

The Washington Post—the Washington Post—ran an entire editorial entitled, “It’s time for Biden to call McCarthy!”

Last week, an entire news story detailed how the White House is garnering no support from nonpartisan leaders or experts for their bizarre strategy of sleepwalking into disaster.

The people around President Biden, including the Senate Democratic leader, seem to think they can wish away the results of the midterm election. They want to pretend the American people didn’t flip the House.

That is not how it works. In divided government, you negotiate. The President and the Speaker need to talk, just like in 2019. We need a bipartisan spending agreement, just like 7 of the previous 10 debt limit deals. I will be joining the White House meeting later today, and I will continue to support the Speaker.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF THE MAJORITY LEADER
The majority leader is recognized.

LEGISLATIVE SESSION

Mr. SCHUMER. Mr. President, I move to proceed to legislative session.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion.

The motion was agreed to.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. SCHUMER. Mr. President, I move to proceed to executive session to consider Calendar No. 4.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion.

The motion was agreed to.

The ACTING PRESIDENT pro tempore. The clerk will report the nomination.

The legislative clerk read the nomination of Bradley N. Garcia, of Maryland, to be United States Circuit Judge for the District of Columbia Circuit.

CLOTURE MOTION

Mr. SCHUMER. Mr. President, I send a cloture motion to the desk.

The ACTING PRESIDENT pro tempore. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

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 Executive Calendar No. 4, Bradley N. Garcia, of Maryland, to be United States Circuit Judge for the District of Columbia Circuit.

Charles E. Schumer, Richard J. Durbin, Sheldon Whitehouse, Martin Heinrich, Tim Kaine, Tammy Baldwin, Ben Ray Lujan, Tammy Duckworth, John W. Hickenlooper, Amy Klobuchar, Jack Reed, Jeanne Shaheen, Benjamin L. Cardin, Edward J. Markey, Alex Padilla, Margaret Wood Hassan, Catherine Cortez Masto, Gary C. Peters.

Mr. SCHUMER. I ask unanimous consent the mandatory quorum call for the cloture motion filed today be waived.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SCHUMER. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. BLACKBURN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SOCIAL MEDIA

Mrs. BLACKBURN. Mr. President, on May 4, 2019, 15-year-old Mason Bogard died after trying to mimic a choking challenge he saw on social media.

Three days earlier, his parents had found him unconscious in his room with a belt around his neck. There was nothing his doctors could do over that 3-day period to save his life. I am telling Mason’s story today, with the permission of his mother, because it is so different from other stories.

I have shared a lot of these stories about the dangerous influence that online platforms have on our Nation’s children. There is no evidence to suggest Mason was trying to hurt himself. This death was an accident.

We know this because after Mason died, his parents found a self-recorded video on his phone that had happened days prior to the accident. It shows him attempting the same viral challenge that killed him.

Earlier this year, I had the opportunity to speak with Mason’s mom Joann about what she is doing to warn other parents about what is happening on these platforms.

Even before she lost her son, Joann knew about the dangers that social media could bring into her home. And she did everything in her power to protect her children from it. She used watchdog apps, physically checked their devices, and had candid conversations with the whole family about how dangerous content can be when it is popping up in your news feed.

At this point, I want to share what Joann told me about her efforts to make online platforms keep their promises about moderating and removing dangerous content like choking challenges.

And I am quoting Joann:

Shortly after Mason’s death, I began searching for Choking Challenge videos on all of the platforms. I searched for them weekly and I have reported hundreds. But the typical reply that I receive, if I receive a reply at all is—

And she quotes the social media platforms—

“We found that the reported content doesn’t violate our Community Guidelines. We understand that you may not want to see this type content, and you have the option to block the account that posted it.”

She went on to tell me that there was no process for an appeal, no way to push for answers from these so-called moderators. The videos stayed online. I would remind my colleagues that the response she is describing was generated after she reported videos of children strangling themselves in order to get clicks.

This is one woman’s story about one precious child—her child—who died because an online platform, a social media platform failed him. But thousands of parents can tell you similar stories about how their children got caught up in viral trends or emotionally spiraled after encountering content that preyed upon their insecurities.

And while we know that social media isn’t the only cause for this decline in mental health, we do know that things have gotten much worse since kids started spending so much time online.

According to the Pew Research Center, close to 60 percent of our Nation’s youth have experienced some form of abuse online. It is safe to assume that at least that many have been exposed to content glorifying bullying, mental illness, and self-harm.

Between 2010 and 2019 teen depression rates doubled, with the largest increase among girls. The CDC recently produced data showing that adolescents are now the most likely age group to visit the emergency room for suicidal thoughts, with nearly one in three teen girls seriously considering attempting suicide.

Before the rise of social media, suicide by the young had stabilized and declined for decades. Now, it is the third leading cause of death for Americans between the ages of 15 and 24.

The Consumer Protection Subcommittee, where I serve, has produced five hearings’ worth of evidence showing that harmful content is readily available to minors, that online platforms are aware of this, and that they have made the conscious decision to ignore it. Think about that.

They have proved time and again that they will not follow through on their commitment to moderate harmful content unless they are forced to do so. So I think it is time that we force them to take action.

It is going to be a long road, and I am going to be blunt. When it comes to putting guardrails on Silicon Valley, there are a million different ways to get it wrong. But, over the years, Congress has learned some valuable lessons, and now we know how to fix the

problem, instead of just putting an expensive bandaid on that problem.

First, I am all for encouraging innovation, but let's be clear: The motto "move fast and break things" has a cost, and we don't want that cost to be imposed on our children.

We know that Big Tech will never hold themselves accountable to any acceptable safety standard. The creation of safety by design and the resulting accountability should be our goal.

Second, we want to make sure that these safety standards don't allow these companies to take their hands off the wheel once certain requirements are met. Verifying a user's age or obtaining parental consent for minors to use the platforms—that is important, but it will not stop children from getting bombarded with dangerous content once they are online.

And, finally, legislation must not simply shift the burden of controlling the spread of this dangerous content onto the parents. This is precisely what Big Tech companies have been doing for years, and it is not working. Parents want to be involved, but they cannot protect their children if the platforms keep moving the goalposts to protect their business models.

Unfortunately, when our children are on these platforms, our children are the product. These platforms data mine our children, and then they market that data.

We have seen proposal after proposal fail, but after years of talking to parents and tech companies and policy experts, we finally have the opportunity to support a bill that does get it right.

Last week, Senator BLUMENTHAL and I reintroduced the Kids Online Safety Act. As of today, this bill has 33 bipartisan cosponsors and the endorsement of hundreds of bipartisan organizations because it does exactly what moms like Joann Bogard and other advocates have been asking Congress to do.

First, it would force platforms to give families the ability to protect minors' information, disable addictive product features, and opt out of algorithmic recommendations.

Next, it would give parents the safeguards needed to protect their kids online, as well as a dedicated portal to report harmful behavior.

Predatory content and content that promotes self-harm, suicide, and eating disorders—all of this that causes problems for our kids would become a problem that the platforms have to deal with—no more denial, no more deflection.

We also included requirements for annual risk assessments and access to datasets we can use to assess safety threats to underage users.

This is a very straightforward bill. It won't hinder innovation. It won't allow platforms to take their hands off the wheel, and it won't put the burden on parents to try to figure out how in the world to control the access their children have to this harmful content.

Our children are exposed to things in the virtual space that we would never

allow them to be exposed to in the physical space. Over the past few years we have heard pundit after armchair pundit insist that it is time to treat our kids like grownups. But our children are not adults, and it is our responsibility to protect them so that, one day, they will have the opportunity to be grownups. Our children are being exposed to things that no reasonable parent would ever allow their child to know about these things.

If there is one thing we have learned during our hearings with the Consumer Protection Subcommittee, it is that simply encouraging more supervision is not enough. A high-tech permission slip just isn't going to cut it. If we want to keep kids safe online, we have to demand real accountability from these Big Tech social media platforms.

Last Congress, the Kids Online Safety Act passed out of the Commerce Committee 28 to 0. That is right—unanimous support. I would ask my colleagues on each side of the aisle to join me and Senator BLUMENTHAL in calling for a vote so that we can finally push this bill across the finish line and provide parents the toolbox they need to protect their children from the harm in the virtual media.

I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CORNYN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

GUN VIOLENCE

Mr. CORNYN. Mr. President, it has been a rough weekend in Texas. Last weekend, tragedy struck the city of Allen, TX, and a driver in Brownsville drove into a group of migrants, killing a number of them and injuring others. In both cases, the circumstances surrounding these incidents are still being investigated.

On a beautiful Saturday afternoon, people of all ages visited a popular outdoor mall in the suburbs north of Dallas. That is where Allen is. Shoppers filtered in and out of stores with their children and were enjoying what appeared to be a normal weekend, but, as we know now, the day took a tragic turn when a man drove up to the crowded shopping mall and got out of his car with a gun and began firing. Shoppers ducked behind cars and ran into stores. Customers crowded into tiny storage rooms. Parents used their own bodies to protect their children. The shooter murdered eight innocent people and wounded seven others before being killed himself by police. The victims were between the ages of 3 and 37.

A patch on the shooter's clothing and his social media posts suggest that he might have espoused White supremacist and other extremist views. As I said, law enforcement is still gathering

information about him and his motives, but what we know so far is that he was discharged from the army prematurely due to mental health reasons. But it is unclear if that discharge or any other factors would have legally disqualified him from purchasing a firearm.

Obviously, a dishonorable discharge, a felony conviction—those sorts of things—would result in your being prohibited under existing law from purchasing a firearm, but we don't know whether there are other circumstances beyond his premature discharge from the army after only 3 months due to mental health reasons which rise to the level necessary to invoke one of those disqualifying actions.

So at this moment, there is still a lot we don't know. And, of course, at times like this, we are all trying to make sense of this unspeakable tragedy. Obviously, I am eager to learn more about the circumstances that led to this attack. But one thing is for sure, and that is local law enforcement officials leading this investigation and searching for answers have already done heroic work, thanks to an Allen Police Department officer who was at the mall for other reasons and who was able to respond quickly and neutralize the shooter. But for that police officer, many others would have been injured and died.

So I am grateful to the police officers, the emergency medical technicians, and healthcare workers who responded to this tragedy—as I said, especially the heroic officer who responded to gunfire and immediately ran toward the danger.

The shooter was carrying multiple weapons and had five additional guns in his car. If not for the quick action of that police officer, there is no question that even more families would be grieving today. I have spoken to local officials who are responding to this crisis, including Mayor Ken Fulk and Police Chief Brian Harvey. I offered my condolences and offered whatever help we might be able to provide, whatever assistance we can provide.

One of the things Chief Harvey told me that he particularly appreciated is the FBI had come forward with crime victim services, a number of FBI agents providing that assistance to the victims of this terrible shooting, which relieves a lot of the pressure on this local police department. And, of course, the FBI is now taking the lead in the investigation, supported by Texas Rangers, the Department of Public Safety, and, of course, the Allen Police Department.

So, today, I join all Texans in grieving this senseless tragedy. We mourn the eight lives that were stolen and lift up the survivors, who will never forget the horror they endured that day.

I know, Mr. President, because I have been part of negotiations over the last few years involving the so-called Fix NICS legislation—Senator CHRIS MURPHY of Connecticut and I took the lead