

In this digital age, our children have the opportunity to communicate, to collaborate, and to connect at all times over their cell phones, tablets, social media pages and blogs. But with this limitless connectivity also comes a responsibility to make use of these technologies maturely and respectfully. In Vermont, students and their school community have boldly fought back against cyber bullying. I want to praise their efforts and call the Senate's attention to their achievement.

Cyber bullying has become one of the most troubling threats to the safety and security of our children in this time of unprecedented digital access. Last week, students at Rutland High School were targeted online, as negative posts on an anonymous school news app were discovered. Together, students and school leaders gathered to address this negativity and to recommit themselves to building a more positive school environment. These students organized a "Positive Post-It" event to change the climate and then called on one another to delete the application.

Rutland High students went further still and banded together to issue a petition to persuade Apple to take down the app so that other students would not be victimized by anonymous posts. After the gathering, Rutland High School principal Bill Olsen said on Monday "kids left school on that day feeling very good about how they could help each other overcome such adversity." Governor Peter Shumlin has also touted their accomplishment.

According to the 2013 Youth Risk Behavior Surveillance Survey, more than 15 percent of high school students were electronically bullied in the past year. Rutland High School has gained international attention, as a wonderful example of how students have acted bravely to stand up against this trend and to hold one another accountable for a safe school space. Other States are following this trend as well. In Michigan, school leaders have also recently spoken out against the use of apps that promote anonymous, negative online behavior. The petition to remove the app has been successful, and Apple has since removed it from its online store.

The leadership that these students have displayed is admirable, heroic, and an example to others. In recognition of their efforts, I ask unanimous consent to have an article from *The Rutland Herald* printed in the RECORD.

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

[From the *Rutland Herald*, Dec. 6, 2014]

RHS RALLIES AGAINST CONTROVERSIAL APP
(By Erin Mansfield)

Students and faculty at Rutland High School organized this week against a controversial iPhone app they say is being used to bully students via their cellphones.

Principal Bill Olsen said Friday he found out about the After School app Wednesday morning, when many students ended up cry-

ing in their guidance counselors' offices because of the things other students wrote about them on the Internet.

An app, short for application, is a computer program often used on smartphones and mobile devices that can access the Internet. After School, according to the iTunes Store, works as a virtual bulletin board for posting "funny, anonymous school news for confessions and compliments."

But Olsen said most of the things being posted are harming students' self-esteem at school, so the administration immediately sent out a letter to parents and began asking student leaders to speak out against the app.

Catherine DiPalma, a senior, said anyone can download the app for free through iTunes. Students log in using a Facebook account, confirm the school they attend, and begin posting anonymously.

A cheerleader, DiPalma said she and about 25 other students involved in clubs or sports teams went on the school's video announcements Thursday morning to ask their peers to delete the app from their phones and support the kids who had their feelings hurt.

"Nobody wants to walk down the hall and see their friends crying," she said. "Even if you're not friends with someone, we said 'stand up.'"

Olsen and the student leaders then asked kids to respond by writing positive messages on colorful Post-It notes and sticking them on windows in many of the school's hallways.

Some of the messages on the windows Friday were directed specifically to cheer up kids who had been criticized on the app, and some were compliments for their favorite teachers. Others told their peers to "please go gay for me" and "nice butt."

"I thought it was awesome," said Logan Boyle, another senior who spoke with the group on the morning announcements.

"I think it's cool that you can walk down the hall and see all the awesome things people say rather than all the nasty things people say," she said.

"A lot of us had the app, and we were just reading it," she said. "We told everyone that just by having the app and reading it, you're giving power to the people who are saying the mean things."

Kate Herling, a RHS guidance counselor who advises a student group against cyber bullying, said bringing student leaders into their advocacy was effective.

"Kids were supporting one another," Herling said. "Now we walk down the hall and see people smiling because maybe they found their name."

She said, "I felt that everyone kind of came together to really stop this and make a positive thing about such a nasty thing that really happened."

Olsen said he and Superintendent Mary Moran have sent out letters to get the state's Agency of Education and the Vermont Superintendents Association to organize around the issue.

They said they want local schools to gather together and pressure the app's creator to delete the software, and get Apple to take down the app from the iTunes Store. As of Friday, the store labeled the app for "frequent/intense mature/suggestive themes," and for ages 17 and up.

Rebecca Holcombe, the state's secretary of education, said Rutland City Public Schools "is quite rightly going after it." She said the Agency of Education just received the district's letter and will address the concern next week.

"There is free speech," Holcombe said. "There's also bullying, and bullying is not protected speech in school. Parents send us their children as a public trust, and one of those things is protecting them from bullying and harassment."

"We do honestly find it extremely troubling, and we do think it shows extremely poor judgment on the part of the company," she said.

A Michigan student's petition against the app says Massachusetts-based Ambient Corporation is the developer of After School. But a company representative said Friday they have nothing to do with the app.

The iTunes Store says ONE, Inc. holds the copyright, but that company was unable to be reached for comment.

The After School app website says: "We believe in free speech and the ability for people to express themselves. If you find the majority of the content too offensive, consider using your phone to instead look at cat pictures or browse a less cutting-edge social network like Facebook."

Olsen pointed to news articles from Michigan and Minnesota, where he said schools are warning parents about the effects of the After School app on their children and encouraging them to remove it from their smartphones.

"Apps like this and companies that make them really should be held accountable," Olsen said. "The kids set an example for the adults (on Thursday). We should do the same thing and try to fight this."

NET NEUTRALITY

Mr. LEAHY. Madam President, the principle of "net neutrality" to protect an open Internet has found its way into the public consciousness like few other regulatory issues that I have seen in my time in the Senate. Over 3.5 million Americans have submitted comments to the Federal Communications Commission, FCC, during its consideration of replacement net neutrality rules this year. The reason for this record-setting level of public engagement is simple: The net neutrality debate is fundamentally about how we want the Internet to operate. Millions of Americans have made their voices heard because they want an open and free Internet that works for everyone, not simply those with deep pockets. I could not agree more.

An Internet that is split into the haves and have-nots is unacceptable. That is why the FCC should enact clear and enforceable rules to prevent "paid prioritization" agreements that would allow some content providers to outbid smaller competitors to gain fast-lane service to customers online. At the same time, the country's leading broadband providers should unequivocally commit that they will not engage in this type of detrimental deal. We need meaningful pledges from our Nation's broadband providers that they share the American public's commitment to an Internet that remains open and equally accessible to all.

In October, I wrote to the major Internet service providers, ISPs—Comcast, Time Warner Cable, Charter, Verizon, and AT&T—asking them to make exactly that commitment. They all maintained that they do not currently plan to engage in paid prioritization—an assertion I welcome. What they did not do was answer my call for a firm commitment that they will never engage in that behavior in

the absence of clear rules prohibiting such deals.

This is disappointing. As Comcast noted in its letter, voluntary commitments from individual companies would not serve as a substitute for rules applicable to all broadband providers. Such pledges would, however, send a strong signal to the American people that broadband providers share their commitment to an open and equal Internet. It is unfortunate that these companies were unwilling to make that commitment—presumably because they know that if fast lanes are allowed in the future, market forces may drive them and other ISPs to consider such deals to maximize profits at the expense of competition online. This “race to the bottom” scenario is exactly why we need clear rules in place prohibiting such agreements. I appreciate that Comcast went further than the other ISPs by expressing support for my legislation with Representative DORIS MATSUI of California, which would require the FCC to ban paid prioritization agreements so that all ISPs are subject to such a rule.

The concern over a pay-to-play Internet that advantages the largest corporations over smaller players is very real. I was disappointed that some Internet service providers in their responses brushed aside these concerns dismissively. It is not “demagoguery,” as Verizon suggested in its response, when small business owners like Cabot Orton of the Vermont Country Store say that they simply want to see an Internet that continues to treat all businesses equally. It is not a “phantasm” when independent content creators like actress Ruth Livier acknowledge that they would not have been able to start their Web sites if they had to pay for priority access to reach viewers online or compete against players who did. These are real concerns, shared by millions of Americans. Their voices should not be casually and callously dismissed because they cannot afford to pay lobbyists to advocate on their behalf at the FCC.

The FCC is continuing its important work to craft new open Internet rules. For months, I have been clear that I will not support any rules that do not ban Internet fast lanes. I have spent much of this year listening to Vermonters and others to hear firsthand about how a pay-to-play world would harm the Internet ecosystem.

The responses to my letter highlight one element that unites all of those involved in the net neutrality debate—the need for certainty. Broadband providers understandably want to know the rules by which their actions will be governed, and consumers want certainty that their Internet service will continue to provide them unfettered access to lawful content online. Recently, some broadband providers like AT&T have threatened to stop investing in further innovation and deployment of broadband in the name of uncertainty. Of course, they could decide

to provide certainty on issues like paid prioritization at any time regardless of the FCC’s actions by making the pledge to consumers I have called on them to make.

I will continue my call for broadband providers to listen to their customers and pledge to never engage in paid prioritization. While they did not do so in response to my letters, it is never too late for them to make that commitment to the American people.

TRIBUTE TO JIM FRANSEN

Mr. LEAHY. Madam President, there is no shortage of attorneys here in Washington, DC, but some of the most talented lawyers work in the Office of Legislative Counsel here in the Senate. Drafting legislation is often a complicated exercise. It takes years under the mentorship and tutelage of others to grasp the difficult process of drafting complicated bills. At the end of this Congress, after nearly 40 years of service, legislative counsel Jim Fransen will retire. His family’s gain will be the Senate’s loss.

Jim first joined the Office of Legislative Counsel in 1975—the same year Vermonters elected me to the Senate. He served as an assistant counsel and a senior counsel, rising to become the finance and tax team leader. For the last 15 years, he has served as legislative counsel. He is the second longest serving legislative counsel, and his career has seen many accomplishments.

Jim has been one of the key drafters of Federal tax legislation since joining the office in 1975. He has had a hand in drafting such monumental bills as the Tax Reform Acts of 1976 and 1986, the Economic Recovery Act of 1981, the American Jobs Creation Act of 2004, and the American Recovery and Reinvestment Act of 2009. He helped to draft the Balanced Budget Act of 1997 and the Energy Policy Act of 2005, and he was a key drafter of the most sweeping health reform legislation in generations, the Affordable Care Act.

Through Republican and Democratic administrations, Republican and Democratic Senate majorities, Jim has been a true public servant. I know in his retirement, he will enjoy spending time with his family: his wife Margaret, his three daughters and his two grandsons. Wherever his retirement travels may take him, Marcelle and I wish him the best.

TRIBUTE TO BRIAN SEARLES

Mr. LEAHY. Madam President, one of Vermont’s most dedicated public employees, Brian Searles, is retiring after 45 years of service to both State and local government. As a police chief, city manager, airport director, and two tenures as the Vermont secretary of transportation, Brian is a model of commitment both to his work and to his State.

For the past 4 years Brian and his team at the Vermont Agency of Trans-

portation have overseen vast improvements in the State’s infrastructure. In 2008 nearly 20 percent of Vermont’s bridges were structurally deficient. By 2013 that number was reduced to just 8 percent. Additionally, in 2008, 36 percent of Vermont’s pavement was rated in “very poor” condition, but through his work and the support of Governor Shumlin, Brian and his team were able to improve that number to 21 percent. Brian has also remained committed to supporting Vermont’s rail infrastructure, spending the time necessary to apply for and win Federal grants. This necessary funding allowed Vermont to realize the final stages of completing the Western Rail Corridor project designed to connect Rutland to Burlington, as well as upgrade track to complete high speed rail service between Saint Albans and Montreal. The success of these projects could not have happened without Brian’s leadership.

Brian and I have tackled many projects together, always working to accomplish big goals for Vermont’s transportation and infrastructure needs. In August of 2011, Tropical Storm Irene hit the State, wiping out 500 miles of roadway and forcing 33 bridges to close in Vermont’s worst natural disaster in recent history. Brian helped to bring our rural devastation to a national stage by testifying before the Senate’s Committee on Environment and Public Works and then led his team to successful rebuilding efforts. For this, Vermonters will always be grateful.

About a year ago, Brian approached Governor Shumlin with a resignation letter in his pocket. Looking at the wealth of knowledge and historic improvements in the agency’s work during Brian’s tenure, the Governor prevailed upon him to remain at the helm until the end of the Governor’s second term. Brian accepted the call, finished the year, and is now leaving the Vermont Agency of Transportation as a well-respected arm of Vermont’s State government.

Marcelle and I join all Vermonters in thanking Brian for his years of service to the State and wish him and his family the very best as they begin a new chapter of their lives.

RECOGNIZING MARY POWELL

Mr. LEAHY. Madam President, Vermont is a national leader in sustainable energy. Green Mountain Power, with its CEO and President Mary Powell at the helm, is the perfect example of the progress our State has made and should serve as an example for the rest of the Nation.

Mary was recently named the 2014 Power-Gen Woman of the Year. Mary is a leader and trailblazer in the power industry. She took the reins of Green Mountain Power, GMP, in 2008 and has transformed it into Vermont’s “energy company of the future.” Mary is truly committed to the idea that energy can spur socioeconomic change for