The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

PROVIDING FOR CONGRESSIONAL DISAPPROVAL OF A RULE SUBMITTED BY THE FEDERAL COMMUNICATIONS COMMISSION—MOTION TO PROCEED

Mr. MCCONNELL. Mr. President, I move to proceed to S.J. Res. 34. The PRESIDING OFFICER. The clerk will report the motion. The senior assistant legislative clerk read as follows:

Motion to proceed to Calendar No. 15, S.J. Res. 16, S.J. Res. 34, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Federal Communications Commission relating to “Protecting the Privacy of Customers of Broadband and Other Telecommunications Services.”

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

PROVIDING FOR CONGRESSIONAL DISAPPROVAL OF A RULE SUBMITTED BY THE FEDERAL COMMUNICATIONS COMMISSION

The PRESIDING OFFICER. The clerk will report the joint resolution.
The senior assistant legislative clerk read as follows:
A joint resolution (S.J. Res. 34) providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Federal Communications Commission relating to “Protecting the Privacy of Customers of Broadband and Other Telecommunications Services.”

The PRESIDING OFFICER. The Senator from Arizona.

Mr. FLAKE. Mr. President, I rise in support of my resolution of disapproval under the Congressional Review Act of the FCC’s broadband privacy restrictions. As chairman of the Senate Judiciary Committee’s Privacy Subcommittee, I have spent more than a year closely examining this issue.

In February of 2015 the FCC, under then-Chairman Tom Wheeler, took the unprecedented step of reclassifying broadband providers as “common carriers” under title II of the Communications Act. In other words, on a 3-to-2 party-line vote, the FCC decided that internet service providers should be treated like telephone companies for regulatory purposes. The decision encroached on the Federal Trade Commission’s jurisdiction to regulate ISP privacy policies, stripping these companies of their traditional privacy regulator.

Recognizing that his actions to impose net neutrality on ISPs created regulatory uncertainty, last spring Chairman Wheeler began to float the idea of implementing new FCC privacy rules. The FCC decided, again on a 3-to-2 party-line vote, to move forward with the rule change just before election day. The whole process was unsettling, to say the least.

The FCC ultimately decided to commandeer an area of regulatory authority for itself, without any meaningful check on this unilateral action. Once it initiated the bureaucratic power grab, it proceeded to establish new rules restricting the free speech of its regulatory targets.

I submitted comments to the agency expressing my constitutional concerns about its proposed rule. I wasn’t alone in doing so. Noted Harvard law professor Larry Tribe, hardly one to be confused, wrote, “The bottom line is that the FCC’s privacy rules are incoherent, out of synch, almost incomprehensible.” But the rules were finalized nonetheless.

While the FCC recently took a step in the right direction by staying the application of the privacy rules, these midnight regulations are still hanging out there. Congress needs to repeal these privacy restrictions in order to restore balance to the internet ecosystem and provide certainty to consumers.

These regulations have altered the basic nature of privacy protection in the United States. For decades, the FTC policed privacy based on consumer expectations for their data, not bureaucratic preferences. These consumer expectations made sense: Sensitive data deserves more protection than nonsensitive data.

Unfortunately, the FCC rules dispensed with this commonsense regulatory approach. Under the new rules, what matters isn’t what the data is, but, rather, who uses it. This creates a dual-track regulatory environment where some consumer data is regulated one way if a company is using it under the FCC’s jurisdiction and an entirely different way if its use falls under the FTC, or the Federal Trade Commission. This is all confusing enough, but it gets worse. In the consumer technology sector, innovation is the name of the game. Companies are constantly rolling out new products and competing to win over consumers. By the same token, consumers are always on the lookout for the newest gadget or app. But the FCC’s privacy order makes it increasingly difficult for consumers to learn about the latest product offerings from broadband providers. Instead of being notified about faster and more affordable alternatives for their families’ home internet needs, under the FCC’s privacy order, Arizonans might get lines that aren’t broadband.

The FCC’s heavyhanded data requirements restrict the ability of broadband providers to offer services tailored to their customers’ needs and interests, and they lead to inconsistent treatment of otherwise identical data online. When a regulation diminishes innovation, harms consumer choice, and is just all-around confusing, it is a bad regulation. The FCC’s privacy rule for ISPs is a bad regulation.

When it chose to impose needlessly onerous one-size-fits-all regulations on broadband providers while leaving the rest of the internet under the successful FTC regime, the FCC unfairly picked one politically favored industry—the edge providers—to prevail over a different industry—broadband.

Repealing the FCC’s privacy action is a crucial step toward restoring a single, uniform set of privacy rules for the internet. The FTC’s privacy rules are the result of an entirely consumer-driven effort to understand and protect consumer expectations. That is the FTC.

The FCC’s rules, on the other hand, are the hasty byproduct of political interest groups and reflect the narrow preferences of well-connected insiders. These references of well-connected insiders.

To sum all of this up, the FCC’s midnight privacy rules are confusing and counterproductive. This CRA will get rid of it, pure and simple. But let me say what it won’t do. Despite claims to the contrary, using this CRA will not leave consumers unprotected. That is because the FCC is already obligated to police the privacy practices of broadband providers under section 222 of the Communications Act, as well as various other Federal and State laws.

Both Chairman Pai and Chairman Wheeler agree on that point. Just last week, Chairman Pai wrote to my friends on the other side of the aisle confirming this legal fact.

This resolution will not disrupt the FCC’s power, nor will it infringe on the FTC’s jurisdiction elsewhere. Neither will it affect how broadband providers currently handle consumer data. Broadband providers are currently regulated under section 222, and they will continue to be after these midnight regulations are rescinded.

Passing this CRA will send a powerful message that Federal agencies can’t unilaterally restrict constitutional rights and expect to get away with it. I urge my colleagues to support this resolution of disapproval.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON. Mr. President, we are talking about taking privacy rights away from individuals if we suddenly decide to do this rule because you want a large company that is an internet provider, that has all the personal, sensitive information because of what you have been doing on the internet—do you want that company to be able to use that for commercial purposes without your consent? That is the issue.

If you want to protect people’s privacy, I would think you would want to require that an individual who has paid money for the internet provider to provide them with the internet— you go on the internet, and you go to whatever site you want. You do business. You do personal business. You do banking. You go on the internet and you buy things. You talk about your children’s school, about when you are going to pick up your children, maybe that your children need to go to school. You want to talk on the internet about anything that is personal. Do you want that internet provider to have access to
that information to be used for commercial purposes without your consent? If you ask that question to the American people, they are going to give you a big, resounding no.

Should the internet provider use that information without your consent? Did you think about this before you signed up for a broadband service—in the driver’s seat of how your information is used and shared? I sure didn’t. I want to speak about broadband privacy rules in decades.

The FCC put in place clear rules that require broadband providers to seek their subscribers’ specific and informed consent before using or sharing sensitive personal information and give broadband customers the right to opt out of having their nonsensitive information used and shared if they chose to do so. In 2016, the broadband providers knew a lot about every one of American consumers—each one of us who pays these monthly fees for our broadband service—in the driver’s seat of how their personal online data is used and shared by the broadband provider. Is that too much to ask? I don’t think so. That is why this past October the FCC provided broadband subscribers additional confidence in the protection and security of their data by putting in place reasonable data security and breach notification requirements for broadband providers. Is this what the FCC did last October the most comprehensive update to its consumer privacy and data protection rules in decades.

The FCC put in place clear rules that require broadband providers to seek their subscribers’ specific and informed consent before using or sharing sensitive personal information and give broadband customers the right to opt out of having their nonsensitive information used and shared if they chose to do so. In 2016, the broadband providers knew a lot about every one of American consumers—each one of us who pays these monthly fees for our broadband service—in the driver’s seat of how their personal online data is used and shared by the broadband provider. Is that too much to ask? I don’t think so. That is why this past October the FCC provided broadband subscribers additional confidence in the protection and security of their data by putting in place reasonable data security and breach notification requirements for broadband providers. Is this what the FCC did last October the most comprehensive update to its consumer privacy and data protection rules in decades.

The FCC has been protecting telephone customers’ privacy for decades, and it updated its longstanding privacy protections to protect the privacy of broadband customers. In fact, it is safe to say that broadband customers in the United States in 2017 have much more privacy protection than telephone customers did in 1998.

Personal privacy? If you let this go through these commonsense rules will take consumers out of the driver’s seat and the place the collection and use of their information behind a veil of secrecy, despite the rhetoric surrounding our debate today suggesting that eliminating these commonsense rules will better protect consumers’ privacy online or will eliminate consumer confusion.

Don’t fall for that argument, Senators. In fact, the resolution will wipe out thoughtful rules that were put in place of monthly fees that may want to have a unique look at who we are. We place stringent limits on the use of information by our doctors. We place stringent limits on our banks. When it comes to our children, I mean, that ought to be off-limits.

Broadband providers can build similar profiles about us and in fact may be able to provide more detail about someone than any one of those entities can. Passing this Senate resolution will wipe out thoughtful rules that were put in place of monthly fees that may want to have a unique look at who we are. We place stringent limits on the use of information by our doctors. We place stringent limits on our banks. When it comes to our children, I mean, that ought to be off-limits.

If you live in a connected home, the home of the future—and the future is now, by the way—they may know even more details about how you go about your day-to-day. A mobile broadband provider knows how you move about through the day, your geolocation. They know through information about that geolocation and the internet activity. All of that is through in context with what’s the mobile device. Don’t you think this is connected to the internet? And that is not to mention the sort of profile a broadband provider can start to build about our children from their birth. It is a gold mine of data, the holy grail, so to speak.

It is no wonder that broadband providers want to be able to sell this information to the highest bidder without the consumer’s knowledge or consent. And they want to collect and use this information without providing transparency or being held accountable. Is this what you want to inflict upon your constituents in your State by changing this rule about their personal, sensitive privacy? I don’t think so. You better know that. I mean, you better have a good reason to vote tomorrow. This vote is coming about noon tomorrow. You better know.

As a country, we have not stood for this in the past, this kind of free utilization. Don’t fall for that argument, Senators. In fact, the resolution will wipe out thoughtful rules that were put in place of monthly fees that may want to have a unique look at who we are. We place stringent limits on the use of information by our doctors. We place stringent limits on our banks. When it comes to our children, I mean, that ought to be off-limits.

Don’t fall for that argument, Senators. In fact, the resolution will wipe out thoughtful rules that were put in place of monthly fees that may want to have a unique look at who we are. We place stringent limits on the use of information by our doctors. We place stringent limits on our banks. When it comes to our children, I mean, that ought to be off-limits.

The agency received extensive input from stakeholders in all quarters of the debate, from the broadband providers and telephone companies to the public interest groups and from academics to individual consumers. We are going to wipe all of this away at noon tomorrow.
with a vote that you can do it by 50 votes in this Chamber? I don’t think this is what the people want.

On top of this, the rules are based on longstanding privacy protections maintained by the FCC for telephone companies as well as the work of and the principles advocated by the Federal Trade Commission and advocated by State attorneys general and others in protecting consumer privacy. The FCC rules put in place basic safeguards for consumers’ privacy based on three concepts: notice, choice—individual choice, consumer choice—and security, those three. They are not the radical proposals that some would have you believe they are.

First, the rules require broadband providers to notify their customers about what types of information it collects about the individual customers, when they collect that information, and how customers can provide consent to that collection and disclosure.

Second, the rules give consumers choice by requiring broadband providers to show customers what information is collected about them, to permit customers to opt out; in other words, I give you my consent before you can use or share my sensitive personal information.

As I mentioned earlier, sensitive information includes a customer’s precise geographic location—I don’t think you want some people to know exactly where you are—your personal information, health, financial, information about your children, your Social Security number—how many laws do we have protecting Social Security numbers—the content you have accumulated on the web, web browsing, and application usage information.

For information considered nonsensitive, broadband providers must allow customers to opt out of use and sharing of such information. Broadband providers must provide a simple, persistently available means for customers to exercise their privacy choices.

Third, broadband providers are required to take reasonable measures to protect customers’ information from unauthorized use, disclosure, or access. They must also comply with specific breach notifications. In other words, if somebody has busted the internet and stolen all of this information from the site, you think you ought to be notified that your personal information was hacked? Well, that is one of the requirements.

So then I ask my colleagues: What in the world is wrong with requiring broadband providers to tell their paying customers clear, understandable, and accurate information about what confidential and potentially highly personal information those companies collect? What is wrong with getting their consent to collect that information from their subscribers?

What is wrong with telling customers how their information is collected when they use their broadband service? What is wrong with telling customers with whom they share this sensitive information? What is wrong with letting customers have a say in how their information is used? What is wrong with recognizing that information about a customer’s internet and application usage, sensitive and personal information, should be held to a higher standard before it is shared with others? What is wrong with all of that?

What is wrong with seeking a parent’s consent about information about their children’s activities or location is sold to the highest bidder? Do we as parents not go out of our way to protect our children’s well-being and their privacy? Trying to overturn this rule is what is wrong.

What is wrong with protecting consumers from being forced to sign away their privacy rights in order to subscribe to a broadband service? I want your internet service. Do I have to sign away my private information—private, sensitive information? What is wrong with making companies take reasonable efforts to safeguard the security of consumers’ data?

What is wrong with making companies notify their subscribers when they have a breach? Again, I ask my colleagues: What in the world is wrong with giving consumers increased choice, transparency, and security online?

Supporters of the joint resolution fail to acknowledge the negative impact this resolution is going to have on the American people. This regulation is going to wipe away a set of reasonable, commonsense protections. I want to emphasize that. Is it common sense to protect our personal, sensitive, private information? Of course it is. But we are going to wipe away a set of reasonable, commonsense protections. I want to emphasize that. Is it common sense to protect our personal, sensitive, private information? Of course it is. But we are just about—in a vote at noon tomorrow, with a majority vote, not a 60-vote threshold, a majority vote here—we are just about to wipe all of that out. It will open our internet browsing histories and application usage patterns up to exploitation for commercial purposes by broadband providers and third parties who will line up to buy your information.

It will create a privacy-free zone for broadband providers, with no Federal regulator having effective tools to set rules of the road for collection, use, and sale of that uniquely personal information, to control the hands of the FCC because they cannot go back. Once this rule is overturned, they cannot go back and redo this rule. It will give the hands of the Federal Communications Commission and eliminate the future ability to adopt clear, effective privacy and data security protections for you as a subscriber, in some cases even for telephone subscribers.

To be sure, there are those who disagree with the FCC’s broadband consumer privacy rules. There is an avenue for those complaints. These same companies that are pushing the joint resolution have filed for reconsideration of the rule at the FCC, and there is a judicial system. That is the appropriate way. Go back and get the FCC to amend—if you all are so concerned—or let the judicial system work its will, but do not do it in one fell swoop in a majority rule in this body tomorrow at noon.

In fact, the critics of the FCC’s rules have an open proceeding at the FCC in which they can argue on the record with an opportunity for full public participation to change and alter these rules.

If the FCC did it—you have a new FCC, a new Chairman, a new majority on the FCC—let them be the ones to amend the rules after all the safeguards of the open hearings, of the comment period, all of that. By contrast, what we are using here to invade our privacy is a blunt congressional instrument called the Congressional Review Act. It means that all aspects of the rules adopted by the FCC must be reviewed and held to a higher standard, including changes to the FCC’s telephone privacy rules. It would deny the agency the power to protect consumers’ privacy online, and it would prevent the FCC—the FCC—get this—prevent them, the FCC, the regulatory body that chairmen and a new majority—it would prevent the FCC from ever adopting even similar rules. I don’t think that is what we want to do because it does not make sense. That is exactly what we are about to do.

I also want to address the argument that the FCC rules are unfair to broadband providers because the same rules do not apply to other companies in the internet ecosystem. Supporters of this resolution will argue that the other entities in the internet ecosystem have access to the same personal information that the broadband providers do.

They argue that everyone in the data collection business should be on a level playing field. Well, I ask my colleagues whether they have asked their constituents that question directly. Do Americans really believe that all persons who hold data about them should be treated the same? I venture to guess that most Americans would agree with the FCC that companies that are able to build detailed particulars about you and build those particular pictures about your lives through unique insights because of what you do every day on their internet—shouldn’t those companies be held to a higher standard?

In addition, the FCC’s rules still allow broadband providers to collect and use their subscribers’ information. The providers merely need to obtain consent from those activities when it comes to their subscribers’ highly sensitive information.

The FCC also found that broadband providers, unlike any other company in the internet ecosystem, are uniquely able to see every packet of information that a subscriber sends and receives—every packet of information that you
send or receive over the internet while on their networks. So if you have a provider, they are on your iPhone, and you are using them, they are seeing everything. That is not the case if you go to Google because Google sees only what you do while you are on Google. But the internet provider, the pipe that is carrying your information—they see everything that you do.

Supporters of the joint resolution also hold out the superiority of the Federal Trade Commission’s efforts on protecting privacy. They argue that there should be only one privacy cop on the beat. But, folks, that ignores reality. The FTC doesn’t do everything. There are a number of privacy copshops on the beat. Congress, the FTC, the FTC, the FDA, and NHTSA regulatory authority to protect consumers’ privacy.

You had better get this clear because the FTC is not only the place to which Congress has given statutory authority to adopt rules to protect broadband customers’ privacy. The FTC, the Federal Trade Commission, does not have the rulemaking authority in data security, privacy protection, and, in fact, the FTC have asked Congress for such authority in the past. Given recent court cases, the FTC now faces even more in-surmountable legal obstacles to taking action, protecting broadband customers’ privacy.

So don’t be fooled by this argument that folks are telling you over here that it ought to be the FTC, the Federal Trade Commission. As many have pointed out, elimination of the FCC’s rules result is a very wide chasm, where broadband and cable companies have no discernible regulation while internet “edge” companies abide by the FTC enforcement efforts.

With their one-lane opportunity to the road, broadband subscribers will have no certainty of choice about how their private information can be used and no protection against its abuse—no protection, my fellow Americans, of your personal privacy, your private data. That is why this Senator supports the FCC’s broadband consumer privacy rules.

I want to encourage my fellow Senators: You had better examine what you are about to do to people’s personal privacy before you vote to overturn this rule tomorrow.

I urge my colleagues to vote against the joint resolution.

Mr. President, I yield the floor.

Mr. THUNE. Mr. President, I ask unanimous consent that when the Senate convenes its business today, it adjourn until 9:30 a.m., Thursday, March 23; further, that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and morning business be closed; finally, that the Senate resume consideration of S.J. Res. 34.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. THUNE. Mr. President, the internet has grown at an unbounded rate in the years since its inception, a phenomenon no one could have imagined. Much of that growth can be attributed to the light-touch regulatory approach that the government adopted in the early days of the web.

As chairman of the Commerce Committee, which has jurisdiction over the internet, I have worked hard to promote policies that encourage the private sector to invest in and grow the internet ecosystem as a whole. All of that is jeopardized ahead if government bureaucrats have the ability to overregulate the digital world. When it comes to overregulating the internet, one need look no further than the Democratic-controlled Federal Communications Commission under President Obama.

In a world that was turning away—it was literally turning away from the legacy telecommunication services and, instead, toward dynamic Internet applications, the FCC found its scale gradually diminishing. This is an inevitable and good byproduct, I might add, of a more competitive environment brought about by technological innovation and successful light-touch policies.

Yet the Obama FCC fought hard against this technological progress and, instead, pursued an aggressively activist and partisan agenda that put government officials’ personal consumer desires. Over the last 2 years, the FCC has made a stunning bureaucratic power grab. First, the FCC stripped away the Federal Trade Commission’s authority to police internet providers and seized that for itself by recharacterizing such services as monopoly-era telecommunications.

Then in 2016, the FCC, which has little experience regulating internet privacy, decided to turn our country’s privacy policy on its head, abandoning the time-tested enforcement approach of the FTC, the Federal Trade Commission. These actions by the FCC ignored both common sense and real world data and, instead, focused on hypothetical harms of the future.

Ignoring years of internet ecosystem precedent, where everyone was treated the same, the FCC’s 2016 broadband privacy regulations would apply only to certain consumer providers. The FCC is the only agency to which broadband providers and seized that for itself by recharacterizing such services as monopoly-era telecommunications.

Then in 2016, the FCC, which has little experience regulating internet privacy, decided to turn our country’s privacy policy on its head, abandoning the time-tested enforcement approach of the FTC, the Federal Trade Commission. These actions by the FCC ignored both common sense and real world data and, instead, focused on hypothetical harms of the future.

Ignoring years of internet ecosystem precedent, where everyone was treated the same, the FCC’s 2016 broadband privacy regulations would apply only to certain consumer providers. This is a source of significant concern because at any particular time, consumers will not have reasonable certainty of what the rules are and how their privacy decisions will be applied. Are you on your home on Wi-Fi? At home on a smartphone? Using your smartphone on a friend’s Wi-Fi? Using the Internet at a library? Each of these could have very different privacy implications for a consumer because of the FCC’s piecemeal approach to privacy, leading to more confusion and uncertainty, not increased privacy protections, as promised.

In enacting these lopsided rules, the FCC seems to have gone out of its way to disregard established FTC practice by creating new regulations that differ significantly from the FTC’s tried-and-true framework. The FTC’s privacy regime is clear, easy to understand, and administratively simple about the marketplace. By contrast, the FCC’s rules are complex, confusing, and often lead to the same data being treated inconsistently online.

The FCC’s action would harm consumers in other ways as well. Even though no consumer wants to be in the dark about newer and cheaper services, the FCC’s rules actually make it more difficult for customers to hear about new, innovative offerings from their broadband providers. And because the FCC imposed heavy-handed data requirements on these internet companies, they will have less ability to offer services that are tailored to their customers’ needs and interests. Further, the FCC undermined the marketplace when it imposed unnecessarily onerous privacy restrictions on broadband providers while leaving the rest of the internet under the strong and successful regime at the FTC.

When speaking about the economic opportunities the internet now affords us, President Obama’s last FCC chairman declared that “government is where we will work this out.”

“Government is where we will work this out.” Well, I couldn’t disagree more. I believe the marketplace should be the center of the debate over how our digital networks would function, not the FCC. I believe consumers and job creators should be the ones deciding about new technologies, not the government.

The resolution before us today is the first step toward restoring regulatory balance to the internet ecosystem. The best way for that balance to be achieved is for there to be one, single, uniform set of privacy rules for the internet—the entire internet—rules that appropriately weigh the need to protect consumers with the need to foster economic growth and continued online innovation.

The FCC is simply the wrong venue for that effort. Its statutory scope is too narrow, and it lacks institutional expertise on privacy. The current chairman of the FCC and the FTC both recognize this, having jointly called for returning jurisdiction over broadband providers’ privacy and data security practices to the FTC “so that all entities in the online space can be subject to the same rules.”

For those reasons, I support the resolution before us that would provide congressional disapproval of the Obama administration’s misguided and unfair attempts to regulate the internet, and I encourage my colleagues to support the resolution as well.

For those people who have heard that this resolution somehow results in the elimination of all online protections for consumers, I can assure you that...
claims are simply unfounded scare-mongering. If this resolution is enacted, it will repeal only a specific rulemaking at the FCC that has yet to be implemented. What we are talking about here hasn’t even been implemented yet. It will not totally gut the FCC’s underlying statutory authority. Indeed, the FCC will still be obligated to police the privacy practices of broadband providers, as provided for in the Communications Act. The new chairman of the FCC confirmed this when he appeared before the Commerce Committee earlier this month. No matter what happens with this resolution, the FTC will continue to have its authority to police the rest of the online world.

It is my hope that once the Senate passes this resolution, the House will move quickly to take it up and send it to the President for his signature because, before our country can get back on the right track, we must first move past the damaging regulations adopted in the waning days of the Obama administration.

I thank Senator Flake for his leadership on this issue. Without his tireless efforts, we would not be here today, standing ready to move decisively toward a better future for the Internet.

I urge my colleagues to support the resolution that we will vote on tomorrow at noon.

MORNING BUSINESS

COMMITTEE ON THE BUDGET

RULES OF PROCEDURE

Mr. ENZI. Mr. President, I ask unanimous consent that the rules of the Senate Committee on the Budget for the 115th Congress be printed in the Record.

When there is no objection, the material was ordered to be printed in the Record, as follows:

RULES OF PROCEDURE

I. MEETINGS

(1) The committee shall hold its regular meeting on the first Thursday of each month. Additional meetings may be called by the chair as the chair deems necessary to expedite committee business.

(2) Each meeting of the committee, including meetings to conduct hearings, shall be open to the public, except that a portion or portions of any such meeting may be closed to the public if the committee determines by record vote in open session of a majority of the members of the committee present that the polled matter is one of those enumerated in rule I(2)(a)–(e), then the record of the poll shall be confidential.

(3) Notice of, and the agenda for, any business meeting or markup shall be provided to each member and made available to the public at least 72 hours prior to such meeting or markup.

II. CONSIDERATION OF BUDGET RESOLUTIONS

(1) The committee shall make public an announcement of the date, place, time, and subject matter of any hearing to be conducted on any measure or matter at least 1 week in advance of such hearing, unless the chair and ranking member determine that there is good cause to begin such hearing at an earlier date.

(2) At least 24 hours prior to the scheduled start time of the hearing, a witness appearing before the committee shall file a written statement of proposed testimony with the chief clerk and the committee on any measure or matter at least 1 week in advance of such hearing, unless the chair and ranking member agree to allow that member to vote by proxy on amendments to a Budget Resolution.

VII. COMMITTEE REPORTS

(1) When the committee has ordered a measure or recommendation reported, following final action, the report thereon shall be filed in the Senate at the earliest practicable time.

(2) A member of the committee, who gives notice of an intention to file supplemental, minority, or additional views at the time of committee approval of a measure or matter, shall be entitled to not less than 3 calendar days in which to file such views. The chief clerk of the committee, on which views are being recorded and has affirmatively requested to be so recorded, except that no member may vote by proxy during the deliberations on Budget Resolutions unless the member is in attendance, and requests for documents from agencies; and

(3) A majority of the committee shall constitute a quorum for reporting budget resolutions.