

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
-----------	--------

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.

Because it is National Police Week, I would like to mention two important pieces of legislation that are high priorities for law enforcement groups, and I am happy to be the chief sponsor of both.

The first is called the Justice Served Act. Its companion legislation passed just yesterday in the House. I am grateful to my colleague Representative JOHN CARTER for helping to make sure that happened.

The bill would provide grants for State and local governments to prosecute cold cases. These are older crimes that have languished but are reignited through DNA evidence, including evidence obtained from backlogged rape kits. By making sure that newly tested evidence is used to investigate and prosecute unsolved crimes, the Justice Served Act would ensure that vital criminals are brought to justice instead of remaining free and on our streets. This will give crime victims and their families closure and relief and deliver justice.

Once new DNA evidence is used and the wrongdoers are prosecuted, the crime victims will know that their attackers no longer remain at large. The evidence can also help exonerate those who have been wrongfully accused or even convicted.

Especially this week, I am proud to have the support of the Major County Sheriffs of America, the Fraternal Order of Police, the National Association of Police Organizations, the Major Cities Chiefs, and other law enforcement organizations. I am also grateful to have the support of various organizations that support sexual assault victims, as well as prosecutors' groups.

Finally, I would just like to say that I appreciate my cosponsor, the senior Senator from Minnesota, who has helped this bill continue to move through the legislative process.

Another bill I would like to mention as long as I can—seasonal allergies are getting to me, like so many of us—is the Project Safe Neighborhoods Authorization Act of 2018. We hope to have it hotlined this week because, like the Justice Served Act, it is a high priority for law enforcement groups across the country.

Project Safe Neighborhoods is a nationwide partnership among State, Federal, local law enforcement, and prosecutors that use data-driven, evidence-based, and trauma-informed practices to reduce violent crime.

When I was the attorney general of Texas, then-Governor George W. Bush and I administered a program known as Texas Exile, in which we targeted felons who were carrying firearms as part of their carrying out some crime. We targeted those violent offenders by concentrating resources on the most important cases. This program involved multiple law enforcement agencies and allowed them to collaborate on a “Smart on Crime” approach, focusing efforts on high-level offenders who were responsible for tearing communities and families apart.

Multiple jurisdictions in Texas participated in Project Exile, which, again, was focused on the most violent offenders and the ones who were carrying firearms, which they could not legally possess or use. The result was a staggering reduction in crime rates and homicides. Project Exile later became the basis for the Department of Justice's nationwide Project Safe Neighborhoods Program, which has been ongoing for more than a decade. I am happy that soon we will reauthorize it.

Under Project Safe Neighborhoods, Federal, State, and local law enforcement cooperate and focus their enforcement efforts on organized criminal networks and repeat offenders who are driving crime rates in a particular area. One of those regions is Northern Virginia, where a regional task force composed of 13 local, State, and Federal law enforcement agencies has made tremendous strides in eradicating gang violence perpetrated by groups like MS-13. My colleague BARBARA COMSTOCK's district is in that region, and she has been the bill's biggest champion in the House.

Since its inception in 2001, Project Safe Neighborhoods has been deployed by both Democratic and Republican administrations to reduce violent crime. According to a Michigan State University study funded by the Department of Justice in 2013, Project Safe Neighborhoods was associated with a 13.1-percent decrease in violent crimes in cities with high rates of program participation, including double-digit reductions in total firearms, crimes, and homicides in every city examined by the study.

Our bill will reauthorize the program through fiscal year 2021 in amounts consistent with current appropriations levels. Additionally, it will require participating entities to prioritize the investigation and prosecution of individuals with leadership roles in criminal organizations, and it will strengthen innovation and prevention initiatives on the local level.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. TOOMEY. Mr. President, I rise today to talk about two related topics. The first is to recognize and honor the men and women of law enforcement across the Commonwealth of Pennsylvania and across our country. This week is National Police Week, and it is really an important opportunity for us to let the folks in law enforcement know how grateful we are to them for the service they provide and for the sacrifices they make every single day to keep us safe.

It is also an important occasion to remember those who made the ultimate sacrifice. This week, the names of 129 law enforcement officers killed in the line of duty in 2017 alone were added to the National Law Enforcement Officers Memorial. Among the fallen were two Pennsylvania officers: Patrolman Brian Shaw of the New Ken-

sington Police Department and Trooper Michael Paul Stewart III of the Pennsylvania State Police.

Given the clear and obvious dangers that our police officers face, it seems to me that we have an obligation to make sure they have the tools they need to protect themselves and the public, so I want to mention two efforts to do exactly that and urge my colleagues to support these efforts.

The first is a Bureau of Prisons gun locker bill. This is legislation that I have introduced with Senator MANCHIN. We call it the Lieutenant Osvaldo Albarati Correctional Officer Self-Protection Act. What it would do is allow Federal prison guards to protect themselves on their commutes to and from work.

Why is this a problem? Because in many cases, the prisons where the prison guards work do not have a secure place to secure firearms, so the guards cannot bring their firearms to work with them nor would they have them to go home. They often are unarmed going to and from work.

Sadly, the fact is, Federal prison guards can often be targets of criminals when they are off duty. Let's be honest here. Some of the prisoners they are guarding get released and are still pretty bad guys.

Unfortunately, the Department of Justice policy essentially makes it impossible for guards to protect themselves when they are going to and from work. Sadly, Lieutenant Albarati, of Puerto Rico, paid for the price for this policy. In 2013, he was driving home from work. He was unarmed. He was shot and killed. Three inmates from the prison where he worked had hired the killer.

What our bill does is very simple. It requires the Federal Bureau of Prisons to provide officers with an onsite storage locker for their personal firearms so that when they get to work, they can secure them in a safe place or allow these prison guards to store their personal firearms in a lockbox that is in their cars. It is pretty simple. It is pretty straightforward.

Yesterday, the House voted on a companion bill, and it passed 378 to 0—378 to 0. Now is the opportunity for the Senate to act. We should act quickly. We should pass this. We should do it through our hotline and get this done. I am sure the President will sign this into law, and we will be providing a tool to enhance the safety of the prison guards who protect our security.

There is another piece of legislation, which is the Lifesaving Gear for Police Act. I have introduced this legislation. What this would do is allow local law enforcement to continue obtaining the surplus defensive Federal gear they need to protect themselves and the public. It is based on a simple principle. The idea is that the police ought to at least have sufficient equipment. They should at least be as well-equipped as criminals and terrorists who attack them and are a threat to

all of us. We should make every effort we can to make sure that law enforcement officers have the chance to go home safely to their families at the end of their shifts.

It was longstanding policy that surplus, leftover, military gear that was defensive in nature, when it was not wanted or in use by the military, would be made available to law enforcement. Unfortunately, in 2015, the Obama administration severely restricted the ability of State and local law enforcement to obtain this surplus, leftover, in-storage gear.

The restrictions by the Obama administration were rationalized on the completely false narrative that the police were a source of unrest and violence, as opposed to the truth that we all know, that they are brave men and women who defend us against unrest and violence. I think the American people know better. They know that the vast, overwhelming majority of people in law enforcement are good, honest, decent, hard-working people who are motivated by their desire to do a good job and protect the public.

Fortunately, President Trump reversed the Obama administration's flawed policy of denying our local police forces this equipment. But that only has the power of an Executive order, and the safety of our law enforcement officers and the public should not be subject to political whims. A new administration will arrive at some point, and when they do, they could reverse this unless we codify it in law. That is what our bill would do. It would ensure that State and local law enforcement can continue to obtain this lifesaving Federal gear, regardless of who occupies the Oval Office or Congress.

So as we mark National Police Week, we should never forget the courage our law enforcement officers exhibit every day in keeping us safe. I would like to say to our country's law enforcement officers, including the more than 25,000 in Pennsylvania, we thank you for your service and your sacrifice.

#### CHIP RESCISSION

Mr. TOOMEY. Mr. President, the second topic I wish to touch on today is a subject that is apparently misunderstood, and it is certainly wildly mischaracterized. It is the subject of rescissions. It has become a topic of conversation since the President—the administration—has proposed a rescission. A rescission relates to our budget process. It is when money originally authorized by Congress to be spent on a program but actually is not spent—that authorization is revoked, it is rescinded, but it is with respect to money that was never spent.

Now, specifically, I want to discuss how this relates to the Children's Health Insurance Program, which is often referred to by the acronym CHIP—the CHIP program. So if you follow recent media reports and com-

ments by some of our colleagues, and even some industry stakeholders, boy, it sure seems like there is a lot of confusion.

Let me state an unequivocal fact. Since 2011, there have been rescissions from CHIP every single year. This is not new. It has happened every single year since 2011.

Now, is that because Congress decides during the course of each year that they don't really like the CHIP program or they don't like children or they don't want kids to get health insurance? No, that is not why it happens. The reason it happens each and every year is because Congress systematically, intentionally, and willfully authorizes far more money for the CHIP program than it is ever going to actually spend.

We have a chart that illustrates this. We can see the vertical columns. The red bars show how much money Congress has authorized in the years to the left of the dotted line. Those are historical years. To the right of the dotted line is the projected future years. So the red bars are how much money Congress has authorized for the CHIP program. The green line shows how much of that money actually gets spent on the program. We can see that in each and every year the red bar is way above the green line. It has been going on back to 2009; it is every single year, and if we continue on our current path, that will continue to be the case as far as we can see going into the future.

Now, take a particular year; for example, this year, 2018. We expect the Federal Government is going to spend \$16 billion on the program. Now, because of the nature of the way this program works and certain features, it is possible we will spend \$16.1 billion. It is possible it will end up being \$15.99 billion, but we know \$16 billion is enough to provide the Federal share of funding for the children enrolled by their States, but, as I say, we don't know it with precise precision right to the last dollar.

So knowing it is going to be about \$16 billion, how much money do we think Congress authorized for this program that is going to cost \$16 billion? The answer is \$25 billion. So \$25 billion, when we know for a fact—everybody, including our Democratic colleagues, knows we are not going to spend anything close to that amount of money. As I say, this overfunding is not unique to 2018; it happens each and every year, and it will continue well into the future.

Now, within that \$25 billion, I should point out a subset. There is something called the Child Enrollment Contingency Fund. In 2018, \$4.3 billion of the \$25 billion is designated for this Child Enrollment Contingency Fund. The word "contingency" is there because it is meant, theoretically, to be a backstop in case the demand—the utilization—for this program is so great that the allocated money isn't enough, so

there will be this contingency fund. That raises a question: Is that a sensible number, \$4.3 billion?

Well, let's look at this. Since 2009, there has been a total of \$11.4 billion made available in this very category, this contingency fund. That is represented by the blue circle on the chart. How much has actually been needed? The answer is \$100 million—one-tenth of \$1 billion. Nine-tenths of 1 percent of the amount of money that has been made available has actually been used for this purpose, and \$11.4 billion was authorized in the decades since this contingency fund was invented.

During that period of time, all 50 States and the District of Columbia, if they ever needed it, would have been able to access this. That 50, plus 1, over the course of 9 years, is 460 opportunities for a State or the District to come to the Federal Government and say: We need some of that money from the contingency fund—460 times. How many times has it actually occurred over the course of those 9 years? The answer is three, and the amount of money is less than 1 percent of what has been authorized: \$108 million used out of \$11 billion that has been authorized.

Well, next year, according to State law, despite the fact that no State is even close to consuming the full amount of the main fund, we are going to allow another \$4.5 billion to be deposited in this account, when the sum total of all the States' usage for the last 9 years was \$100 million, one-tenth of \$1 billion.

Look at it another way. If you look at all the CHIP-related accounts—all the Federal money that has been designated for this children's health program since 2009—Congress has willfully and systematically authorized so much in excess of what is needed that actually only 58 percent of the money has gone to the CHIP program because that is all the demand there was for this program.

So this, obviously, raises a question: Why is it that year after year after year, including this year, Congress intentionally authorizes so much more funding than we are ever going to spend on this category, on this program, on the children's health program? I will tell my colleagues why. It is a big budget gimmick. It creates a big opportunity for Congress to lie to the American people and spend more money on other programs under the guise of putting it toward the children's health program.

How does this work? Every year, as I mentioned at the beginning of my comments, after knowingly authorizing way more money than is needed, Congress comes back and says: Oh, you know what, let's do a rescission, but we will take this money out of CHIP, and we will spend it on something else. It could be spent on anything else, whatever the politically favorite cause is of the moment, but buried somewhere in a 1,000-page appropriations bill every