

a law that is 80 years old and use it to regulate a 21st-century innovation like the internet—the internet that exploded under the light-touch regime that was in place up until 2015.

In 2015, the FCC decided they wanted to use the heavy hand of government regulation as opposed to a light touch. What this FCC has said, simply, is that we are going to go back to the light-touch regulation that was in place for the first two decades of its existence, two decades that led to explosive growth, dramatic increases in productivity, and economic opportunity for Americans all over the country. Here we are today talking about a Congressional Review Act resolution of disapproval that would roll back that FCC's decision in an attempt to restore and put back in place the heavyhanded regulation of title II under the 1934 Communications Act.

I think, frankly, that we can solve this issue quite simply; that is, to sit down in a bipartisan way and figure out a way to enshrine into law those principles of an open internet that would ban the things I just talked about—ban blocking, ban throttling, ban pay prioritization, but do it in a way that does not draw on the title II authority that essentially gives the FCC the authority, if they want to, to regulate rates.

This is a heavyhanded government approach to regulating the most powerful economic engine we have seen literally in generations. I think the clear vote here today is in favor of legislation that would put those rules into effect and against a Congressional Review Act resolution of disapproval, which is simply an attempt to, I guess, gain partisan advantage with an issue that people seem to think will be useful in the upcoming elections.

Honestly, it is not going anywhere. We all know that. I think the sooner we conclude that and the sooner we get serious about sitting down together across from each other and actually putting into law these principles of an open internet, the better off we will all be. I mentioned this earlier today. There are a number of our colleagues who have made statements publicly, as recently as yesterday at a Commerce Subcommittee hearing, where they supported that approach of bipartisan legislation. I had colleagues on the other side who have made public statements—and I quoted some of them today—in support of a legislative solution along the lines of what I am proposing here. Of course, we have had multiple examples of misstatements and hyped-up statements that aren't grounded in any sense of reality, so much so that even a Washington Post Fact Checker came out and said that the statements that were being made by the Democrats warranted three Pinocchios. The L.A. Times just this last week editorialized: "Rather than jousting over a resolution of disapproval, Congress needs to put this issue to bed once and for all by crafting

a bipartisan deal giving the commission limited but clear authority to regulate broadband providers and preserve net neutrality."

That is the way to do this. It is not to have an FCC that bounces back and forth from administration to administration at the whim of whatever the political wins of the day are or, perhaps even worse yet, spends a lot of time in court litigating this issue—millions and millions of dollars that could be spent investing in innovation and new technology and new infrastructure that could deliver higher, faster speeds, higher quality of services to people across this country, including those in rural areas who have missed out on a lot of this. You are not going to get broadband providers to deliver services or invest in rural areas if they are operating under a cloud of uncertainty, which is what this CRA, if it were successful, would ultimately lead to.

I simply ask our colleagues on both sides of the aisle to reject this ill-fated, frankly, charade of an exercise that we are going through in exchange for a true discussion of bipartisan legislation. I mentioned earlier that I had a draft from 2015 that we put together. I have had numerous opportunities to discuss that draft with Members on the other side. We have socialized some of these issues. We shopped them around. It certainly is not the end-all product, but that is what legislation is about. It is about the opportunity to sit down, take input from both sides, and come up with a bipartisan solution. I think that is certainly within our reach here if we are willing to do it, but this is not the way to do it.

This is a dead-end canyon, which does nothing to solve the issue. All it does is perhaps whip up some people who are perhaps interested in trying to use this as a political wedge issue, but it is not going to do anything to solve the problem. I urge my colleagues to reject and vote no on this resolution of disapproval, and let's get serious about legislating.

I yield back the remainder of our time.

The PRESIDING OFFICER. All time has been yielded back.

The joint resolution was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The joint resolution having been read the third time, the question is, Shall the joint resolution pass?

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

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

The result was announced—yeas 52, nays 47, as follows:

[Rollcall Vote No. 97 Leg.]

YEAS—52

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

NAYS—47

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

NOT VOTING—1

McCain

The joint resolution (S.J. Res. 52) was passed, as follows:

S.J. RES. 52

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress disapproves the rule submitted by the Federal Communications Commission relating to "Restoring Internet Freedom" (83 Fed. Reg. 7852 (February 22, 2018)), and such rule shall have no force or effect.

EXECUTIVE SESSION

EXECUTIVE CALENDAR—Continued

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session and resume consideration of the following nomination, which the clerk will report.

The legislative clerk read the nomination of Mitchell Zais, of South Carolina, to be Deputy Secretary of Education.

The PRESIDING OFFICER. Under the previous order, all time is expired.

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

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

Mr. DURBIN. I announce that the Senator from Illinois (Ms. DUCKWORTH) is necessarily absent.

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

The result was announced—yeas 50, nays 48, as follows:

[Rollcall Vote No. 98 Ex.]

YEAS—50

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

NAYS—48

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

NOT VOTING—2

Duckworth	McCain
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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 Texas.

LEGISLATIVE SESSION

MORNING BUSINESS

Mr. CORNYN. 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.

NET NEUTRALITY

Mr. CORNYN. Mr. President, today our Democratic colleagues insisted on an aimless vote on the issue of net neutrality. This is what has been called by the Wall Street Journal a vague name which essentially is cover for regulation of the internet like a utility under the previous regime, which is the Obama-era regime.

Following the FCC issuance last December of the Restoring Internet Freedom Order, our Democratic colleagues vowed to make net neutrality a campaign issue.

To me, one of the most maddening things about the title “net neutrality”

is that this is the opposite of neutrality. This is all about more regulation of the internet.

Oh, by the way, I noticed that the internet seemed to be working just fine while this Restoring Internet Freedom Order by the FCC was in effect.

How did they do this? By painting the FCC's decision as proof somehow—and I am not really sure how, other than maybe gullible press and people willing to just accept their argument at face value—that some of us are against net neutrality. That is just not the case.

I believe the free market has done more to help the internet grow and succeed as an engine of commerce and something that allows us to communicate with our friends and family, share pictures and the like, beyond our wildest dreams. I guess Thomas Friedman's book “The World is Flat” talked about how one of the most important events in recent history was the development of the world wide web in 1995. We have come a long way since 1995, and the internet has succeeded beyond our wildest dreams, which is the reason the last thing we should want is the government to come in and inject itself with more controls.

We have always supported a free and open internet. Internet service providers should not be able to block, slow, or otherwise unfairly discriminate against any legal website or online service. In fact, it was our Democratic colleagues who blocked Republicans from passing the bill earlier today that would have prevented the internet service providers from being able to do just that.

The issue up for debate this week, though, was how to classify these providers for regulatory purposes, and here, there was a choice. Our side of the aisle has long favored a light-touch approach that is offered under title I of the Telecommunications Act. Our Democratic friends favor a more onerous approach under title II. That is why they favor repealing the FCC's recent order, returning to Depression-era regulations implemented under the Obama administration.

Our Democratic colleagues have now gotten their wish, in a way. They voted here in the Senate to repeal the current FCC order by using the Congressional Review Act, which gives Congress the power to nullify agency rules and requires only a simple majority to pass. But our colleague, the senior Senator from South Dakota, is correct when he refers to their stunt as “political theater.” It is merely a “show vote.”

First of all, even though our Democratic colleagues may have joined together to win this vote on the Congressional Review Act in the Senate, there is simply no indication that the House plans to take it up or that the President would sign it if they did.

Second, contrary to supporters' claims, the resolution will not “restore” net neutrality. In fact, it would

accomplish the opposite. This resolution would remove rightful oversight of noncompetitive behavior and consumer protection from the Federal Trade Commission and, instead, subject ISPs to oversight by the FCC, including regulations regarding consumer data privacy, approval or disapproval of new innovation, and dictating the terms and conditions of service. That would create a major imbalance in our internet ecosystem between content and platform regulation, as edge providers like Google and Facebook would not be subject to the same standards as broadband providers.

Finally, the resolution would increase the digital divide across America, and that is no small matter. As Brent Wilkes, the former CEO of LULAC, wrote recently in the Houston Chronicle, “the CRA would . . . reinstate Depression-era Title II rules that have not created the open internet's engine of opportunity with a level playing field that proponents envisioned.”

He went on to say: “Placing the internet back under Title II rules would . . . curb the critical infrastructure investment necessary for connecting more Americans to high-speed broadband, including nearly 4 million Texans—about 15 percent of the state's population—who live in rural communities that are difficult and costlier to connect.”

As I said when I began, I believe in an open and free internet, but the vote we just held does not make the internet more open or more free—just the opposite. Let's be blunt about it. This vote was simply a waste of time.

The light-touch regulatory treatment of internet service providers under the December 2017 FCC order was a return to the Clinton-era environment that allowed the internet to innovate and thrive. Imposing additional, stifling government regulations does not benefit consumers in the long run and, instead, allows FCC bureaucrats to pick winners and losers. That is why I opposed our Democratic colleagues' resolution today.

NATIONAL POLICE WEEK

Mr. CORNYN. Mr. President, on a separate note, for the last few days, we have been celebrating National Police Week, when we honor the men and women who help keep our communities safe. They have chosen a difficult and often dangerous life, dedicated to enforcing the law, defending our civil liberties, and protecting our cities and neighborhoods.

Sometimes law enforcement officers intentionally put themselves in harm's way for our benefit, and sometimes they even sacrifice their lives for their fellow citizens. The police in my State are no exception. In fact, according to one FBI report, Texas had more law enforcement officers die in the line of duty in 2017 than any other State.