

Mr. BENNET. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Under the previous order, all postclosure time is yielded back.

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

Mr. BENNET. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Mississippi (Mr. COCHRAN) and the Senator from Arizona (Mr. MCCAIN).

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. MANCHIN) and the Senator from Washington (Mrs. MURRAY) are necessarily absent.

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

The result was announced—yeas 53, nays 43, as follows:

[Rollcall Vote No. 317 Ex.]

YEAS—53

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

NAYS—43

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

NOT VOTING—4

| | |
|---------|--------|
| Cochran | McCain |
| Manchin | Murray |

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.

The Senator from Utah.

LEGISLATIVE SESSION

MORNING BUSINESS

Mr. LEE. Mr. President, I ask unanimous consent that the Senate proceed to 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.

NET NEUTRALITY

Mr. LEE. Mr. President, earlier today, the FCC voted to reverse a major impediment to a free and open internet—the title II internet regulations that were imposed under President Obama in 2015. These regulations are commonly referred to as net neutrality. For the sake of convenience, that is what I will call it.

I want to congratulate FCC Chairman Ajit Pai for his brave accomplishment today. He has fought for what he knows is right, and he has done so in the face of tremendous pressure and, at times, overwhelming opposition. I also want to use this opportunity to correct the record about what it is that the FCC has actually accomplished.

There is an astonishing amount of misinformation about this issue, and there is a lot of hyperbole surrounding it. If you believe the passionate voices defending these regulations, then you may believe that the FCC just jeopardized the entire internet as we know and love it and sometimes loathe it. These activists tend to paint a scary vision of America without net neutrality—a vision in which large internet service providers prey on ordinary consumers and startup businesses, a vision in which internet access would be rationed or bundled up in very expensive, unaffordable packages. One viral tweet even suggested that Google would start charging two bucks apiece for internet searches.

These are falsehoods, every one of them, and they will be exposed as such in the coming days, weeks, and months, when the internet hums right along just like usual and skyscrapers in all of our major cities remain standing. In the wake of that, we are going to look back at these dire predictions, these mere hysterics, like the Y2K bug or the Mayan apocalypse of 2012. In the present, these exaggerations have real-world consequences that go far above and beyond scaring the public.

In the last 6 months, Chairman Pai and his family have been attacked in the grossest and most unacceptable terms. Even his children have been singled out for intimidation. These kinds of attacks have absolutely no place in our public discourse. Why don't we tone down the rhetoric and see if we can get to the truth about net neutrality. We can start with a little background.

In 2015, the Democratic-controlled FCC issued the so-called open internet

order. This order made dramatic changes to how the internet is classified for purposes of Federal regulation.

Until 2015, broadband internet was classified as an information service. As such, it was subject to light-touch regulations that allowed innovators to build without seeking permission from the Federal Government. This classification reflected common sense, and it reflected the intent of Congress.

The internet is a fast-moving information superhighway. If slow-moving government regulators had gotten involved decades ago, it could have inhibited innovation—the same kind of innovation that keeps service fast and keeps prices low for all Americans.

Not only was this a commonsense arrangement, it facilitated a virtual renaissance of innovation and discovery in this increasingly important part of our economy. This renaissance gave us things like smartphones, ridesharing, and super-fast fiber optic internet services. It gave us 3G, 4G, and then, soon, 5G wireless service. This period also gave us Twitter. One could argue that maybe this wasn't all good but mostly good.

Overall, the light-touch regulatory arrangement works pretty well for ordinary users, big companies, and entrepreneurs who are just starting out in their garages. Contrary to net neutrality's most aggressive defenders, the internet of 2014 was not some sort of hopeless hellscape; it was actually pretty awesome.

The FCC threatened all of that in the early weeks of 2015 when it reclassified broadband internet as a "telecommunications service." This innocuous-sounding change subjected the internet to a whole host of regulations that were originally meant for New Deal-era telephone monopolies like Ma Bell. In essence, the government imposed 1930s-style regulations on 21st-century technology. This outdated arrangement has worked about as well as one might expect. Broadband internet investment has fallen significantly since the net neutrality regulations were proposed in 2011. Dr. George Ford of the Phoenix Center estimates that between 2011 and 2015, just the threat of internet regulation scared off \$200 billion in investment.

Since the regulations were imposed in 2015, broadband internet investment has declined by 5.6 percent. That is billions of lost dollars over just 2 years. As Chairman Pai has noted, this is the first ever decline in broadband investment outside of a recession, and this recession just happens to be self-imposed. It may not seem like a big deal to you that government is squeezing out billions in internet investment, but it hurts you and it hurts your fellow citizens in material ways, in ways that might not always be obvious. Less investment means less fiber optic cable, fewer towers, and fewer wi-fi hotspots. This translates into spottier coverage and slower speeds for Americans, especially those living on the periphery of

society, in poverty, or in rural areas. FCC regulations make it harder for these Americans to have equal access to the internet.

These regulations have also entrenched the market power of large internet service providers while hurting their smaller competitors. By their very nature, regulations impose conformity on a market. They limit companies' ability to distinguish themselves from their rivals by offering innovative services. This works out fine for the companies at the top. They have already made it. In fact, it can work out really well for some of them. They can kick back without worrying about some young punk coming along and changing the game. It works out less well for the young punks, the startups who want to win customers away from old-school companies.

That is how it works in theory, at least, and there is good evidence that this is exactly what is happening in practice. Small ISPs have been far more critical of net neutrality regulations than large ISPs. A group of two dozen small internet providers recently wrote that the regulations hang like a black cloud over their business, slowing or even halting their deployment of new technology. Likewise, 19 municipal internet providers told the FCC that they "often delay or hold off" on introducing new services because they cannot afford a potential complaint. Internet providers that serve predominantly rural areas have voiced similar concerns, reporting that they have reduced network expansion in parts of the country that are already underserved.

These examples show that net neutrality regulations are harming competition and increasing the consolidation of power in the internet industry, not decreasing it. Internet regulations have, in effect, sheltered large ISPs from competition and from the need to change. Be sure to think about that the next time you are on hold with customer support.

As Americans chart a path forward in the coming years, we will face an important choice: Do we want an internet that is run by regulators or do we want an internet that is run by innovators? The innovators have had a really strong track record over the last 30 years with regard to the internet. So they are the ones I am siding with, not with the regulators.

How can we empower the innovators? More importantly, how can we empower the millions of families who rely on fast and reliable internet service each and every day?

The FCC did its part by repealing net neutrality regulations and returning to the regulatory framework that governed the internet—successfully, I would add—until 2015. This move reclassifies the internet as an information service, but it goes well beyond that. The FCC will require every ISP to disclose information about its network management practices. If these companies block or throttle web traffic, rest

assured that the public will know about it.

Importantly, this order restores enforcement power to the Federal Trade Commission to protect consumers from unfair or deceptive practices. The FTC had policed the internet successfully for years prior to 2015. Now the cop is back on the beat. The FCC's action today is a return to normalcy for the internet, but we should not rest easy. A future administration could undo all of Chairman Pai's hard work at a moment's notice if Congress doesn't act to solidify his accomplishment.

Over the summer, I introduced legislation entitled the Restoring Internet Freedom Act, which would prohibit the FCC from imposing utility-style regulations on the internet ever again. Passing this act would give companies the regulatory certainty they need to invest in improvements for their customers. We should not discount how important Congress can be in determining the success or in directing the failure of things like the internet.

In 1996 President Clinton and Congress inaugurated the light-touch regulations of the internet. They wanted the information superhighway to be unfettered by Federal or State regulations. They were rewarded—and we were rewarded—with a tremendous outpouring of innovation that has improved the lives of, basically, all Americans and people throughout the world. I say that we emulate their wise example and see what free men and free women can invent in the next 20 years.

Thank you.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

REPUBLICAN TAX Bill

Mr. VAN HOLLEN. Mr. President, I come to the floor this afternoon because of the reports that the House and Senate conference committees on the tax plan are nearing an agreement or may have reached an agreement. By all accounts, this would be shaping up to be one of the greatest legislative heists in American history.

It is hard to imagine that you could take a tax code that is already stacked in favor of the very wealthy and very powerful special interests and actually make it worse, but that is exactly what we are hearing coming out of the conference committee. This is being worked on, essentially, by our Republican House colleagues and our Republican Senate colleagues.

The actual conference committee is a bit of a charade because all the real discussions going on with respect to the tax bill are done behind closed

doors, with lobbyists who are putting on the finishing touches.

Here is what we are hearing from the reports that are coming out. We have already gotten details; some of the details had been released.

From the Associate Press: "Ample tax cuts for business, wealthy in new GOP tax accord." That is the headline about the tax plan that will be coming to this Senate soon.

The reality is that any tax cuts for middle-class families are going to be a lot smaller than the tax cuts for the very wealthy, and they are only temporary.

Also, make no mistake, you are going to see millions of middle-class families actually see a tax increase, but those who will get some small tax relief will see it only on a temporary basis, and then it will disappear. The corporate tax cuts—they are forever under this Republican plan.

Here is the headline of the Washington Post about what is coming out of the House-Senate Republican conference committee: "Republicans reach compromise tax plan, expanding tax cuts for the wealthy."

Let's get this straight. We had a Senate bill and a House bill. The Senate bill actually reduced the top rate—that is the rate that applies to the wealthiest in this country—to 38.5 percent. It is currently 39 percent; they reduced it to 38.5 percent. In the House, they kept the top rate where it was. So the Senate bill is 38.5 percent; the House bill is around 39 percent. Republicans from the House and the Senate go behind closed doors, and where does it end up? They actually cut that top rate for the wealthiest folks in this country to a place that is lower than either of the tax bills that went into conference.

So you take these bills and go behind closed doors, and all of a sudden, the wealthy—who are already doing really well under the House tax plan and the Senate Republican tax plan—do even better because they are dropping that top tax rate to 37 percent.

For those who think that a drop from 39 to 37 percent doesn't sound like a lot, I will tell you, if you are making \$1 million, that is an average tax cut of \$20,000 a year when millions of American middle-class families are seeing their taxes go up and so many others are getting crumbs and, again, just temporary crumbs.

We were promised this would be very different. This is what President Trump's Secretary of the Treasury, Steve Mnuchin, told us: "There will be no absolute tax cut for the upper class." That is clearly false because the upper class is getting a big tax windfall. Not only that, but as I just said, those tax windfalls are getting larger in the bill coming out of the conference than they were going in.

What we are seeing is a lot of promises that sounded really nice to the American people, but it turns out it has been a scam. What people were told was that this was going to be out there