

(4) any other related matters the Attorney General or the Secretary of Transportation determines appropriate.

(b) **REPORT REQUIRED.**—The Comptroller General shall submit a report on the findings of the study required under subsection (a) to—

(1) the Committee on the Judiciary and the Committee on Environment and Public Works of the Senate;

(2) the Committee on the Judiciary and the Committee on Transportation and Infrastructure of the House of Representatives; and

(3) each of the delegates or resident commissioner to the House of Representatives from American Samoa, Guam, the Northern Mariana Islands, Puerto Rico, and the Virgin Islands of the United States.

(c) **PUBLIC AVAILABILITY.**—The Comptroller General shall make the report required under subsection (b) available on a public Government website.

(d) **OBTAINING OFFICIAL DATA.**—

(1) **IN GENERAL.**—The Comptroller General may secure information necessary to conduct the study under subsection (a) directly from any Federal agency and from any territorial government receiving grant funding under the PROTECT Act. Upon request of the Comptroller General, the head of a Federal agency or territorial government shall furnish the requested information to the Comptroller General.

(2) **AGENCY RECORDS.**—Notwithstanding paragraph (1), nothing in this subsection shall require a Federal agency or any territorial government to produce records subject to a common law evidentiary privilege. Records and information shared with the Comptroller General shall continue to be subject to withholding under sections 552 and 552a of title 5, United States Code. The Comptroller General is obligated to give the information the same level of confidentiality and protection required of the Federal agency or territorial government. The Comptroller General may be requested to sign a nondisclosure or other agreement as a condition of gaining access to sensitive or proprietary data to which the Comptroller General is entitled.

(3) **PRIVACY OF PERSONAL INFORMATION.**—The Comptroller General, and any Federal agency and any territorial government that provides information to the Comptroller General, shall take such actions as are necessary to ensure the protection of the personal information of a minor.

EXECUTIVE SESSION

EXECUTIVE CALENDAR—Continued

Mr. CORNYN. Madam President, I now ask unanimous consent that the Senate proceed to executive session and resume consideration of the Johnson nomination.

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

Mr. CORNYN. Finally, Madam President, I ask unanimous consent that the mandatory quorum call with respect to the Johnson nomination be waived.

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

The PRESIDING OFFICER. The Senator from Mississippi.

NOMINATION OF KRISTI HASKINS JOHNSON

Mr. WICKER. Mr. President, observers of the U.S. Senate might take note that their Senators just passed a host

of bills and cleared a host of items from the calendar, representing bipartisan accomplishments on behalf of the leadership of the Senate—Republican leadership and Democratic leadership—a great deal of work by chairs and ranking members of committees and subcommittees, and I salute both sides of the aisle for these accomplishments.

In the same vein, we will vote in a few moments on a cloture motion for the judicial nomination of Kristi Haskins Johnson, and I would think that this would be another opportunity for a strong bipartisan vote. We passed two judges last week, as I recall, and both judges were confirmed with strong bipartisan support—strong support and welcome support on both sides of the aisle. And I would think that with regard to this particular nominee—our Mississippi candidate, Kristi Haskins Johnson—she would continue in that vein this afternoon and later on this week when I hope we will be voting to confirm her.

It is noteworthy that the Southern District of Mississippi has never had a woman Federal judge, and so Kristi Johnson will break new ground in that regard, and I am particularly delighted that this momentous accomplishment is right upon us.

She has had the distinct honor for the last several months of being Mississippi's first solicitor general. So this could turn out to be a groundbreaking year and a barrier-shattering year in more than one way for soon-to-be Judge Johnson.

In her current role as solicitor general, she serves as Mississippi's lead advocate for appellate litigation and works closely with the State attorney general in crafting legal strategy for significant legal cases in Mississippi and on a national scale. She has received the highest recommendation that a candidate for U.S. district judge can receive from the American Bar Association, and that is a "qualified" rating. As we know, candidates for appeals court judge can get a rating of "highly qualified." The best you can get for district judge is "qualified," so she received the highest rating she could possibly receive and rightly so.

She has a unique record of accomplishment as a public servant, a private attorney, a scholar, and a professor. She served over 5 years in the U.S. attorney's office in Jackson. There she prosecuted fraud and financial crimes as part of the Civil Division. Before that, she made her mark in private practice at the firm of Ogletree, Deakins, Nash, Smoak & Stewart in Jackson, MS, focusing there on labor law and employment issues.

Kristi Johnson is a native of Hurley, MS, population 985, in Jackson County, MS. She attended school there and then went on to receive her undergraduate degree at the University of Mississippi, graduating in 2003. And then she was admitted to law school at Mississippi College School of Law, where she graduated summa cum

laude, second in her class. As a law student, she served not only on the law review but as executive editor of the Mississippi College Law Review and received numerous American jurisprudence awards in areas such as criminal procedure, legal research and writing, and employment discrimination.

So excellence all the way through, including the time that she served as a clerk, both as a clerk at the district court level for Judge Sharion Aycock, Mississippi's first female district court judge in the Northern District of Mississippi, and then for appeals court judge, Leslie Southwick in the Fifth Circuit.

She takes time to share her skills as a teacher and an adjunct professor at her alma mater of Mississippi College School of Law. Ms. Johnson is a member of the American Inns of Court, the Federal Bar Association, and the Federalist Society. She resides in Brandon, MS.

In summary, I am just delighted by the fact that we are going to make some news and hurdle some previously existing barriers with this outstanding nominee. She has the academic, judicial, and personal qualifications necessary for a Federal jurist. I think she is going to make a great judge. People back home in Mississippi believe this also. It is my hope that we can invoke cloture in just a few moments in a strong bipartisan way, leading to the confirmation later on this week of Kristi Haskins Johnson.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

FREE SPEECH

Mrs. BLACKBURN. Mr. President, I think everyone has been watching a lot of news lately, and I will tell you I have talked to some Tennesseans this weekend who feel like they can tell that the journalists working at our mainstream media outlets are getting frustrated by how much pressure we are putting on big tech companies like Facebook, Twitter, and Google. But, you know, we are putting pressure on them. It is important for them to be in their lanes. It is important that if they are going to be news sources, that they do something like hire a news director.

I think they have fallen into the same trap that a lot of people fall into when a story dominates the headlines for awhile, and then it doesn't resolve itself quickly. You know, they get pretty sick of hearing about it. They saw the initial reports of censorship, bias, and antitrust concerns. They didn't feel that personal sense of outrage about what was happening and either checked out of the conversation or let their frustration breed resentment against those who would very much like for their tweets to stay put.

But they knew something was going on out there that made them a little bit uneasy. They were hearing about censorship. They were hearing about blocking and throttling and shadow banning, and, you know, they were a

little unsettled by lack of privacy and data mining and data harvesting.

But we shouldn't use these basic notions of privacy, security, and open debate as a political football. These are, indeed, universal concerns that anyone who owns a smartphone, uses social media, or uses search engines really should care about. And, yes, people are right to feel a little bit uneasy about what is going on in the virtual space. Why shouldn't we be allowed to ask powerful tech CEOs questions about what is going on behind the scenes?

We had a hearing in the Commerce Committee a couple of weeks ago—a few weeks ago, just prior to the election. Chairman WICKER was in charge of that hearing, and people listened and thought: Why won't they answer the question? Why don't they admit that they are data mining? Why don't they admit their advertising practices? We click onto our search engines, and suddenly our screen populates with things that we have recently searched and things we have been talking about.

So we have another hearing that is coming up tomorrow at the Judiciary Committee. We are going to receive testimony from Facebook CEO Mark Zuckerberg and Twitter CEO Jack Dorsey about their now infamous censoring and throttling of the New York Post's social media accounts, their blocking of a story that was relevant to the American people and to the election process.

Now, keep in mind, this wasn't some conspiracy site or some anonymous blog known for posting hacked information or stories that are extreme. This was the New York Post, a trusted source in news here in the United States since 1801, when it was founded by none other than Alexander Hamilton. It is not sensationalism. It is news brought to you as a trusted source since 1801.

And you are probably thinking, that has been around for awhile. And, yes, indeed it has. It is America's oldest continuously published newspaper. But, apparently, random fact checkers 3,000 miles away, sitting in their posh environs in the Silicon Valley, decided that the Post editors' time-tested vetting processes simply were not good enough for them. They think they know better. They think they are smarter than everyone else. They think—since they control and have power in the virtual space, they think they get to play God. They think they can determine what qualifies as free speech.

Now, I have spoken before at length about why this is a problem, and right now I want to focus on what happened on the other side of that takedown.

The Post fought both Facebook and Twitter on this content moderation decision. They questioned it. They demanded answers. And after enormous pressure, both from the Post and in the public square, both Facebook and Twitter eventually walked back their moderation decisions and allowed their

users to share this article. That they decided to censor the Post is bad enough; that they couldn't even cite a policy that they could back up their decision under pressure is even worse. They couldn't tell you why they took it down, what it violated in their community standards, and what they violated in their terms of service. They did not know.

What did they know? What they did know was that they were on Joe Biden's team. They wanted him to win, so they took issue with anything that they did not agree with. It did not fit their narrative.

Big Tech companies like Facebook and Twitter have an enormous amount of control over the flow of information. They were designed to be this way from the beginning. Millions of Americans used their feeds as a main source of news updates.

Bear in mind, the internet is a title I function of the 1996 Telecommunications Act—a title I. It is an information service. It is not a telecommunications service. It is not a news service.

This is something. It is a wonderful resource that should be the public square but only as long as you can count on it to put factual information in the pipeline, to not censor, and to not take sides.

This is why Americans have so many questions about how the companies make their content moderation decisions, and this is why the Judiciary Committee will hold this hearing tomorrow. If either of their companies had been able to come to the table with a simple, defensible explanation of why they chose to censor the New York Post, I don't think they would be in the position they are in right now. But they had no explanation. They didn't repent. They did cave, eventually, but they could not explain why they blocked it.

Mr. Zuckerberg and Mr. Dorsey are competent CEOs who know their businesses inside and out, and it is time for them to get down to the nitty-gritty and explain what happened. How is it that their content moderation practices are still so full of holes as to allow a content moderator—a single individual—to put their opinion in front of a post, to panic and blacklist an admittedly sensational but certainly newsworthy story without any evidence that it contained misinformation or hacked information or false or defamatory information? They did it because they could. They just did not like the story.

The ensuing scramble to walk back that decision is an indictment of their internal moderation processes. Whether it is algorithms or individuals, it is subjective.

The people who are responsible for this owe us answers, and we hope the hearing tomorrow will help lead to those answers.

It bears repeating that these companies are not just entertainment or so-

cial media companies. They have an inordinate amount of control over the flow of information, and because of this, they control what we see, what we hear, even what we say, and, thereby, what we think and how we vote.

I yield the floor.

CLOTURE MOTION

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

The 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 Kristi Haskins Johnson, of Mississippi, to be United States District Judge for the Southern District of Mississippi.

Mitch McConnell, Mike Crapo, Tom Cotton, David Perdue, Mike Rounds, Pat Roberts, Cindy Hyde-Smith, Kevin Cramer, Lindsey Graham, Thom Tillis, Tim Scott, James E. Risch, Michael B. Enzi, John Cornyn, Roger F. Wicker, John Thune, John Boozman.

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 Kristi Haskins Johnson, of Mississippi, to be United States District Judge for the Southern District of Mississippi, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Tennessee (Mr. ALEXANDER), the Senator from Montana (Mr. DAINES), the Senator from Florida (Mr. SCOTT), and the Senator from Indiana (Mr. YOUNG).

Further, if present and voting, the Senator from Tennessee (Mr. ALEXANDER) would have voted yea and the Senator from Indiana (Mr. YOUNG) would have voted yea.

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. BLUMENTHAL), the Senator from Maryland (Mr. CARDIN), the Senator from Delaware (Mr. COONS), the Senator from California (Ms. HARRIS), the Senator from Washington (Mrs. MURRAY), the Senator from Vermont (Mr. SANDERS), and the Senator from Rhode Island (Mr. WHITEHOUSE) are necessarily absent.

The PRESIDING OFFICER (Mr. SULIVAN). Are there any other Senators in the Chamber desiring to vote or change their vote?

The yeas and nays resulted—yeas 51, nays 38, as follows:

[Rollcall Vote No. 229 Ex.]

YEAS—51

Barrasso	Capito	Crapo
Blackburn	Cassidy	Cruz
Blunt	Collins	Enzi
Boozman	Cornyn	Ernst
Braun	Cotton	Fischer
Burr	Cramer	Gardner