simply can't afford. This would put them at an even greater competitive disadvantage vis-a-vis large corporations that have the resources to pay for those fast lanes. In the digital age, speed is critical.

Witnesses at our field hearing pointed to research showing that even small delays of a second or less—just think about that, a second or less—can lead to the loss of significant sales. Customers today expect a fast, easy online experience. It is clear, small businesses operating at slim margins would lose out to big firms that can afford the fast lane.

Josh Cyr, who testified at our hearing, is an executive with Alpha Loft. Alpha Loft is a startup incubator that is based in Manchester and Portsmouth, NH. At the field hearing, he had a stark warning. He said:

> The repeal of net neutrality protections enables a small handful of very powerful internet providers tremendous control over what is delivered to consumers' homes and the speed with which it is delivered. Without net neutrality, the power and control these internet providers have will allow them to create artificial market barriers.

The repeal of net neutrality would pose even greater challenges for small businesses in rural areas. As Senator KLOBUCHAR said, she has a lot of rural areas in Minnesota. Well, so does New Hampshire. A 2015 survey by the University of New Hampshire showed that nearly 40 percent of New Hampshire residents who were polled said they were using their current provider because it is the only option available to them. Many rural small businesses will have nowhere else to turn if their broadband provider decides to charge more or slow down the connection. Our witnesses noted that net neutrality could heighten the rural urban divide, making it more challenging for small businesses and rural communities to reach customers, attract workers, and stay connected.

One of the other people testifying at the hearing was Nancy Pearson. She is the director of the New Hampshire Center for Women and Enterprise. She testified that net neutrality is a matter of equality. She said:

> New Hampshire small businesses and microbusinesses rely on the equalizing force of the internet, and just to put that in perspective, women start businesses at five times the rate of any other entrepreneur—

and for minority women and veterans, that number is even higher. So when we start putting barriers in the way of these entrepreneurs, it can have a significant and, I think, disastrous effect.

The FCC's rollback of net neutrality rules is also creating tremendous uncertainty, especially for startup businesses that are looking to plan ahead. It could have major ramifications on sales, marketing, and internet costs that small businesses just can't predict.

Participants at the field hearing warned that the FCC's decision will affect not only businesses but also institutions of higher education. It will also negatively impact efforts to provide telemedicine consultations to patients who don't have access to services locally. Again, we have a big rural population in New Hampshire—well, a small population but a lot of rural areas.

I am concerned, for instance, about the impact on the Veterans' Administration's outpatient clinic in Littleton, NH. It relies on telemedicine to provide psychiatric care to veterans in remote locations. What will happen if they can no longer provide that service because they don't have the ability to pay for those lanes anymore?

Small businesses, consumers, and all Americans who care about a level playing field on the internet have every reason to be concerned by the FCC's repeal of net neutrality protections, but their ill-considered rollback doesn't have to be the last word. We can bring to the floor a bipartisan resolution to prevent the FCC's rollback from going forward.

A coalition of more than 6,000 small businesses across the country sent a letter to Congress asking us to protect them by overturning the FCC's decision to repeal net neutrality. Further, at my field hearing last week, Granite State small businesses offered compelling testimony about the importance of net neutrality to their competitiveness and their ability to expand and hire new workers. We must not ignore this groundswell of opposition to the FCC's rollback of rules that ensure equal access to the internet.

I urge my colleagues on both sides of the aisle to support the Congressional Review Act resolution. Let's restore net neutrality protections and ensure a free and open internet, with access on equal terms, for all businesses and consumers.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Ms. CORTEZ MASTO. Mr. President, I am proud to stand with my good colleague from New Hampshire and all of my colleagues today in defense of net neutrality.

Net neutrality has leveled the playing field for every American consumer, allowing everyone to access and enjoy an open internet. Thanks to the internet provided by schools and public libraries, students have been able to utilize information available online to enhance their education or help them do their homework.

I have heard from librarians and library administrators from all across Nevada expressing their concerns about the direct negative impact net neutrality's repeal would have on Nevadans. They told me that repealing net neutrality would hamper their ability to provide Nevadans with essential services. According to the Pew Research Center, ''Library users who take advantage of libraries' computers and internet connections are more likely to be young, black, female, and lower income.''

In Nevada, I know students who don't have access to internet at home now go to the library to do their homework. Nevadans applying for jobs currently use the internet in public libraries to connect with employers to submit resumes and job applications. Many Nevadans use the internet and internet access to learn new skills through training resources that are available online.

In November of last year, I received a letter from the Las Vegas-Clark County Library District strongly opposing the repeal of net neutrality. The Las Vegas-Clark County Library District is the largest in the State and serves over 1.6 million people. The letter reads:

> Many of our customers, even in the urban areas of the county, are not able to afford access to the internet at their homes at all, and rely on public libraries to complete their school work, research information about starting small businesses, and whatever else they need to do on the internet.

Limiting the ability of public libraries to provide fast, reliable internet service means limiting opportunities for Nevadans to thrive.

Through simple online marketing or by using online sales platforms, small businesses have the opportunity to improve their visibility and expand their customer base.

It has become possible for startup companies to get a fair chance at competing in highly saturated markets because of internet accessibility.

It is true in Nevada and all across the country that the internet has opened doors for jobs, businesses, education, innovation, and technology, and net neutrality protections have allowed the country to continue opening those doors.

As access to the internet has exploded, more and more Americans have been empowered to start their own business ventures. More specifically, there has been a sharp growth in women business owners due in large part to a freely accessible, fair and open internet.

As you have heard, between 2007 and 2016, women-owned firms grew at a rate of five times the national average, mirroring the emergence of the internet as a platform for economic growth. For example, Etsy, an online shopping platform, caters to small businesses, 87 percent of which are owned by women.

Just last week, I held a roundtable in Reno with women entrepreneurs. One of their biggest concerns was the repeal of net neutrality and how that would adversely affect their business's profitability and success.

With net neutrality's repeal, business owners, like Katie, who cofounded a tech company in Reno, would have to go up against large corporations that can afford to buy faster internet speeds. This would stifle competition, and it would cripple the growth of small businesses like hers. Katie told me:

> It would really be a stifling situation for us, not only financially, but from an innovation standpoint. Your dollars have to go to furthering your business, not paying to deliver it.

Nevada's economic growth depends on the small business owners, like Katie, who invest in our communities, and that is why we can't afford to repeal net neutrality.

Chairman Pai's misguided decision to repeal net neutrality protections threatens to change the internet as we know it. It threatens our small businesses, access to online education, job growth, and innovation by giving those who can afford to pay more the ability to set their own rules.

Nevada's small businesses, local hospitals, public libraries, and disadvantaged communities, among many others, will bear the burden as they become subject to the whims of broadband providers that now have the ability to elevate their own content and pick and choose which websites Nevadans can have access to.

The FCC has a longstanding responsibility of protecting American consumers and the public interest. While Chairman Pai refuses to properly do his job, I urge my colleagues to vote in support of the CRA and stand with all Americans, regardless of their income.

Thank you.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

Mr. BROWN. Mr. President, when we look at what this body has done over the past year and a half, when we look at what the U.S. Senate stands for and what the 100 Members of the Senate have done in the last 18 months, unfortunately, one thing is really clear: Corporations get handout after handout while ordinary Americans get the shaft.

Corporations are doing really, really, really well, especially those companies that shut down production in places like Mansfield, Toledo, Lima, and Gainesville and moved production overseas; those companies are rewarded. They are rewarded because down the hall, often in the dead of night, lobbyists gather in the majority

leader's office and write tax legislation, write healthcare legislation, and write consumer legislation that always helps the richest and the biggest and the most profitable in our country and leaves out the middle class, working families, and low-income Americans.

We saw it with the tax bill. Eighty percent of the benefits over the course of this bill—80 percent of the benefits, $4 out of every $5—go to the top 1 percent of earners in this country. Reports show that corporations have funneled their tax savings to executives and investors over workers by a three-to-one margin.

The people who wrote this tax bill promised us that the money saved by large corporations—their tax rates were cut from 35 to 22 percent and other kinds of tax goodies were bestowed on the largest corporations in this country. They promised the tax savings would go to higher wages for workers and investments in communities that produce more jobs. Do my colleagues know what happened not too many weeks ago? General Motors near Youngstown, OH, announced they were laying off 1,500 workers.

General Motors saved billions of dollars under the tax bill, but that money didn't go to Youngstown or Ohio or the workers, and it didn't go to investments in communities; it went to the executives in higher compensation. Right before the tax break, the five top-earning executives at General Motors brought home $100 million last year. That was before the tax cut, before taxes were raised on all of you in the middle class. Taxes are raised on working families over time, and the tax breaks go to the richest people in this country.

We saw it with the tax bill. We saw it with the rollback in protections for consumers. It is easier for big banks and payday lenders to take advantage of their customers and deny those customers their day in court when they are cheated.

We see it in healthcare legislation when Members of this body—well-paid U.S. Senators, well-paid, get good benefits, good healthcare coverage—were willing to vote time and again to take that healthcare coverage away from consumers. In Ohio alone, 500,000 people right now—over the course of the last few years—have gotten opioid treatment for their addiction because they had insurance under the Affordable Care Act. These Members of the Senate have tried to take it away from them.

Now the question is: Are we going to see it again? Are we going to see the bias in this body for the wealthiest, largest corporations on a tax bill, on a bank bill, on a healthcare bill—are we going to see it again with net neutrality? Are my colleagues going to allow corporate special interests to shut down the free and open internet or, for once—for once—is this body going to stand for the people we serve?

Net neutrality rules keep the internet free from corporate interference. Protecting those rules is vital to protecting free speech and consumer choice and access to public information.

But last December, the FCC—the Federal Communications Commission—on a party-line vote, where there is a majority of Republicans on this Commission, voted to repeal those rules by one vote, allowing internet providers to slow down internet speeds and offer better connectivity to the highest bidder.

I don't know any individual in Dayton or Cincinnati or Gallipolis or Bellaire, OH, who has said to me: I don't want net neutrality; I want corporations to be able to charge different rates and stick it to people with low incomes and offer something better to those people who are wealthy. I have never heard anybody say that.

I know companies that benefit from changing the net neutrality rules; I don't know any individuals who want to do that. But it is not individuals and the middle class that control this body or control the Federal Communications Commission. It is the people who represent the largest corporate interests.

We know that without net neutrality rules, broadband providers can charge customers more for faster speeds, squeezing out startups, squeezing out nonprofits and rural consumers—consumers who can't afford to pay an extra fee. They could be forced to pay for internet packages the way we do cable packages—paying more for popular sites and to have pages load faster. Anyone who has ever been on the phone negotiating packages with their cable company knows how frustrating it can be and knows where this could be headed.

High-speed internet is expensive enough as it is. Customers already have too few choices. In some cases in Ohio, for instance, people in my State have no choice at all. I will never forget that not too many years ago I was talking to a high school sophomore who told me she lives in very hilly Appalachia, Southeast Ohio, and she told me that she can't really study at home because she doesn't have access to the internet, to any kind of high-speed internet, because she lives in a valley. She goes to her grandmother's up on a hill to study so she can do her school work the way she needs to. If we don't stand up to the Federal Communications Commission, if we don't stand up to these big telecommunications companies, if we don't stand up and do the right thing here, that will continue to be a problem and increasingly be a problem for far too many Ohioans. A free and open internet that levels the playing field for entrepreneurs and startups to compete with big corporations is what we need to have.

So many of my colleagues love to talk about their support for business, but the question is which businesses. It is small businesses that drive job creation. It is small businesses that create two-thirds of all net new jobs. These are the companies that will be hurt the most if the biggest corporations—again, in this Senate—are allowed to gouge them for internet fees.

This shouldn't be partisan. Nobody separates themselves as Republicans and Democrats out in my State on these kinds of issues, but here it is partisan. Here it is partisan because, first of all, the administration looks like a retreat for Wall Street executives, with this huge—this very decided bias toward the wealthiest people in this country. We know that on issue after issue, this body always sides with the largest corporations, but small businesses will be the ones that are hurt the most, as I said.

It shouldn't be partisan. We know the internet is vital to modern life and modern businesses.

Today I spoke to a woman from Cleveland, OH, a small business owner named Helen Quinn. She and her husband, Jesse Mason, started Mason's Ice Cream as a food truck that would go to local farmers markets. Using tools from Google and others, they were able to grow a following for their business. In 2014 they had reached a point where they had been successful enough that they were able to buy an old, iconic walkup ice cream shop in Ohio City, a neighborhood west of downtown Cleveland, not far from where I live. They are now operating full time. They employ local Clevelanders. They partner with other small businesses in the neighborhood.

This Friday, Helen and Jesse will join me in Cleveland for the Grow with Google summit to talk to other small businesses and entrepreneurs and job seekers about the best techniques for using the internet to grow businesses and find jobs. I would bet any amount that there will not be one person there—not one entrepreneur, not one job seeker, not one business owner—who says: Oh, I want to relax these net neutrality rules. I want to side with the big corporations instead of allowing free and equal access to the internet.

Why would we want to make that harder and more expensive? Rolling back these net neutrality rules will hurt the very people all of us claim we want to help—small businesses, startups, students, Americans looking for jobs. Those are the people who will get hurt.

Many large corporations will do well under this bill. That typically is the motive and mission for people who come out of the majority leader's office, these lobbyists who are always working on these issues to help corporate America. But rolling back these rules will hurt those very people we claim to want to help—again, small businesses and startups and entrepreneurs and students and Americans looking for jobs. That is why today we are filing a petition to get moving on a bill to overturn this disastrous decision and reinstate net neutrality rules.

It is another question fundamentally, as pretty much every debate here is, of whose side you are on. Are my colleagues going to stand, again, with the biggest telecom corporations as they stood with the big corporations that outsourced jobs, as they stand with Wall Street, as they stand with Big Tobacco, as they stand with the Koch brothers, as they stand with the big healthcare companies that deny insurance and deny healthcare to working families? Are they going to stand with them—with big telecom companies that slow down the internet, slow down the economy to pad their own bottom lines? Are we going to stand with the people we serve—with hard-working Americans and small businesses and students and entrepreneurs who need access to the internet?

The internet doesn't belong to a wealthy few. This Senate too often belongs to a wealthy few. It shouldn't. A lot have opposed those efforts. We know, though, that the internet should not belong to a wealthy few. The internet belongs to the people we were sent here to represent.

I hope my colleagues will join me and sign this petition to protect a free and open internet.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. TILLIS). Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. MCCONNELL. Mr. President, I ask unanimous consent that notwithstanding the provisions of rule XXII, at 12 noon, on Thursday, May 10, all time be considered expired on the Brennan nomination and the Senate vote on confirmation with no intervening action or debate; further, that following disposition of the Brennan nomination, the Senate vote on cloture on Executive Calendar No. 729, the Carson nomination; further, that the cloture vote on Executive Calendar No. 777, the Nalbandian nomination, occur at 1:45 p.m.; and that if cloture is invoked on both nominations, debate time run concurrently. Finally, I ask that with respect to the Brennan nomination, if confirmed, the motion to reconsider be considered made and laid upon the table and the President be immediately notified of the Senate's action.

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

EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the following nomination: Executive Calendar No. 828; that the nomination be confirmed; that the motion to reconsider be considered made and laid upon the table; that the President be immediately notified of the Senate's action; that no further motions be in order; and that any statements relating to the nomination be printed in the RECORD.

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

The nomination considered and confirmed is as follows:

IN THE COAST GUARD

The following named officer for appointment as Commandant of the United States Coast Guard and to the grade indicated under title 14, U.S.C., section 44:

To be admiral

Vice Adm. Karl L. Schultz

LEGISLATIVE SESSION

MORNING BUSINESS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate resume legislative session for a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

TRIBUTE TO LEO MONTOYA

Mr. HATCH. Mr. President, as we move through life, certain people leave a lasting impression, and I rise today to recognize one of them. Leo Montoya, a citizen of Utah, is an exceptional man who has impressed me with his commitment to family, faith, and community.

In 1928, the year Alexander Fleming discovered penicillin, Leo was born on June 4 as the seventh of nine siblings to Epifanio and Decideria (Gutierrez) Montoya. Decideria's family roots were in New Mexico, where she raised her family as head of household in La Jara and Lumberton. Decideria worked outside the home, so her daughters took care of their youngest siblings while the older brothers contributed to support the family any way they could. The family lived under extreme poverty and hardship in La Jara until Leo's 14-year-old brother, Candido, traveled 90 miles north to find work in the Lumberton coal mines.

Candido saved his meager earnings to buy a small ranch to support his mother and siblings with the help of his younger brothers, Jose and Eudoro, who also worked in the mines. Jose had only one arm but loaded coal shovel-for-shovel against any other worker. Both Candido and Eudoro served in the military during WWII, and Leo, Tony, and Elisandro served during the Korean war. Leo's oldest child, Tereso, was born during the Korean war.

It is Utah's good fortune that the entire Montoya family eventually settled in Utah. They are hard-working, honest, and enterprising people who value God, family, and country above all else. Leo is the last of them, and it is fitting that his achievements and contributions to Utah are recognized. Leo is a true American success story.

While serving in the Army, Leo met the love of his life at a small town dance, Rebecca Manzanares, of Monticello, UT. They were married in the Glendale neighborhood of Salt Lake City and together raised 11 children: Leona, Jay, Guy, Luben, Jim, Tanya, Reba, Leo, Max, Toni, and Belen. Leo worked at Hall Process Company for $1.45 an hour, but he and Rebecca still managed to invest a small fortune in real estate.

Where some saw oppression and exploitation, Leo and Rebecca saw opportunity and fortune, teaching their children that they could obtain and achieve anything America offered if they worked hard, became educated, and stayed out of trouble. Their children succeeded in different ways and remain powerfully united as a loving and supportive family unit.

Leo also contributed to the Salt Lake community. Beginning in 1965, he began encouraging young boys to discipline themselves through sports in his Glendale neighborhood. At first, Leo trained young boys on a punching bag hung under a tree in his side yard, where he could keep an eye on them while he worked. By 1970, boys started showing up in larger numbers, many of them troubled youth from broken homes, so Leo began holding daily practice in church and school gymnasiums to give the boys something to do after school.

By 1975, his boxing team had more than 20 members that he took to compete in tournaments throughout the intermountain area and beyond—all at his own expense. By 1980, Leo knew he needed something more permanent for the boys, so he bought an old secondhand store in Salt Lake's Guadalupe neighborhood and converted it into the Leo Montoya Boxing Club, which still welcomes young male and female boxers.

Leo supports his Guadalupe neighborhood in other ways as well. In the winter, he plows the sidewalks of the Boys and Girls Club on 600 West and 300 North, as well as the sidewalks for his elderly neighbors. Leo regularly patrols the Guadalupe neighborhood in his golf cart to keep his community clean and safe. Virtually every resident and businessowner in the neighborhood appreciates Leo's vigilance.

In 2012, Leo was celebrated in one of Utah's major newspapers under the Salt Lake Tribune headline: ''In His West-side Gym, Leo Montoya Turns Boys Into Men.'' In 2013, Leo's contributions to the neighborhood were featured on the front page of the Deseret News under the headline: ''Community Celebrates Boxing Coach's 85th Birthday, Impact on Neighborhood.'' A quote in the Tribune article might have best captured what makes Leo unique and such a treasure as he contemplates: ''It makes me feel great that I've been accomplishing something nice (and helped) somebody . . .