

I urge you to vote yes on the confirmation of Anna Gomez to be a Commissioner of the Federal Communications Commission.

I yield the floor.

VOTE ON KUGLER NOMINATION

The PRESIDING OFFICER (Mr. LUJAN). Under the previous order, The question is, Will the Senate advise and consent to the Kugler nomination?

Mr. SCHATZ. 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. DURBIN. I announce that the Senator from New Jersey (Mr. BOOKER) is necessarily absent.

Mr. THUNE. The following Senator is necessarily absent: the Senator from Kansas (Mr. MORAN).

The result was announced—yeas 53, nays 45, as follows:

[Rollcall Vote No. 220 Ex.]

YEAS—53

Baldwin	Hickenlooper	Rosen
Bennet	Hirono	Rounds
Blumenthal	Kaine	Sanders
Brown	Kelly	Schatz
Cantwell	King	Schumer
Cardin	Klobuchar	Shaheen
Carper	Lujan	Sinema
Casey	Manchin	Smith
Collins	Markey	Stabenow
Coons	Menendez	Tester
Cortez Masto	Merkley	Van Hollen
Duckworth	Murkowski	Warner
Durbin	Murphy	Warnock
Feinstein	Murray	Warren
Fetterman	Ossoff	Welch
Gillibrand	Padilla	Whitehouse
Hassan	Peters	Wyden
Heinrich	Reed	

NAYS—45

Barrasso	Fischer	Paul
Blackburn	Graham	Ricketts
Boozman	Grassley	Risch
Braun	Hagerty	Romney
Britt	Hawley	Rubio
Budd	Hoeven	Schmitt
Capito	Hyde-Smith	Scott (FL)
Cassidy	Johnson	Scott (SC)
Cornyn	Kennedy	Sullivan
Cotton	Lankford	Thune
Cramer	Lee	Tillis
Crapo	Lummis	Tuberville
Cruz	Marshall	Vance
Daines	McConnell	Wicker
Ernst	Mullin	Young

NOT VOTING—2

Booker Moran

The nomination was confirmed.

(Mr. KING assumed the Chair.)

The PRESIDING OFFICER (Mr. HICKENLOOPER). 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.

CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the

Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Executive Calendar No. 253, Anna M. Gomez, of Virginia, to be a Member of the Federal Communications Commission for a term of five years from July 1, 2021.

Charles E. Schumer, Maria Cantwell, Margaret Wood Hassan, Mark Kelly, Jack Reed, John W. Hickenlooper, Elizabeth Warren, Tammy Duckworth, Jeff Merkley, Richard J. Durbin, Jeanne Shaheen, Benjamin L. Cardin, Mazie Hirono, Tina Smith, Edward J. Markey, Tim Kaine, Tammy Baldwin.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Anna M. Gomez, of Virginia, to be a Member of the Federal Communications Commission for a term of five years from July 1, 2021, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. BOOKER) is necessarily absent.

Mr. THUNE. The following Senator is necessarily absent: the Senator from Kansas (Mr. MORAN).

The yeas and nays resulted—yeas 55, nays 43, as follows:

[Rollcall vote No. 221 Ex.]

YEAS—55

Baldwin	Hickenlooper	Rounds
Bennet	Hirono	Sanders
Blumenthal	Kaine	Schatz
Brown	Kelly	Schumer
Cantwell	King	Shaheen
Capito	Klobuchar	Sinema
Cardin	Lujan	Smith
Carper	Manchin	Stabenow
Casey	Markey	Tester
Collins	Menendez	Van Hollen
Coons	Merkley	Warner
Cortez Masto	Murkowski	Warnock
Duckworth	Murphy	Warren
Durbin	Murray	Welch
Feinstein	Ossoff	Whitehouse
Fetterman	Padilla	Wyden
Gillibrand	Peters	Young
Hassan	Reed	
Heinrich	Rosen	

NAYS—43

Barrasso	Graham	Ricketts
Blackburn	Grassley	Risch
Boozman	Hagerty	Romney
Braun	Hawley	Rubio
Britt	Hoeven	Schmitt
Budd	Hyde-Smith	Scott (FL)
Cassidy	Johnson	Scott (SC)
Cornyn	Kennedy	Sullivan
Cotton	Lankford	Thune
Cramer	Lee	Tillis
Crapo	Lummis	Tuberville
Cruz	Marshall	Vance
Daines	McConnell	Wicker
Ernst	Mullin	
Fischer	Paul	

NOT VOTING—2

Booker Moran

The PRESIDING OFFICER (Mr. PETERS). On this vote, the yeas are 55, the nays are 43.

The motion was agreed to.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The bill clerk read the nomination of Anna M. Gomez, of Virginia, to be a Member of the Federal Communications Commission for a term of five years from July 1, 2021.

The PRESIDING OFFICER. The Senator from Ohio.

UNANIMOUS CONSENT REQUEST—S. 2738

Mr. VANCE. Mr. President, all of us have lived through the failed experiment of mass mandatory masking. Today, I want to ensure that we do not subject the American people to this tyranny again for the sake of nothing.

We have recently seen a seasonal uptick of COVID cases across the country. This is not something to worry about. I don't like this fact that COVID is here to stay. Seasonal upticks in a respiratory virus are exactly to be expected. They shouldn't cause panic from our leadership or from our country, and they shouldn't cause us to reimpose a policy that has failed time and time again.

Many are now calling to bring back mask mandates and regulate social gatherings. I have heard some of my friends on the opposite side of the aisle saying that no one is trying to do this, but let's just recapture and summarize the last couple of weeks in August. Lionsgate studios asked its employees to wear masks at their filming facility. Last week, Kaiser Permanente reimposed a requirement of staff and visitors to wear masks at its Santa Rosa, CA, facility. Schools such as Morris Brown College in Atlanta, and even local public schools here in the DC area, have reimposed mask mandates.

Now, it is not just that masks—according to randomized control studies—do no good; it is that they could actively cause harm. We know a generation of school children have suffered significant speech and developmental disabilities because this country panicked instead of using its brain and forced toddlers and small children to wear masks. We cannot return to the failed policies of the COVID pandemic.

I am not mad that we screwed up. I made mistakes. Many people in this body made mistakes. What I do think that we should avoid is repeating the mistakes in 2023. Let's learn from the mistakes that we made instead of just doubling down on them.

This policy does not set anything for an unlimited period of time. It says that for the next 15 months, the government can't force you to wear a mask on planes, on public transit, or in public schools. Taxpayer dollars cannot be used to force and enforce a mandate against our people. It is not setting a policy that we cannot deal with pandemics in the future. If something else comes—God forbid—then let this body deal with it at that time.

But now, let's heed the message from the American people, and let's learn the lessons of the past couple of years. Mandatory masking was a failure. It had costs for very little benefit, and we shouldn't repeat it.

Mr. President, as in legislative session, I ask unanimous consent that the

Senate proceed to the immediate consideration of S. 2738, the Freedom to Breathe Act, which is at the desk; further, that the bill be considered read a third time and passed; and the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. MARKEY. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. MARKEY. Mr. President, this bill would undermine the ability of States, cities, and towns across this country to make decisions about what is best for their communities.

It would silence and hamstring public health experts who have guided our Nation out of the darkest days of a pandemic that has killed 1,139,000 people in our country in 3 years. Let me repeat that.

This disease has killed 1,139,000 people already, and doctors and experts are saying that COVID is coming back. It is on the rise, once again. This provision would violate a long-held belief in the Republican Party that States and localities should not be told what to do by a Federal Government removed from the realities that they are seeing on the ground in their neighborhoods.

This bill is little more than an attempt by Republicans to dismantle a public health infrastructure that had to be built in order to deal with this greatest of pandemics since 1918. What public health experts and the medical professionals are talking about is an upcoming COVID and flu and RSV season and preparing for it.

These healthcare heroes are the same ones who risked their lives to save lives, and we should continue to protect that right to make decisions on the health of their patients, of their communities, and that is what locally focused healthcare is all about.

Here is what we do know. Last year, the combined forces of this “triple-demic” of flu, RSV, and COVID strained healthcare centers to a breaking point. Healthcare providers tried to keep up as emergency departments overflowed with sick children, adults, and seniors. And people are still getting sick.

This year, healthcare providers, health centers, public health departments, transportation workers, and school districts are, once again, preparing to protect students and seniors and disabled and immunocompromised people all across our country. Millions of Americans will be doing what we can to protect ourselves and our loved ones, and our communities must be able to take steps to save lives and keep people from getting sick or getting sicker, including the tools of vaccines and masks.

But the only thing that the Republicans seem willing to mask is their antipathy for making healthcare affordable and acceptable for millions of

Americans. Republicans already fought this year to throw people off of Medicare and their health coverage. Not a single Republican voted to make insulin and other medications more affordable for seniors.

Republicans have blocked legislation to protect the right of individuals to make healthcare decisions with their doctors. It makes no sense to put limits on how communities and individuals can protect themselves. This bill is a red herring. It is a false debate. We should have an aquarium down in the well of the Senate to capture all of the red herrings that are being introduced into this public health debate. It is a distraction; it is misleading; and it is meant to deflect from what the GOP really stands for right now, “Gimmicks Over People.”

Republicans have to understand that we have to provide the options for our healthcare heroes to save lives. They will make us less safe because they will be tying the hands of healthcare professionals in order to implement policies that protect against an addition to the 1.139 million people who have already died.

You argue that this bill is about freedom, but it is not. Freedom is parents and students knowing their school can take every step possible to keep them from getting sick or taking home an illness that could hurt their siblings, their parents, or their grandparents.

Freedom is workers who know their workplace on a plane, train, or even in a classroom is safe. Freedom is knowing that when people travel, either on their way to work by way of public transportation or across the country to visit family for the holidays, they will know that every safety measure is available to keep them and their families safe.

We must protect the freedom for communities to have every public health tool available, if it is needed in the opinion of the public health officials in that community, in that State. They should be the ones making the decision, at the local level, looking at the dangers to their population.

Again, these numbers are historic: 1,139,000 people have already died, and there is more coming. And if in the opinion of public health officials, strategies can be adopted using masks that reduce the likelihood that more will die, we should give them that freedom to make those decisions.

With that, I object.

The PRESIDING OFFICER. The objection is heard.

Mr. VANCE. Mr. President, let me offer a couple of thoughts in response.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. VANCE. Mr. President, I know we are on a short timeline, but let me just offer a couple of points in response, and then I will let this body go on with its business.

No. 1, Senator MARKEY mentioned the tragic number of Americans, over 1 million, who lost their lives due to

COVID. And I agree that it is a tragedy, and I wish that we hadn't lost them. But we lost them in spite of some of the most aggressive masking policies in the world. If mandatory masking were going to save our citizens, it would have already done so. That is the first point.

The second point is that this legislation doesn't prevent any of our citizens from wearing masks. If you would like to wear a mask, of course, you have the right to do so, but the Senator talked about freedom. What I would like is for the freedom of a school child to not be thrown out of the classroom because he doesn't want to wear a mask. I would like the freedom of airline passengers to be able to go and visit their families and not be thrown off an airplane because they refuse to wear a mask. Freedom is fundamentally about respecting that you might have a different view than I do, respecting that, accepting it, and not using government mandates to force our fellow citizens to do exactly what we want them to do but to let us all figure this out together.

The final point that I will make here is I heard some pretty alarming rhetoric from my friend on the other side of the aisle. We are about to have some serious respiratory problems. We always do in the fall, and maybe it will be worse this fall and this winter than before. But I think that what our children most of all need—and I am the father of three kids under the age of 7—they need us to not be “Chicken Little” about every single respiratory pandemic and problem that confronts this country.

We are going to have people who get sick from viruses. It has always been thus, and the way to respond to it is with calmness, resolve, and strategic thinking, not by pretending the world is ending because what has always happened is going to happen once again.

We cannot repeat the anxiety, the stress, and the nonstop panic of the last couple of years. That is what this legislation is about. End the mandates; end the panic; and let's get back to some common sense.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. BARRASSO. Mr. President, I come to support Senator VANCE's Freedom to Breathe Act. I believe this bill is a vital step to protect the individual's rights as well as preserving State's rights. And in the interest of time, I would just point out, too, that we have a number of Republican Senators on the floor standing with Senator VANCE in support of this legislation. I see Senator CRUZ here from Texas, Senator MIKE BRAUN from Indiana, TED BUDD from North Carolina, KATIE BRITT from Alabama, and ERIC SCHMITT from Missouri. I appreciate all of them being here to support and stand with Senator VANCE on this important piece of legislation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CRUZ. Mr. President, I ask unanimous consent that I be allowed to speak for up to 7 minutes and Senator MARKEY for up to 5 minutes prior to the scheduled rollcall vote.

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

NOMINATION OF ANNA M. GOMEZ

Mr. CRUZ. Mr. President, I rise today to discuss Anna Gomez, one of President Biden's FCC nominees. If confirmed, she would give the Democrats a majority at the FCC that would enable them to impose a radical leftwing agenda, including investment-killing and job-killing so-called net neutrality rules, otherwise known as "Obamacare for the internet."

I strongly oppose her nomination, and I encourage my colleagues to do the same. The FCC exercises vast power over how Americans communicate and access information. It also has a history of abusing vague statutory provisions to pursue partisan policy goals. In the wrong hands, the FCC could go down a dark path of censoring speech and engaging in regulatory overreach.

Under current Democrat FCC Chairwoman Rosenworcel's leadership, that threat is not merely hypothetical. The FCC has engaged in unprecedented abuses of power, such as killing the multibillion-dollar Standard General-TEGNA transaction without a Commission vote, attempting to expand the Universal Service Fund spending in defiance of clear statutory limits, and holding valuable 2.5 gigahertz spectrum licenses hostage.

Even more alarming, the FCC is now entertaining requests by radical leftwing groups to revoke a broadcast station's license for alleged "misinformation" and turning a routine FCC license renewal proceeding into a truth commission, an alarming assault on the First Amendment. And that is without a Democrat majority on the FCC. With a majority, there is no telling what regulatory excesses the Chairwoman could inflict—from forcing antiquated telephone monopoly rules on the competitive broadband industry to micromanaging providers' rates and terms of service, to imposing crippling new legal risks on American companies through "disparate impact" lawsuits.

Make no mistake, a vote for Anna Gomez is a vote for regulating the internet as a public utility. Ms. Gomez has publicly supported the reinstatement of the heavyhanded Obama-era net neutrality rules that would make the internet more expensive and slower for American households, despite privately confessing that Democrats had engaged in wild "hyperbole" in opposing the repeal of net neutrality.

Rather than giving reasons for the reinstatement of the failed net neutrality rules, she claims she simply wants "robust authority" over the internet. In other words, the power to regulate companies' pricing and terms

of service and to collect billions of dollars in new taxes from them and from you, the consumer, all at the expense of investment and innovation and consumer choice.

She has also refused to disavow the ongoing efforts to impose investment-killing "disparate impact" liability on American broadband companies. And she has given noncommittal answers to my requests for commitments to improve transparency and accountability at the FCC.

Ms. Gomez has a history of failing to protect taxpayer interests. In the Obama administration, she had a senior leadership role in implementing a wasteful \$4 billion broadband grant program. In one egregious example, funding from a \$100 million project in Colorado was used to build a third fiber connection to a single school of 11 students. But by far, most concerning in Ms. Gomez's history is her tweets concerning the use of government power to police so-called misinformation.

For instance, she retweeted a claim made by Democrat Congresswoman CORI BUSH, who is a member of the radical leftwing squad in the House, that Trump engaged in a "targeted mass disinformation campaign against 3.5 million Black voters in 2016" for the purpose of voter suppression.

In addition, she tweeted enthusiastically in support of efforts by the Defense Department's research wing—known as DARPA—and the Federal Government to crack down on so-called disinformation. At this point, it is, sadly, well known that the Biden administration has repeatedly trampled on the First Amendment to silence opposing views.

The White House Press Secretary publicly bragged that they were "in regular touch" and "flagging problematic posts" for social media companies and threatening new legislation if those companies did not heed the censors. And the Biden DHS tried to create its own "ministry of truth" before a public backlash shamed them into disbanding the effort.

Amid these First Amendment assaults, as well as recent efforts at the FCC to deplatform a FOX broadcast station, it was critical to gain clarity into Ms. Gomez's views on free speech, "disinformation," and the FCC's role in such matters.

Unfortunately, she gave vague answers to my questions and did not reassure the Commerce Committee that she would actively oppose censorship at the FCC.

Confirming Ms. Gomez would harm taxpayers, broadband investment, innovation, and most importantly, our First Amendment freedoms.

I strongly encourage my colleagues to oppose her nomination.

Ms. CANTWELL. Mr. President, I rise today in support of President Biden's nomination of Anna Gomez to be a commissioner of the Federal Communications Commission.

Americans need an FCC fully equipped to deliver affordable high-

speed connectivity, strengthen local broadcasting, foster spectrum innovation, and promote emerging technologies. Ms. Gomez will deliver on these priorities.

While she has dedicated much of her career to public service, working in various roles at the FCC, serving as Deputy Assistant Secretary at NTIA, and at the National Economic Council during the Clinton administration, she has also worked in the private sector.

For 3 years, she served as the vice president of State and Federal regulatory, government affairs for Sprint Nextel, and for 9 years, she worked at Wiley Rein, as part of the law firm's telecommunications practice.

Ms. Gomez will focus on ensuring affordable, reliable broadband across America's cities, suburbs, and rural communities. In recent years, it has become increasingly clear that for healthcare, education, labor, and so much more, broadband is a necessity.

For this purpose, Congress allocated \$65 billion for broadband in the Bipartisan Infrastructure Law, including \$42.5 billion allocated based on the FCC's broadband maps. Ms. Gomez has pledged to work to improve the accuracy of these maps and deliver broadband to all.

We also need to lower the cost of broadband deployment. By leveraging our existing electrical grid infrastructure, we can build out more middle mile capacity. This will spur competition and help lower the cost of broadband.

While Congress invested \$1 billion to create a middle mile grant program at the National Telecommunications and Information Administration, the demand for this funding was more than seven times the amount available. We must do more.

Given her experience working at NTIA, Ms. Gomez has unique expertise in middle mile broadband deployment issues.

The FCC also plays an important role in sustaining local news. Local stations provide trusted on-the-ground reporting that informs the public and strengthens our democracy.

Ms. Gomez understands that we must protect local broadcast news and has pledged to delve into what the FCC can do to protect it.

She will also fight to ensure that the United States remains a leader in global spectrum policy. As countries like China compete for spectrum leadership, we must develop smart spectrum policies that promote national security and innovation.

We know the FCC has a crucial role in making sufficient spectrum available for wireless innovation and our federal agencies' critical missions.

Over the past year, Ms. Gomez has worked hard to prepare the United States for the 2023 World Radiocommunication Conference and develop a comprehensive U.S. global spectrum strategy. She has also built a strong team that is well-informed and