

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.