

headquartered at Fort Meade. I echo the comments of the Armed Services Committee in its report, which finds that Cyber Command's expanded mission and responsible use of its acquisition authority justify the removal of the constraints imposed by the FY16 NDAA.

I appreciate that my colleagues on the Senate Armed Services Committee adopted Senator WARREN's amendment directing the Pentagon to begin the process of renaming military bases named for Confederate soldiers. No American military installations should be named in honor of those who led the fight against the union to defend slavery.

I also want to note my gratitude to Chairman INHOFE and Ranking Member REED and their staffs for working with me to include relief for the family of Lieutenant Richard W. Collins III. Lt. Collins' tragic death was made even more painful for his family through the challenges they faced in receiving the proper benefits and recognition for their son. Nothing will ever fill the void of their loss, but I am hopeful that this provision brings the Collins family some peace of mind.

Additionally, it is worth highlighting for the record that the House NDAA included a provision extending the review period of the World War I valor medals review authorized by section 584 of last year's NDAA. The Valor Medals Review Task Force has worked tirelessly to identify the service records of World War I veterans who may have been passed over for the Medal of Honor on the basis of race or ethnicity. Unfortunately, the COVID-19 pandemic has limited their access to research materials and necessitated an extension for them to complete their work. I encourage the conferees to retain the House's provision granting this extension.

While I am pleased with many of the provisions included in this bill and voted for its passage, I do have significant reservations.

I am deeply disappointed that this bill authorizes full funding for the President's misguided and wasteful nuclear weapons programs while taking no action to preserve the New START treaty, the last standing agreement capping U.S. and Russian nuclear forces. For more than half a century, successive administrations have linked arms control with nuclear modernization efforts as a way of promoting stable deterrence and heading off an unconstrained arms race. Failure to extend New START will unravel this linkage, freeing Russia of limits on its nuclear arsenal and sparking a costly, destabilizing arms buildup.

I also strongly oppose the authorization of funds to prepare for an explosive underground nuclear test, an act that would prompt our nuclear-armed adversaries to conduct their own tests and would undermine longstanding arms control and nonproliferation objectives. I applaud the House's passage of an amendment to bar nuclear test-

ing in its NDAA, and I urge my colleagues to uphold this prohibition in conference negotiations.

I also believe that this bill fails to tackle the long-term budget challenges facing our country, which is why I was disappointed that the Senate rejected Senator SANDERS' amendment to reduce defense spending by 10 percent and invest that money into healthcare, education, and poverty reduction in communities with a poverty rate of 25 percent or more. In the midst of the worst economic downturn since the Great Depression, a pandemic that has taken the lives of more than 150,000 of our fellow Americans and shows no signs of slowing down, and the impending crises of homelessness and joblessness that we face if the Congress fails to provide relief, we simply cannot afford to continue this level of investment in defense at the expense of other critical national priorities.

I regret that the Senate was not given an opportunity to vote on my amendment, cosponsored by 13 other Senators, prohibiting the use of U.S. security assistance to support the unilateral annexation of all or parts of the West Bank. The security assistance which the United States provides to Israel is an important element of the relationship between our two countries and one that I strongly support. As I explained in my floor statement at the time of its introduction, the amendment would not have reduced U.S. security assistance to Israel by a single penny. It would simply have ensured that no U.S. security assistance could be used for the purpose of unilaterally annexing territory in the West Bank. Furthermore, nothing in this amendment would have prohibited Israel from using U.S.-financed missile defense systems such as Iron Dome to defend against attacks in any territories that could be unilaterally annexed by the Israeli Government.

Likewise, I am troubled that the majority leader would not permit a vote on Senators WYDEN and MERKLEY's amendment to end the President's unconstitutional attacks on Americans exercising their First Amendment rights in Portland. Portland is not the first city to experience these tactics; President Trump sent unidentified Federal police onto the streets of our Nation's Capital to threaten peaceful protesters. Now, he is threatening to send them to other American cities, including Baltimore. We must require Federal agents to wear visible identification and ban them from making arrests or detentions using unmarked vehicles. The Senate's failure to act quickly to respond to the President's unconstitutional behavior is shameful.

Finally, Majority Leader MCCONNELL, at the behest of the Trump administration, once again blocked the inclusion the bipartisan DETER Act, which I introduced with Senator RUBIO, to deter future Russian interference in U.S. Federal elections. The DETER Act sends a clear message to Russian Presi-

dent Putin or any other foreign adversary: If you attack American elections, you will face severe consequences. Leader MCCONNELL blocked this measure from the last NDAA, even though the Senate had unanimously passed a resolution instructing the conferees to support its inclusion.

The decision of the Trump administration, working through Senator MCCONNELL, to continue to block the DETER Act effectively green-lights Russian interference in future U.S. elections. It is a gift to Russian President Vladimir Putin and a subversion of the clear desire expressed by both Chambers of Congress to hold Russia accountable for future interference. It reinforces Putin's belief that the costs of attacking our democracy are low and the rewards are great. I will continue fighting for the passage of the DETER Act. The Presidential election is less than 4 months away, and we must make clear to Putin that Russia will pay a steep price if they interfere in another election.

While I am opposed to some of the provisions in this bill and disappointed by the omission of others, I believe that, on balance, the NDAA will strengthen our national security and advance other important national priorities. For that reason, I voted in support of final passage.

#### VOTE EXPLANATION

Mr. TESTER. Mr. President, I was absent when the Senate voted on vote No. 152 to confirm Executive Calendar No. 770, Derek Kan, of California, to be Deputy Director of the Office of Management and Budget. On vote No. 152, had I been present, I would have voted no on the motion to confirm Mr. Kan.

#### CONFIRMATION OF DEREK KAN

Mr. VAN HOLLEN. Mr. President, I opposed the confirmation of Derek Kan to be Deputy Director of the Office of Management and Budget. Mr. Kan's tenure at OMB and his responses to questions from the Senate Budget Committee raise serious concerns about a lack of transparency and a failure of leadership in responding to the coronavirus pandemic.

While Mr. Kan was the Executive Associate Director at OMB, the agency illegally withheld security assistance for Ukraine in furtherance of President Trump's corrupt scheme to pressure Ukraine to interfere on President Trump's behalf in the 2020 election. On August 12, 2019, OMB General Counsel Mark Paoletta sent an email to Mr. Kan and other top OMB officials regarding concerns from the Department of Defense about this withholding, an email that made headlines when it was revealed publicly. While I specifically asked Mr. Kan about this email in written questions prior to the hearing, Mr. Kan claimed during the hearing that he was not familiar with the email in question.

The Government Accountability Office found that OMB violated the Impoundment Control Act by withholding security assistance from Ukraine, and GAO also stated that OMB's stonewalling of their inquiry had "constitutional significance" due to the undermining of legislative branch oversight. Mr. Kan, like OMB Director Russell Vought during his confirmation hearing, refused to even provide a reason for why OMB did not turn over any documents in response to GAO's request for documents to substantiate OMB's claim that a policy process was the reason for withholding aid to Ukraine. In response to my questions following the hearing, Mr. Kan referred the matter to the office of OMB General Counsel Mark Paoletta, the same official whose response to GAO's inquiry failed to turn over any such documents in the first place.

I am also concerned about Mr. Kan's leadership as a member of the President's Coronavirus Task Force. On February 5, 2020, Mr. Kan told Senators that the Trump administration did not need additional resources to address the coronavirus, which contributed to the deadly lack of preparation as the pandemic spread in the United States. During his confirmation hearing, Mr. Kan would not say whether he agreed with President Trump about reducing testing for coronavirus or whether President Trump was setting a good example by holding large indoor rallies at which masks were not required.

For those reasons, I voted against Mr. Kan's confirmation to be Deputy Director at OMB.

#### NOTICE OF INTENT TO OBJECT

Mr. WYDEN. Mr. President, in 2008, Congress responded to rising reports of child sexual abuse material—CSAM—online by passing the PROTECT Act to direct the Department of Justice to combat these heinous crimes. However, in the decade that followed, DOJ failed to request the manpower, funding, and resources to combat this scourge, leaving both the National Center for Missing and Exploited Children—NCMEC—and law enforcement agencies uncoordinated, understaffed, and underfunded. As a result, though tech companies reported more than 45 million instances of CSAM to NCMEC in the last year alone, just a fraction were investigated, and even fewer were prosecuted and convicted.

Yet, rather than confronting this failure by Congress and the executive branch, my colleagues on the Senate Judiciary Committee have put forth the Eliminating Abusive and Rampant Neglect of Interactive Technologies—EARN IT—Act, a deeply flawed piece of legislation that would revoke online platforms' intermediary liability protections with regard to not only Federal civil law, but also any State law broadly related to CSAM.

The EARN IT Act will not protect children. It will not stop the spread of

child sexual abuse material, nor target the monsters who produce and share it, and it will not help the victims of these evil crimes. What it will do is threaten the free speech, privacy, and security of every single American. This is because, at its core, the amended EARN IT Act magnifies the failures of the Stop Enabling Sex Traffickers Act—SESTA—and its House companion, the Fight Online Sex Trafficking Act—FOSTA. Experts believe that SESTA/FOSTA has done nothing to help victims or stop sex trafficking, while creating collateral damage for marginalized communities and the speech of all Americans. A lawsuit challenging the constitutionality of FOSTA on First Amendment grounds is proceeding through the courts, and there is bicameral Federal legislation to study the widespread negative impacts of the bill on marginalized groups.

Yet, the authors of the EARN IT Act decided to take this kind of carveout and expand it further to State civil and criminal statutes. By allowing any individual State to set laws for internet content, this bill would create massive uncertainty, both for strong encryption and constitutionally protected speech online. What is worse, the flood of State laws that could potentially arise under the EARN IT Act raises strong Fourth Amendment concerns, meaning that any CSAM evidence collected could be rendered inadmissible in court and accused CSAM offenders could get off scot-free. This is not a risk that I am willing to take.

Let me be clear: The proliferation of these heinous crimes against children is a serious problem. However, for these reasons and more, the EARN IT Act is not the solution. Moreover, it ignores what Congress can and should be doing to combat this heinous crime. The U.S. has a number of important evidence-based programs in existence that are proven to keep kids safe, and they are in desperate need of funding to do their good work. Yet the EARN IT Act doesn't include a single dollar of funding for these important programs. It is time for the U.S. Government to spend the funds necessary to save children's lives now.

In May of 2020, I introduced the Invest in Child Safety Act to do exactly that. My bill would drastically increase the number of prosecutors and agents hunting down child predators, require a single person to be personally responsible for these efforts, and direct more than \$5 billion in mandatory funding to the folks who can actually make a difference in this fight.

I believe this historic, mandatory investment in personnel and funding is necessary to truly take on the scourge of child exploitation, and I urge my colleagues to support my approach. Meanwhile, I intend to object to any unanimous consent agreement regarding the EARN IT Act.

#### REMEMBERING COLONEL RONALD DUDLEY RAY

Mr. PAUL. Mr. President, Col. Ronald Dudley Ray, USMC, served as the Deputy Assistant Secretary of Defense (Guard/Reserve) during the Reagan administration and was a highly decorated Vietnam veteran who was an adviser to the South Vietnamese Marine Corps during the Tet Offensive and other campaigns. He was awarded two Silver Stars, a Bronze Star with combat V, and a Purple Heart. His gallantry under fire was exceeded only by his tenacious advocacy for his fellow veterans. He entered law school at the University of Louisville, where he graduated at the top of his class. Throughout his civilian career, he used his talent and professional skills to encourage, organize, and recognize veterans from the Vietnam era. He personally championed the Kentucky Vietnam Veterans' Memorial in Frankfort, and led the way in raising \$1 million for its design and construction. A great student of American history, he amassed a collection of over 10,000 books on the subject, and he shared his vast knowledge by writing and speaking about the history of the country he loved and served with such distinction. Colonel Ray, who passed away July 6, 2020, leaves a unique legacy of personal service to our Nation and dedication to its veterans that is worthy of this special distinction.

#### ADDITIONAL STATEMENTS

##### TRIBUTE TO CYNTHIA BARRETT

• Mr. RUBIO. Mr. President, today I am pleased to recognize Cynthia Barrett, the Highlands County Teacher of the Year from Avon Park High School in Avon Park, FL.

Cynthia believes teaching is more than just a job. She holds her students to high expectations, knowing they are in advanced classes and will soon become leaders throughout their communities. Cynthia appreciates this award is more than just a recognition of her hard work, but also an acknowledgment of the hard work her students put in each day.

Cynthia teaches AP world history and economics/honors at Avon Park High School. She has taught in Highlands County since 1994 and previously taught in Leon County from 1989 to 1994. Cynthia is a graduate of Florida Agricultural and Mechanical University.

I offer my sincere gratitude to Cynthia on her dedication to teaching students throughout the school year. I look forward to hearing of her continued good work in the coming years.●

##### TRIBUTE TO ELIZABETH CAMP

• Mr. RUBIO. Mr. President, today I recognize Elizabeth Camp, the Sumter County Teacher of the Year from Wildwood Elementary School in Wildwood, FL.