

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

Graham	Manchin	Rounds
Grassley	McConnell	Rubio
Hawley	McSally	Sasse
Hoever	Moran	Scott (SC)
Hyde-Smith	Murkowski	Shelby
Inhofe	Paul	Sinema
Johnson	Perdue	Sullivan
Kennedy	Portman	Thune
Lankford	Risch	Tillis
Lee	Roberts	Toomey
Loeffler	Romney	Wicker

NAYS—38

Baldwin	Heinrich	Rosen
Bennet	Hirono	Schatz
Booker	Jones	Schumer
Brown	Kaine	Shaheen
Cantwell	King	Smith
Carper	Klobuchar	Stabenow
Casey	Leahy	Tester
Cortez Masto	Markey	Udall
Duckworth	Menendez	Van Hollen
Durbin	Merkley	Warner
Feinstein	Murphy	Warren
Gillibrand	Peters	Wyden
Hassan	Reed	

NOT VOTING—11

Alexander	Daines	Scott (FL)
Blumenthal	Harris	Whitehouse
Cardin	Murray	Young
Coons	Sanders	

The PRESIDING OFFICER. The yeas are 51, and the nays are 38.

The motion is agreed to.

The majority leader.

ORDER OF PROCEDURE

Mr. MCCONNELL. Mr. President, I ask unanimous consent that notwithstanding the provisions of rule XXII, the postcloture time on the Johnson nomination expire at 11 a.m. tomorrow and the Senate vote on confirmation of the nomination. I further ask that if cloture is invoked on the Beaton nomination, the postcloture time expire at 2:15 p.m. tomorrow and the Senate vote on confirmation of the nomination. Finally, if any of the nominations are confirmed, the motions to reconsider be considered made and laid upon the table and the President be immediately notified of the Senate's action.

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

LEGISLATIVE SESSION

MORNING BUSINESS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to legislative session and be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

NATIONAL DEFENSE AUTHORIZATION ACT

Mr. WYDEN. Mr. President, the Senate recently voted to move forward on the National Defense Authorization Act, NDAA, the annual defense policy bill. The Senate took this procedural step by what is known as a voice vote, a process that does not record the final vote tally or how each Senator specifically voted, but a voice vote is not a sign of unanimous support for a measure, and I am submitting this state-

ment to mark my opposition to this year's NDAA and to this process.

When the Senate debated and passed this bill for the first time, earlier this year, I voted no. I said at the time that I could not go along with a Republican plan to greenlight \$740 billion in military spending while providing almost nothing to help Americans impacted by this unprecedented global pandemic.

I said that I could not vote for a defense bill with Federal agents actively occupying Portland and treating peaceful protestors like foreign enemies. Donald Trump ordered these occupiers into my hometown, uninvited, to crack down on Oregonians peacefully demanding an end to systemic racism.

Senator MERKLEY and I introduced an amendment to the NDAA that would have required Donald Trump to remove these unwanted forces from our State. The Senate majority blocked our amendment and told us that we were making things up while Trump's goons were shooting protestors with tear gas, rubber bullets, and other crowd control munitions.

I want to be clear that I support plenty of provisions in this NDAA and wrote or negotiated some of the language to improve the bill, but I must oppose the NDAA due to its flaws and its timing, in light of the lack of help for everyday Americans suffering from the economic downfall brought about by Donald Trump's inept response to a global pandemic. For this reason, I have no choice but to oppose.

TRIBUTE TO DR. MARK PETERS

Mr. RISCH. Mr. President, along with my colleague Senator MIKE CRAPO, I rise today to honor our friend Dr. Mark Peters. Dr. Peters, who led the Idaho National Lab INL—for 5 extraordinary years, will be stepping down from his position as director of the INL to pursue a new role with Battelle Energy Alliance.

Throughout his long and distinguished tenure at the INL, our national laboratories, and other highly respected research institutions, Dr. Peters has earned a reputation as a leading voice in the U.S. nuclear community. He is highly respected by Congress, the administration, industry, and stakeholders because of his knowledge and his engaging and inclusive style. Simply put, Dr. Peters is a giant in the nuclear industry. He has served as a senior advise to the U.S. Department of Energy on nuclear energy matters and as a fellow of the American Nuclear Society, a prestigious recognition for his outstanding accomplishments in nuclear science and technology.

As INL director, Mark led the State's fifth largest employer and skillfully managed its team of more than 4,000 scientists, engineers, and support staff at our country's premiere nuclear, cybersecurity, and scientific research laboratory. Thanks to his leadership, the Lab is thriving and its future is

bright. It would be difficult to list every one of Mark's many accomplishments at the Lab, but there are several key achievements that have propelled the INL to new heights.

Mark played a pivotal role in getting the Nuclear Energy Innovation Capabilities Act signed into law. He also succeeded in bringing the National Reactor Innovation Center to Idaho, ensuring that the Lab will continue to lead the development and deployment of advanced nuclear reactor designs well into the future.

Furthermore, Dr. Peters was instrumental in growing the mission of the Lab. Mark invested time and energy into making the INL a world leader in industrial control systems cybersecurity to match its well-established reputation for nuclear energy. This research arm has helped ensure the safety and security of our Nation's critical infrastructure while acting as a boon to eastern Idaho's economy.

Recognizing the inherent opportunity in its expanding cybersecurity practice, Dr. Peters worked closely with the State of Idaho to construct two new buildings at the Lab's Research and Education Campus. These world-class centers facilitate cutting-edge research by government and private industry, while providing Idaho students with opportunities to develop modeling, simulation, and cybersecurity skills for in-demand careers in Idaho and beyond.

The Idaho Falls community not only benefited from Mark's leadership, but that of his wife, Ann Marie Peters. Her tireless efforts to expand programs and acquire the latest technologies at the College of Eastern Idaho have provided thousands of students with unprecedented high-quality educational opportunities. Throughout the community, Mark and Ann Marie are known for their willingness to take time out of their busy schedules to help young people navigate college and career opportunities and for their generous support of organizations like the Idaho Falls Arts Council and United Way.

We wish Mark, Ann Marie, and their family the very best in their new endeavor. We thank them for their service and dedication to making the Lab and surrounding communities such a vibrant place to work and call home. Eastern Idaho is a better place because of the Peters family, and for that, all of Idaho is deeply grateful.

ADDITIONAL STATEMENTS

TRIBUTE TO BLAKE HURST

• Mr. BLUNT. Mr. President, I rise today to congratulate Mr. Blake Hurst on an extraordinary career and well-deserved retirement. Blake has been an outstanding leader and voice for Missouri's agriculture industry and has played a vital role to elevate our State's national presence among the agricultural community when it comes