



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 118th CONGRESS, FIRST SESSION

Vol. 169

WASHINGTON, TUESDAY, FEBRUARY 14, 2023

No. 30

Senate

The Senate met at 11 a.m. and was called to order by the Honorable ALEX PADILLA, a Senator from the State of California.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God, in these challenging times, give our lawmakers the courage and wisdom to keep America a beacon of freedom. Lord, strengthen our Senators, giving them a sense of Your abiding presence. May they honor Your Name in their thoughts, words, and actions. Provide them with compassion for the poor and helpless, and use them to rescue the perishing.

Bless our great land. Use us all to serve one another with humility, following Your example of sacrifice. Lord, fill us with Your hope, that we may become instruments of Your peace.

We pray in Your merciful Name. Amen.

PLEDGE OF ALLEGIANCE

The Presiding Officer led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mrs. MURRAY).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, February 14, 2023.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby

appoint the Honorable ALEX PADILLA, a Senator from the State of California, to perform the duties of the Chair.

PATTY MURRAY,
President pro tempore.

Mr. PADILLA thereupon assumed the Chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session to resume consideration of the following nomination, which the clerk will report.

The legislative clerk read the nomination of Gina R. Mendez-Miro, of Puerto Rico, to be United States District Judge for the District of Puerto Rico.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

MICHIGAN STATE UNIVERSITY SHOOTING

Mr. SCHUMER. Mr. President, first, on a very sad note, our hearts are with East Lansing today, the campus, the entire community. We are learning more about this terrible shooting. What happened there, on a college campus, is devastating, and it breaks the hearts of Americans everywhere.

UNIDENTIFIED FLYING OBJECTS

Mr. President, now, on the briefing that we just received, we are learning

more and more about these four objects by the hour. U.S. and Canadian forces are working to recover the objects that were shot down. In the briefing, the military and intelligence people outlined their approach to each of the four objects.

What I can say after our briefing is that our defense and intelligence Agencies are focused like a laser on gathering every piece of information about these objects to figure out exactly what is happening.

What we saw over the weekend is that if they see anything that is a threat to America or the American people, they will take appropriate action, and they made clear that Americans are in no physical harm on the ground from any of these objects.

The military and intelligence Agencies are working around the clock to come up with a comprehensive picture of what is happening, and, as they recover more evidence, the picture will be filled in, in a careful, thoughtful but decisive way. The administration is carefully evaluating, as I said, each of the four objects as they happen, and I believe they have taken the right approach on each of the four objects. We still have questions about many issues, but they are making every real effort, and the American people should have a good deal of confidence in our military and intelligence to handle our security.

JUDICIAL NOMINATIONS

Mr. President, now, on judges, today, the Senate reaches a major milestone as we confirm the 100th—100th—judicial nominee of the Biden administration. That is 100 judges who will bring balance and excellence to the Federal bench, 100 judges who have expanded the diversity and dynamism of the judiciary, 100 judges who embody the best of our justice system: experience, fairmindedness, and, most of all, fidelity to the Constitution.

Today's nominee, Judge Gina Mendez-Miro, is remarkable in her own right. Judge Mendez-Miro, nominated

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



Printed on recycled paper.

S371

to serve as a district judge for the District of Puerto Rico, would make history as the first openly LGBTQ member of that court. That is something to celebrate, something to be proud of, and something that shows America can, little by little, live up to its promise of opportunity for all, regardless of his or her background.

Judge Mendez-Miro is already a deeply respected member of the Puerto Rican court of appeals, and I am confident she will make an excellent district court judge.

Mr. President, whenever we reach a milestone like today's, it is as good an opportunity as any to pause and evaluate everything we have accomplished and what it means for our country. Today, because of the work done by this majority, our Federal judiciary is far more balanced, far more diverse, far more experienced than the one we had just 2 years ago, and it is something every American can be proud of. This Senate has confirmed more judges by this point in a President's term than either of the previous two administrations.

Of the 100 judges, 76 are women—76. Today, only about one-third of active Federal judges are women. So this is a sorely needed step in the right direction, redressing what has been a time-old imbalance.

Sixty-eight of these judges are people of color: 33 Black judges, 25 Black women judges, 21 from Hispanic backgrounds. We confirmed the first Muslim American Federal judge in U.S. history, and, of course—of course—we confirmed the first Black woman ever to sit on the U.S. Supreme Court: Judge Ketanji Brown Jackson.

And diversity can take many forms. Justice Jackson, for instance, is also the first public defender to ever bear the title Justice. It is no small feat to confirm the first ever Justice who knows firsthand what it is like to defend the rights of the accused.

And perhaps more than at any other point in history, our bench has more public defenders, civil rights lawyers, election lawyers—people who have understood average folks as they walk through their lives. From Myrna Perez, who directed the Brennan Center for voting rights and elections, to Holly Thomas, who led DOJ's civil rights division, to Nina Morrison, the former senior litigator of the Innocence Project, these judges are the kind of heavy hitters who, until now, rarely made it to the Federal bench.

We Democrats are proud—very proud—that we are changing that. Diversity is something we are all proud to celebrate, but it is not diversity on its own that matters here. If our democracy is to prosper in the 21st century, the American people must have confidence that our Federal courts can faithfully adhere to the principle of equal justice under law.

The more our judges reflect our Nation's vibrancy and diversity, the more effective they will be in administering

equal justice. The more Americans look at our courts and see people who look like them and come from their backgrounds and share similar experiences, the better off our judicial system will be.

Now, that does not change the obligation of judges, who have to apply the law fairly, impartially, and equally. On the contrary, I believe diversity enhances the court's ability to rule impartially. So you can bet that we will continue in this effort.

I want to thank all of my colleagues who worked so hard in the last 2 years to confirm these remarkable judges. I want to thank my Republican colleagues who worked with us as well because their support has made this milestone possible. And, of course, above all, I want to thank my colleagues on the Judiciary Committee, particularly Chairman DURBIN, for his leadership in seeing these judges through the nomination process.

And as a sign of what is to come, last week, Senator DURBIN led the Judiciary Committee to advance another 24—that is 24—new judicial nominees.

Mr. President, the Senate will keep going to confirm even more judges to the bench as quickly as we can. When we began our majority, I said judges would be one of our top priorities in this Chamber, and we have kept that promise, and we are going to continue to work in the months and years ahead to ensure our courts advance the cause of equal justice under law for every single person in this country.

I yield the floor.

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. MCCONNELL. 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 MINORITY LEADER

The Republican leader is recognized.

Mr. MCCONNELL. Mr. President, I ask unanimous consent to complete my remarks prior to the scheduled rollo call votes.

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

NOMINATIONS

Mr. MCCONNELL. Mr. President, today, our colleagues on the Commerce Committee will hear from someone they already know very well. Our Democratic colleagues have scheduled yet another hearing for a radical nominee they have already twice failed to get through the Senate. Now, the far left is betting the third time will be a charm.

The problem is Gigi Sohn is no more qualified to be installed on the FCC than she was back in 2021 or 2022.

The Federal Communications Commission is an important and sensitive regulatory body. It is charged with reg-

ulating a huge amount of our communications with each other as American citizens: our radio and television, our cable and satellite, our broadband internet. They are unelected people who exercise enormous power in areas that directly intersect with the American people's First Amendment rights and free speech and free expression.

The country needs our FCC Commissioners to be thoughtful, sober, non-partisan referees, not activists and ideologues who want to bend our airwaves to their agenda.

This nominee, Ms. Sohn, has spent her entire career proving she is totally—totally—unsuited to this sensitive job. She is a hardcore liberal activist who has literally said the FCC should consider revoking the broadcast licenses at news stations that she disagreed with. That is completely disqualifying and then some. This is America. We don't pull journalists and broadcasters off the air because unelected bureaucrats disagree with them.

And this only scratches the surface. She has a record of siding with criminals over law enforcement. She has deep, longstanding ties to a radical organization that opposes law enforcement's lawful access to data and information—an organization connected to, among other people, the leaker, liar, and fugitive Edward Snowden.

Among the strongest supporters of her nomination are groups who have called American cops "agents of white supremacy." The same people who want to defund the police, who oppose laws against online sex trafficking—they want this woman in this position of power. And they want it badly.

The Fraternal Order of Police wrote our colleagues Senator CRUZ and Senator CANTWELL to explain that putting Gigi Sohn on the FCC would be a disaster for law and order. They said confirming this person would "show a complete disregard for the hard-working men and women of law enforcement."

And even unrelated to her radical views, this nominee is also swamped with serious ethical questions. Seven years ago, when she was advising a past FCC Chairman, the Commission was closing in on a bipartisan deal she thought was too moderate. So she leaked nonpublic information in order to gin up outrage from the radical left, pressure the Commissioners, and tank the compromise.

In another instance, she was a board member of an organization that stole copyrighted content and illegally put it online.

Every American who watches sports on TV knows that familiar disclaimer—that you can't rebroadcast television programs without express written consent. Well, this nominee helped run an entire organization whose very mission—very mission—was violating copyright law in that sort of way.

And it gets even worse. Ms. Sohn's organization was supposed to pay a