

## GOVERNMENT FUNDING

Mr. SCHUMER. Mr. President, let me talk a little bit about yesterday afternoon. Yesterday, Leader PELOSI and I met with President Trump about funding the government past next week. We gave the President two options to keep the government open. The first option: Pass the six bipartisan appropriations bills and a 1-year CR for the Department of Homeland Security only. And, if they don't like that one, a 1-year CR for the rest of government.

We told the President that both of these options would pass both Chambers. It was his choice to either accept one of those two options or shut the government down. Yesterday, unfortunately, it was clear that the President is clinging to his position of billions of dollars for an unnecessary, ineffective, border wall. President Trump will soon realize that his position will not result in a wall but will result in a Trump shutdown, and he seems to relish the idea, amazingly enough.

The President has called for a shutdown at least 20 times since he came to office. You can add at least five or six more times to that number from our meeting. Here is a direct quote from President Trump yesterday: "If we don't get what we want, one way or the other . . . I [President Trump] will shut down the government. . . ."

President Trump said:

I am proud to shut down the government. . . . [so] I will take the mantle. I will be the one to shut it down. I'm not going to blame you [meaning Democrats] for it. . . . I will take the mantle of shutting it down.

It was astounding that any President, even this one, would say that. No President should ever say that he or she would be proud to shut the government down. No President should so glibly use the American Government and the millions of workers who work so hard as a bargaining chip, but that is where President Trump is headed.

President Trump made clear that he will hold parts of the government hostage for a petty campaign pledge to fire up his base. That is all it is. He never researched the wall. He talked about it on the campaign and he said: Oh, Mexico will pay for it. If President Trump holds to this position—that unless he gets his wall, he will shut down the government—who will suffer needlessly? The American people.

Of course, Leader PELOSI and I had to spend much of the meeting trying to untie the knots in logic the President was tying himself in. President Trump started by bragging about how great border security is going under his watch. That, by the way, is with no wall. If it were truly the case as the President said, that border security is better than it has ever been, what is wrong with another year of the same funding? If things are going so great, why does he have to threaten to shut down the government for his \$5 billion wall? It makes no sense. None of it is based on fact.

Mr. President, there is no wall.

Mr. President, Mexico has not agreed to pay for it. None of that is true, and it is difficult—if nearly impossible—to negotiate with a President in front of the press who peddles such blatant and dangerous falsehoods.

Because Leader PELOSI and I simply didn't go along with him, President Trump threw a temper tantrum and promised to shut down the government unless he got what he wanted. Evidently, the Trump temper tantrum continued even after the meeting, with news reports saying he threw papers around the White House in frustration.

Why did he continue? Because someone finally spoke truth to power. Someone finally contradicted him when he throws around blatant falsehoods on such a regular basis. The President is so used to obsequious advisers who fail to dispel his false and made-up facts that he lives in a cocoon of his own mistruth. Leader PELOSI and I had to tell him, no, Mr. President, that is not true. We had to puncture that cocoon, and he threw a temper tantrum because of it.

It is unfortunate that we have arrived at this point. The President's advisers should have been telling the President the truth all along. Unfortunately, too many of my Republican colleagues in the Senate and in the House seem too afraid to tell the President when he is wrong, even though they know he is wrong. They find it easier to throw up their hands and wait for someone else to solve the problem or capitulate and agree with the President.

At the moment, Senator MCCONNELL, the majority leader of this body and my friend, is staying as far away as he can from the year-end spending fight. We didn't hear a peep about it today. Leader MCCONNELL says he doesn't want a shutdown, but he refuses to engage with the President to tell him what is transparently obvious to everyone else: There will be no additional money for the wall. We need to pass a continuing resolution for DHS or for all the remaining Agencies to keep the government open.

Leader MCCONNELL has an obligation as majority leader, and that is to help persuade President Trump to take one of the two options we offered. The idea that Senator MCCONNELL has nothing to do with appropriations as majority leader of the Senate, who still is on that committee, does not withstand the slightest scrutiny.

If, unfortunately, the President refuses to compromise, Leader MCCONNELL will not be able to avoid this issue. In the unfortunate event that President Trump causes a shutdown, the Democratic House will come into power January 3 and pass one of our two options to fund the government, and then it will fall right back in Leader MCCONNELL's lap.

My view is—for whatever it is worth to him—it is better to solve this now because the leader is going to be stuck with it 2 weeks from now, after an un-

fortunate government shutdown caused by his President, if he doesn't act now.

If I were a Republican, I would get involved right now and help pull the President back from the brink. Democrats have given him two reasonable options. We made it crystal clear that Democrats are for keeping the government open. We have no demands beyond that, only the President does.

If President Trump wants to continue his temper tantrum ahead of the holidays and cause a shutdown, it is now so clear it is solely on his back. We hope the President chooses one of the reasonable options we gave him yesterday, and we hope the country can avoid a Trump shutdown.

I yield the floor.

## RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. COTTON). Under the previous order, leadership time is reserved.

## CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

## PROVIDING FOR CONGRESSIONAL DISAPPROVAL OF A RULE SUBMITTED BY THE DEPARTMENT OF THE TREASURY TO RETURNS BY EXEMPT ORGANIZATIONS AND RETURNS BY CERTAIN NON-EXEMPT ORGANIZATIONS

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S.J. Res. 64, which the clerk will report.

The senior assistant legislative clerk read as follows:

A joint resolution (S.J. Res. 64) providing for congressional disapproval under chapter 8 title 5, United States Code, of the rule submitted by the Department of the Treasury relating to "Returns by Exempt Organizations and Returns by Certain Non-Exempt Organizations."

The PRESIDING OFFICER. The assistant Democratic leader.

## CONGRESSIONAL REVIEW ACT

Mr. DURBIN. Mr. President, today, the Senate is voting on a resolution of disapproval that would rescind a dangerous decision made by the Treasury Department and restore a vital tool in the fight against illegal spending in U.S. elections.

In July, the Treasury decided to reverse decades of precedent and eliminate a requirement that certain tax-exempt organizations must report the identities of their major donors to the Internal Revenue Service as part of their annual returns.

Why is this important? Because the 501(c)(4) "social welfare organizations" and 501(c)(6) business leagues that now are no longer required to disclose their donors to the IRS are the very same groups that have poured nearly one billion dollars of dark money into U.S. elections since 2010.

Dark money makes it nearly impossible for the public to find the true sources behind the shady attack ads and political campaigns that these organizations fund. But by at least requiring these groups to disclose their major donors to the IRS, the rule ensured that the government could monitor the groups' compliance with campaign finance laws, such as the ban on foreign contributions. Now that this enforcement tool has been lost, it will be much easier for foreign powers to illegally funnel money into our elections through dark money organizations.

At a time when we know the U.S. remains under threat of foreign interference in our elections, why would we make it harder for the IRS, law enforcement, and our nation's intelligence organizations to monitor the movement of money in our political system? The answer is clear—we shouldn't. The Senate must act to rescind Treasury's misguided decision and restore an essential tool in the fight against illegal money in politics and ward off the threat of foreign funds influencing U.S. elections.

I am proud to join Senators TESTER and WYDEN in support of this resolution and urge my colleagues to cast their vote in support of today's CRA.

TRIBUTE TO BILL NELSON

Mr. President, I would like to enter into the RECORD a tribute to my colleague and friend BILL NELSON of Florida.

BILL is leaving the Senate after an amazing career. We served together on the House for 8 years, 17 years in the Senate—a quarter of a century working together. He is an extraordinary man who has represented the State of Florida so well, served as one of the few congressional astronauts in 1986 when he was on the Space Shuttle *Columbia*.

He is a courageous, hard-working man. With his wife Grace by his side, they have done so many good things. They went to Haiti together, and I respect his commitment to public service and his commitment to the people of Florida.

Senator NELSON and I go back a long ways. We served together in the House for 8 years—and 17 years in this Senate. A quarter-century together in the arena. I remember then-Congressman BILL NELSON made the gutsy decision to fly in space aboard NASA's Space Shuttle *Columbia* in January 1986.

To give you an idea of how much courage that took, consider this: That was the last shuttle mission before the Space Shuttle *Challenger* disaster.

A number of people who have flown in space talk about something they call "the overview effect"—a shift in perspective that occurs when you see the Earth hanging like a tiny, fragile ball in the black void of space. From the heavens, there are no boundaries, and you see that all of us on this planet are part of the same whole.

I think that seeing the Earth from that perspective would make anyone a better Senator. It may explain why

BILL NELSON has always been so willing to reach out to other Senators—including our friends on the other side of the aisle—to solve problems for the people of Florida and for our Nation. He knows that our common humanity is bigger than our differences of opinion.

Senator NELSON displayed a different kind of courage in the Senate. He voted for the economic stimulus package that helped pull America and the world back from the brink of a Second Great Depression. He voted to create the Affordable Care Act—a vote that was politically risky, but has saved lives.

NASA and America's manned space program has had no greater champion—save possibly John Glenn himself.

BILL NELSON has been a champion for: Working families; economic fairness; and good schools and affordable college education.

He has fought for: Clean oceans; safe and sustainable energy; reasonable, responsible action to prevent climate chaos; and for scientific integrity.

He has given most of his adult life to public service. He is a reasonable man in an unreasonable time. I will miss his courage in our caucus and in this Senate. I wish my old friend all the best as he begins the next chapters in his remarkable life. He will be missed.

BORDER SECURITY

Mr. President, let me also say at this moment that we are debating the question of border security.

Yesterday, the Commissioner of Customs and Border Protection appeared before the Senate Judiciary Committee. Mr. McAleenan, who has been the Commissioner, is a professional. I respect the fact that he has a world of experience.

When he came to my office last year, I said to him: If I gave you a blank check for border security to make us safer in the United States, what would you buy?

He said: More technology, more people.

You will note that he didn't say a wall because he knows, as we do, that a wall is a 19th century answer to a 21st century challenge. We can make America safer, and should, with a secure border, using technology and personnel—well trained. This notion that we need to build a \$5 billion wall came up yesterday during the course of the hearing.

I noted the fact that for the first time in my life, it was being reported publicly that the life expectancy of Americans has gone down. You wonder why, in this great, progressive, prosperous Nation, it is the case. It is because of the drug epidemic—an epidemic which has been fueled by opioids and heroin and fentanyl. Some 40,000 or more Americans lose their life annually to this epidemic—more than we lose in traffic accidents, for example.

When you look at the source of the narcotics, you find the most deadly chemical, fentanyl, is coming into the United States over our borders, where

it is then mixed with other chemicals and sold to those on the street, ultimately leading to their death.

My question to Customs and Border Protection was: What more can we do to stop the flow of fentanyl into the United States from China, through Mexico, and other places? What I heard from Mr. McAleenan was not encouraging because it says to me he knows what can be done, and yet he doesn't have the resources to address it.

Let me be specific. He told me last year there is something called a Z Portal. This is a scanning device which can literally scan railroad cars, trucks, and cars coming into the United States to see if they detect anything suspicious—whether it is narcotics or contraband or guns or individuals hidden away.

Currently, almost 100 percent of the railroad cars go through the scanning before they come into the United States, but fewer than one out of five other vehicles are scanned. I asked Mr. McAleenan, if we are going to put more money into border security, wouldn't we put money into these Z Portals; wouldn't you ask for more money to fund this technology? He said he would, and he wanted to.

I asked him how much it would cost to really make sure we have border protection to stop these deadly narcotics from coming into the United States. His answer was \$300 million. Put that next to the President's outrageous demands for \$5 billion for a wall that all of us agree—at least most agree—is an ineffective and wasteful expenditure of taxpayers' money.

The President may think he made some campaign pledge that he has to keep come hell or high water, but that pledge also included a promise that Mexico was going to pay for this wall. Now the President wants us to pay for this wall. That is \$5 billion for his campaign promise instead of \$300 million to keep America safe from more narcotics flowing across our borders. That, to me, is a ridiculous option that the President is demanding.

If we want a safe border, if we want to stop this drug epidemic which is killing so many people, let us put the technology in place which will keep us safer. That technology is not a wall from sea to shining sea that the President demands.

SAUDI WAR POWERS BILL

Mr. President, regardless of who is serving in the White House—a Democrat or Republican—I have long felt the Constitution is very clear. The American people—through Congress, and through Congress alone—have the constitutional responsibility to declare war.

Whether I was holding President Bush in the Iraq war or President Obama in our interventions in Syria or Libya to this standard, it really came down to the same basic principle. The Constitution is clear. Article I section 8 states: "The Congress shall have the power . . . to declare War."

What we are doing later today is a debate over the future of the U.S. involvement in the war in Yemen. It is long overdue and deeply important.

It occurs as we are entering the 18th year of the war in Afghanistan. That is an incredible fact. I was on the Senate floor and voted some 18 years ago, after the 9/11 occurrence, to go after those responsible for killing 3,000 innocent Americans and who were believed to be in Afghanistan at the time. I voted with a clear conscience, understanding no one can strike the United States and kill innocent people without being held accountable.

I had no idea when I cast that vote that beyond Osama Bin Laden, we would continue using that authorization against terrorism 18 years later to prolong the longest war in the history of the United States—the war in Afghanistan.

I don't believe anyone who voted, as I did, in 2001, for that authorization of force could have imagined that 18 years later we would still be engaged in a war in Afghanistan or that the authorization would be stretched beyond credibility to approve the U.S. military action in multiple countries around the world, which brings us to the war in question today.

The disastrous and bloody Saudi-led war in Yemen is supported by the United States. Does anyone here remember voting to authorize U.S. military involvement in that war? Of course not. Did anyone who voted for the 2001 AUMF, authorization for the use of military force dealing with al-Qaida, believe we were including the Saudi-led quagmire in Yemen, a quagmire led by a reckless, young Saudi Crown Prince who I believe had direct knowledge of the brutal murder of journalist and U.S. resident Jamal Khashoggi?

Not only was this war never authorized by the elected representatives of the American people, it is a humanitarian disaster. An estimated 85,000 children have already died of malnutrition in this war, and in a country of 28 million, nearly half are facing famine because of a war that was initiated by the Saudis and supported by the United States.

Look at this heartbreaking photo. This is the photo of a 7-year-old, young Yemeni girl, named Amal Hussain. This photo was taken and featured in the New York Times in November. This young girl died shortly after this photo was taken.

"My heart is broken," her mother said.

I know this is a difficult photo to display in the U.S. Senate, but I believe it is necessary. It shows the consequences of this war and the failure of Congress to speak out clearly to this administration and take the actions necessary to stop our involvement in this war and humanitarian disaster in Yemen. The malnutrition and innocent suffering that you see in this photo cannot be ignored.

On Sunday, some may have read the New York Times columnist Nick Kristof's devastating piece "Your Tax Dollars Help Starve Children" about his recent and courageous trip to Yemen. Mr. Kristof writes about girls like Amal and notes how we typically think of war casualties as being men who have had their legs blown off. Yet, in Yemen, he writes, the most common war casualties are children who are dying of starvation and that in the conference room in Riyadh, Saudi Arabia, and here in Washington, officials, simply, don't fathom the human toll of their policies. Maybe some think that this war in Yemen is justified, that Iranian influence and the Houthis in Yemen are credible threats to U.S. security interests.

Ultimately, this is not about the merits of any such fight. It is not about soldier against soldier or combat against combat. It is about the innocent bystanders who are dying by the thousands. It is also not any way to vindicate the Houthis' troubling role in the horrible Yemeni civil war or their likely support from Iran. I don't try to do that, and I won't. It is about our constitutional duty and responsibility to debate and vote to participate in this war or in any war.

Our Founding Fathers were wise and knew that the decision to send someone's son or daughter into war must not be made by a King or a supreme executive, but in our case, it is by the United States, by the elected Representatives of the people. Just think of how many battles in human history—how many deaths, how much blood and destruction—have occurred to satisfy vanity or the narrow interests of a despot or an unelected ruler.

Our Constitution makes it clear that we are different. The American people are given the voice and the responsibility to decide if their sons or daughters will participate in the war, and they do it through the U.S. Congress, including this very organization, body, in which I serve. We have utterly failed as the U.S. Senate in this responsibility.

So we are long overdue to have this debate, which is coming up today or tomorrow, and a vote, which will ultimately reflect whether we should continue with the war in Yemen. I will be voting against that war. I believe we have to put an end to this humanitarian disaster, and the American people, especially those in Illinois, have sent me here to Congress to express that clearly.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

#### CONGRESSIONAL REVIEW ACT

Mr. WYDEN. Mr. President, the Senate is now opening the crucial debate on our proposal to throw out the Trump pro-dark money campaign rule under the Congressional Review Act.

At the outset, I thank my colleague Senator TESTER for his leadership on the issue of bringing sunshine to American elections.

The fact is the State of Montana is the poster child of campaign finance reform—a textbook case of the sort of transparency and accountability that American elections need to all be about, and no Senator embodies that tradition more than Montana's own JON TESTER.

If you know anything about the history of the State and the Montana Copper Kings, you know why Montanans and JON TESTER always lead this fight. That is why I am so glad, as the ranking Democrat on the Finance Committee, to be able to partner with him on this critical issue. The Trump administration's dark money rule makes it easier for foreigners and special interests to corrupt and interfere in our elections. Senator TESTER and I have filed this Congressional Review Act proposal because we want to make it harder.

I believe deeply that when you are facing down secret money that is shifting between shadowy groups that want to buy our elections, sunlight is the best disinfectant. If you are concerned about foreign actors who are hostile to our country and who are illegally funding candidates who will do their bidding, sunlight is the best disinfectant. If you are worried about anonymous political insiders who have deep pockets that are tightening their grips on Washington, DC, sunlight is the best disinfectant. I hope, today, we will prove that sunlight should not be a partisan proposition.

Yet the rule change the Trump administration pushed through this summer is not about sunlight; it is all about darkness. It is about secrecy. It is about giving the well-connected even more of a say in how American Government works. You can see that pretty clearly just by going back to the day the rule was announced. That alone shows how out of whack these policies are, how wrongheaded they are.

On July 16, 2018, a Monday morning, the American people woke up to the news of the arrest of an accused Russian spy in Washington, named Maria Butina. She had come to our country years earlier and had set out to infiltrate conservative organizations, especially the NRA. She cultivated relationships with political insiders. She worked to organize back channel lines of communication for the benefit of the Russian Federation, and she set up a shell company in North Dakota with a very prominent NRA political operative. For months, her lawyer claimed she was nothing more than a typical college kid who was enjoying life in the Nation's Capital.

It has been a few years since I have been in college, but I don't know of many students at Portland State or Southern Oregon who cross State lines to set up shell companies and organize lines of communication with the Kremlin. Most college kids in Oregon are too busy being college kids to infiltrate conservative political circles on behalf of a hostile foreign power.

Hours after the vast majority of the American public heard Maria Butina's name for the first time, the Trump administration dropped its dark money bombshell. It announced a new policy that is going to let even more untraceable dark money from foreigners and special interests find its way into—infiltrate—our elections. For those like Maria Butina who want to secretly, furtively, invade and twist and corrupt our democracy, the Trump administration, just this summer, made it a lot easier.

Shadowy political spending groups used to be required under tax law to disclose the identities of their major donors. After this rule was adopted, they didn't have to disclose their donors at all. Federal investigators are going to be blind to bad actors who use dark money groups to do their bidding. Even if the Internal Revenue Service and State tax authorities suspect a particular spending group is guilty of wrongdoing, they will not know who provided the cash.

Since this is a tax policy change, it falls under the jurisdiction of the Finance Committee, where we do a lot of work on issues that deal with tax exemptions. Let's make one thing clear. There was no debate on this issue in the Finance Committee, and it received no debate on the Senate floor. The American people had no opportunity to comment on the rule change, which would be typical if you are talking about a major change in a regulation. So we are going to unpack that this morning.

I am going to start by just spending a minute or 2 on some of the arguments I have heard from some who might not be inclined to support it.

First, there has been an argument that disclosing these major donors is a violation of privacy. The Presiding Officer and I serve together on the Select Committee on Intelligence, and I think anybody who has followed that work knows that I am a real privacy hawk and don't take a backseat to anybody in terms of privacy rights. Yet allowing foreigners and megawealthy corporations to buy elections in secret is not a matter of privacy policy; it is a proposition that is anti-democratic. Furthermore, I will point out that the group that is making the case for the privacy argument online is, in fact, a dark money group.

Second, since the announcement, the Trump administration has tried to downplay the significance of the new rule. The Deputy Secretary of Treasury told the Finance Committee that cutting off disclosure was all about work-

ing to "further efficient tax administration." That sounds, to me, like dry Washington lingo for "enforcing the pro-sunshine law is a pain, so why would anybody bother?" Others, simply, claim it will have no real consequence.

I have two responses to that one.

First, if the dark money rule change is not any big deal, then why did the Trump administration work so hard to block Congress from challenging it? It kept the rule change off the official books for as long as it could because it was hoping to run out the clock on our oversight. This is real gamesmanship in order to make sure the American people don't find out about how there would be less sunlight with respect to big political donations.

Second, the argument that cutting off disclosure will not have harmful consequences is another one that has been trotted out in opposition to our reform.

If the existing rule requiring disclosure of major dark money donors to the IRS wasn't casting enough sunshine, that is not a reason to bring on total secrecy. That is not a reason for bringing on darkness. It is a reason to say you want to be on the side of more sunshine.

A number of our colleagues on the Finance Committee—Senator MCCASKILL and Senator WHITEHOUSE, who is a champion of disclosure—are all in favor of more sunshine. To me, this argument, as well, just doesn't stand up. We think that making as much public information public ought to be the policy of our land.

One thing that is clear to me from my conversations this election season is that voters do not want more secret spending for more anonymous wealthy donors and foreigners leading to more political ads.

It is not possible to escape all of these ads on television. Short of pitching a tent and camping out in the woods until the second week of November, you can't get away from it. People hear all of these charged-up political ads, but much of the time they have no way of determining who is behind them. You get to the end of the ad, and a voice says that it was paid for by an oddly named group that you have probably never heard of, something like "Americans United for Patriotic Priorities" or "Grandparents for This and That." Maybe the group is called "Families for Stuff." That is the kind of nonsense that is offered up in terms of disclosure that I, Senator TESTER, Senator WHITEHOUSE, and others who have been in this fight think is ridiculous.

By the way, there are real-life examples that actually demonstrate my point. Some will remember Don Blankenship, whose mining company broke safety laws and lost 29 employees in the worst mine explosion in decades. A couple of years ago, he wanted, more or less, to buy a seat on the West Virginia Supreme Court. So he set up a po-

litical spending group called "And For The Sake Of The Kids." Then he dropped a mountain of cash on the election, and his preferred candidate won. Let me repeat that in case anybody didn't get the essence of what he was up to. An energy baron, a leader in the fight for more dirty energy started a political spending group to protect his dirty energy interests, and he actually named it "And For The Sake Of The Kids."

The dark money rule change—what the Trump administration worked so hard to get, what they worked so hard to hide from oversight—feeds right into what I have shown is a system of malignant, secretive politics that our people have had a belly full of. It gets to the heart of a larger problem. Across the country, our right to vote, our elections, and our democracy are under assault.

Here are a few examples of what that means. Since the Citizens United decision, the amount of outside money spent by shadowy groups on our elections has gone into the stratosphere. Congressional districts are gerrymandered to such an extreme that millions of Democratic voters are, in effect, denied equal representation. In Wisconsin, Democrats got 54 percent of the vote, but only 37 percent of the seats in the legislature.

Republicans ignore the advice of Trump intelligence experts ringing the alarm bells over election security, and they ignore the cyber security experts who have clearly stated that paper ballots and risk limiting audits are the key—the best way—to defend attacks on our voting system.

Tens of millions of Americans cast their votes on insecure, hackable machines produced by companies that buy off election officials and evade oversight by the Congress. The Trump administration and his allies have invented a fake crisis of voter fraud out of thin air, and they have used it as a pretext to purge millions of voters from the rolls and discourage Americans from casting a ballot.

State officials have targeted communities of people of color, shutting down polling places where they live and restricting opportunities to vote early or as an absentee.

In the last few days, Americans have learned more and more about what happened in one district in North Carolina, where Republican Party operatives schemed to confiscate and destroy mail-in ballots, likely belonging to Democratic voters, if you read the press reports that are coming out daily.

In some States where Democrats have won elections—look at Wisconsin and North Carolina—outgoing Republican lawmakers have sabotaged the powers of incoming Governors, in defiance of the voters who elected them.

Trump's dark money policy—the idea that it is OK to have more dark, secret money in politics—reinforces the corruption that I have just described. It

concentrates power in the hands of special interests that can afford to cut a big check and buy the election results they want. It takes power away from individuals, away from moms and dads who vote to give their kids a brighter future, away from seniors who vote to protect Medicare and Social Security, and away from young people who are saying it is long past time to fight the devastation of climate change and the rising cost of education.

Having more disclosure and more sunshine in elections traditionally has been bipartisan, and I hope the resolution Senator TESTER and I are offering will also be bipartisan. All we have to do is have an outbreak of the legacy of the late John McCain.

A few years ago, I introduced a bipartisan disclosure bill with my friend and colleague Senator MURKOWSKI. Big bipartisan majorities passed campaign finance legislation in the 1970s. That is what Senator TESTER and I believe the Congress ought to get back to. Throwing out the Trump dark money rule seems to us to be a good first step.

This is an opportunity, today, to vote for sunshine in our elections, to say that sunshine is, again, the best disinfectant. There is none other like it for corruption in our elections. I am hopeful that, once again, this idea of transparency, disclosure, and accountability will be bipartisan in the Senate when we vote a little bit after noon today.

I will close by way of saying that I come from a State where citizens have insisted on open government. I have had more than 900 open-to-all townhall meetings, and the reason why people want them is because they see that as a path to accountability, and they don't want politics driven by just campaign donations and big money. They certainly don't want it to be dark money.

We are going to know a little bit more about Maria Butina here in the next day or so, but, again, when you have college students setting up shell companies thousands of miles away from going to college, that ought to be a wake-up call that the Trump dark money rule makes it more likely and that we will have more of those shell companies in the days ahead.

When we vote at 12:15, I urge my colleagues to support Senator TESTER's and my resolution, with the support of many colleagues, like Senator WHITEHOUSE, who has been a champion on these disclosure issues. I urge my colleagues on both sides of the aisle to remember that these issues have always been about bipartisanship and to join us in voting for our proposal that we will vote on shortly after noon.

I yield the floor to Senator WHITEHOUSE and thank him for all his work on these issues over the years.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, I am honored to join the senior Senator from Oregon in support of this important resolution.

As I think everybody on this floor has observed, there is a rot in our American democracy, and there is a shadow over the Halls of Congress. The rot is dark money, and the shadow is special interest influence empowered by that dark money.

A lot of this goes back to the extraordinarily misguided decision of the U.S. Supreme Court—or, I should say, five Republican appointees to the U.S. Supreme Court—in *Citizens United*, which took the astonishing position that the integrity of our elections should receive a value of zero in their calculus and their solicitude should be exclusively for the wealthiest forces that bring their power to bear on American democracy, because, after all, if what you are doing is unleashing the power of special interests to spend millions of dollars, by definition, you are only powering up the group that has millions of dollars to spend and a reason to spend it.

That is, perhaps, the segment of the American population entitled to the least solicitude in our great American debate. Yet it was the exclusive interest of the five Republican appointees on the Court. It was an evil balancing of priorities but, sadly, part of a long tradition—going back to the *Bellotti* decision—of Republican appointees to the Supreme Court expanding the role and influence of corporations and special interests.

In their foolishness, the five Republican judges who gave us the *Citizens United* decision claimed that the spending they unleashed was going to be transparent—not so.

Mr. President, I ask unanimous consent to append to my remarks at the end with an article pointing out that secret political spending in elections in the United States of America is on track to hit a \$1 billion milestone.

Not only is the secret spending a menace, but once you allow unlimited spending—particularly, if you allow unlimited secret spending—there is another dark problem, which is that if you are a big special interest that is able to spend unlimited money, and perhaps secret unlimited money against a candidate, what else have you been given the power to do? You have been given the power to go to that candidate and say: We are coming after you unless you do what I tell you.

It opens threats and promises that are always going to be secret. So even were there not these evil channels for dark money to pollute and influence our democracy, *Citizens United* would still be misguided with respect to the darkness of the threats and promises that it empowered.

Of course, when you remove accountability for the advertising and the sleazy campaigns that this supports, you get a lot more negative advertising. That is why one of the consequences of all of this has been described as a tsunami of slime.

Whether you want to rid dark money channels, whether you want to dimin-

ish secret threats, or whether you want to combat the tsunami of slime, there is every reason to take a stand against what has become of our democracy. If you think this is just an academic pursuit, take a look at the climate change dispute.

In 2007, 2008, and 2009, when I was a new Senator, we did bipartisan work on climate change every one of those years. We had bipartisan hearings. We had bipartisan bills. I think we had four of them in the Senate.

Along comes *Citizens United* in January of 2010. From that moment forward, bipartisanship was dead because the fossil fuel industry that asked for the *Citizens United* decision and that got the *Citizens United* decision from the five Republican appointees was instantly ready to bring that new power to bear. They went to the Republican Party, and they said: Anybody who crosses us on climate is dead. They took representatives like Bob Inglis and put him out of his job to demonstrate their seriousness.

From that moment, from the day the *Citizens United* decision was announced, there has not been a serious piece of climate legislation that any Republican has been willing to sign onto.

If you doubt the effects of dark money, take a look at where we are on climate change. In this weird way, the pollution of our democracy is directly connected to the pollution of our atmosphere and oceans.

And, of course, once you open a channel for a dark money influence—an American dark money influence; ExxonMobil, the Koch brothers, Big Pharma, you name it—when you open a dark money channel for that influence to wreak its power, you can't control who comes through it. Dark is dark. And there is every reason now to believe that foreigners are taking advantage of our dark money channels to exert influence in our elections.

I ask unanimous consent to have printed in the RECORD at the end of my remarks an op-ed in *Politico* entitled "Foreign Dark Money Is Threatening American Democracy," written by former Vice President Biden.

Today's Congressional Review Act measure is a small step. It won't provide much public disclosure; it will only require that companies and entities that are using these dark money channels continue to report to the IRS. So there is not going to be an enormous difference made here, but there is an enormous difference in which side this body will choose to be on in this vote today on Senator TESTER's resolution. It is a very simple and a very stark choice. We can choose, one by one. Each one of us will make this choice today. We can choose to be on the side of dark money. We can choose to decide to be on the side of special interest influence, we can choose to decide to be on the side of whispered threats—I will tell you that dark money and special interest influence

and whispered threats have a disgraceful force in this building right now, thanks to Citizens United and the dark money channels that it empowered—or we can choose to be on the side of America as a city on a hill. Why do we call America a city on a hill? Because everyone can see it. And a city on a hill does not do its business through the dark money sewers that run under the city; it does its business in the plain marketplace and open spaces of that city, and that is what we should be for.

I ask unanimous consent to have printed in the RECORD a report on this issue by a terrific bipartisan group, called “Issue One,” as a third appendant to my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From MarketWatch, Nov. 26, 2018]

SECRET POLITICAL SPENDING ON TRACK TO REACH \$1 BILLION MILESTONE

(By Victor Reklaitis)

So-called dark money, which came into being after a Supreme Court ruling, soon may reach a ten-digit milestone.

That term refers to election-related spending by groups that don't disclose their donors. This type of political outlay remains far from becoming dominant, but it keeps spooking researchers, lawmakers and activists, as it nears a big round number.

“We see dark money flowing into this process from both liberal and conservative sources, and in 2020 we will be reaching this milestone where \$1 billion will have been spent by dark-money groups since Citizens United,” said Michael Beckel, manager of research, investigations and policy analysis at Issue One.

He was referring to the 2010 Supreme Court ruling in Citizens United v. Federal Election Commission that struck down a ban on political spending by corporations. Beckel, whose nonprofit organization aims to reduce the role of money in politics, was speaking at a recent event focused on dark money.

FAR FROM THE BIGGEST SOURCE OF FUNDS

Getting to \$1 billion shouldn't be a big stretch, given the current estimates for how much has been spent in the shadows. More than \$800 million has been shelled out to date since the court decision eight years ago, according to Anna Massoglia, a researcher at the Center for Responsive Politics, who also spoke at the event.

While it would be significant to have dark-money groups hit \$1 billion in spending since 2010, that amount is far below what's spent in just one election cycle by all groups. The 2018 midterm races, for example, sparked an estimated \$5.2 billion in outlays alone, mostly by Democratic and Republican candidates, rather than dark-money groups or other outside organizations.

The \$800 million spent to date by groups that don't disclose their donors in the past eight years represents about 18% of all political spending by outside groups during that period, said Massoglia from the Center for Responsive Politics, a campaign-finance watchdog.

Dark money's rise has been rapid, but it's hard to predict if it eventually could make up 100% of all outside spending, Massoglia told MarketWatch. She noted some organizations want to publicize their spending, rather than hide it: “There are advantages to doing that, in terms of getting credit for what you're spending on.”

THE TROUBLE WITH DARK MONEY

Dark money is a growing problem for candidates and voters, according to Issue One Executive Director Meredith McGehee.

“Talking to members of Congress—whether they be Republican, Democrat or independent—one thing they all fear is dark money, because it's money that they have a hard time anticipating, responding to, understanding,” she said.

“And it's really a big question for the American people, because when you don't know where the money is coming from, it's hard to do what the Supreme Court said you should be able to do as an American citizen—and that is to judge the message partly by who the messenger is.”

Other campaign-finance activists have said secret money encourages corruption and threatens democracy.

On the other side of the issue, former commissioner for the Federal Election Commission Brad Smith, known for opposing campaign-finance regulations, once wrote that dark money is “a term used not to enlighten, but to scare Americans into approving of sweeping new laws, invading privacy in ways never before seen in American politics.” Supporters of anonymity in politics have noted Thomas Paine's famous “Common Sense” pamphlet was published anonymously in 1776. They also have said that throughout history anonymous political speech has been attacked by entrenched powers but has helped challengers, and they've stressed that disclosures can chill speech and lead to the harassment of donors.

THE BIG SPENDERS AND KEY VEHICLES

The U.S. Chamber of Commerce has been the biggest spender of dark money with an estimated \$130 million paid out, according to Issue One's recent “Dark Money Illuminated” report. It's followed by Crossroads GPS, which is tied to Republican operative Karl Rove and has spent about \$110 million, and Americans for Prosperity, which is funded by conservative billionaire industrialists Charles and David Koch and has shelled out \$59 million. The Democratic-leaning spenders of dark money include Patriot Majority USA, with its \$18 million in outlays.

Issue One said it was able to reveal some dark-money through back-door methods such as analyzing tax returns, looking at lobbyists and labor unions' filings and examining other data sources.

There are three main vehicles for putting such money in play, according to Issue One. They are “social welfare” groups organized under Section 501(c)(4) of the tax code, trade associations established under Section 501(c)(6), and limited liability companies.

The U.S. Chamber of Commerce, which lobbies for big business in Washington, didn't respond to a question about whether it agreed with Issue One's \$130 million figure. “As a 501(c)(6) organization, the chamber complies with all applicable lobbying disclosure laws as we advocate for policies that grow the economy and create jobs,” the trade association said in a statement.

AN FEC CREATION THAT LOOKS SET TO STAY ALIVE

After the Supreme Court opened the door for corporate spending in elections, the FEC said existing disclosure laws weren't a good fit for this new category of outlays, said Adav Noti, an attorney with the Campaign Legal Center, an ethics and campaign-finance watchdog. The regulatory agency then created a new disclosure rule that was “extremely narrow” and led to dark money's rise, he said.

“Although it gets conflated with Citizens United pretty frequently, it's not a creation of the Supreme Court,” Noti said at the Nov.

14 event. “Dark money is a creation of the FEC.”

You don't need judges to overturn Citizens United to end secret political spending, and you don't need Congress to make a move, he added. You just need action by the FEC, but that is “simply not going to happen, at least not as the FEC is currently constituted,” said Noti, who worked as an FEC attorney for a decade. He doesn't sound upbeat about seeing an imminent end to dark money.

“The courts may intervene at some point. Congress may intervene at some point. Otherwise we'll see what the FEC does,” Noti said.

The U.S. Supreme Court in September let stand a lower court's ruling that required dark-money groups to reveal some secret donors, but then new guidance in October from the FEC was viewed as limiting that development's impact.

FEC Chairwoman Caroline C. Hunter and Commissioner Matthew S. Petersen, both Republicans, blasted the lower court's ruling in a joint statement, saying it had ordered a new expenditure reporting regime just two months before the midterm election and caused confusion. Commissioner Ellen Weintraub, a Democrat, had praised the judicial actions as “a real victory for transparency,” but then after the October guidance described the overall progress on the matter as “not as broad as some people had hoped.” Hunter, Petersen and Weintraub didn't respond to requests for comment.

This report was first published on Nov. 20, 2018.

[From POLITICO, Nov. 27, 2018]

FOREIGN DARK MONEY IS THREATENING AMERICAN DEMOCRACY

(By Joseph Biden and Michael Carpenter)

Here's how to put a stop to it.

Whatever Special Counsel Robert Mueller's investigation ends up revealing about Russia's efforts to subvert our democracy, one thing is already clear from the media attention this topic has received: America's democratic institutions are highly vulnerable to foreign influence.

Foreign powers use three basic tools to interfere in democratic politics: cyber operations, disinformation and dark money. Thanks in part to Mueller's indictments of members of Russia's military intelligence agency (GRU) and the St. Petersburg troll farm known as the Internet Research Agency, we have begun to address election-related cyber attacks and foreign disinformation. But when it comes to foreign dark money—money from unknown foreign sources—we remain woefully unprepared.

The lack of transparency in our campaign finance system combined with extensive foreign money laundering creates a significant vulnerability for our democracy. We don't know how much illicit money enters the United States from abroad or how much dark money enters American political campaigns, but in 2015, the Treasury Department estimated that \$300 billion is laundered through the U.S. every year. If even a small fraction of that ends up in our political campaigns, it constitutes an unacceptable national security risk.

While foreign funding of campaigns is prohibited by federal statute, the body that enforces campaign finance laws—the Federal Election Commission (FEC)—lacks both teeth and resources. Sophisticated adversaries like Russia and China know how to bypass the ban on foreign funding by exploiting loopholes in the system and using layers of proxies to mask their activities, making it difficult for the FEC, the FBI, and the Treasury Department's Financial Crimes Enforcement Network to follow the money.



One of the key loopholes is the ability of so-called super PACs to accept money from U.S. subsidiaries of foreign corporations. And while super PACs are required to file financial disclosure reports, non-profit 501(c) organizations (for example, the National Rifle Association or the U.S. Chamber of Commerce) are not. So if a foreign entity transfers money to a 501(c), that organization can in turn contribute funds to a super PAC without disclosing the foreign origin of the money.

The last time Congress took on dark money was after 9/11, in the Patriot Act, when we made it illegal for banks to be “willfully blind” to money laundering and requiring them to verify their customers’ identities. But the lack of any requirement to disclose the beneficial (i.e. “true”) ownership of limited liability companies (LLCs) makes it easy for foreign entities to establish shell companies in the United States. These shell companies can then contribute to a 501(c), invest in real estate or channel money directly to a super PAC. Fortunately, there are steps we can take to secure our system and shine a light on these murky transactions.

In August, two dozen state attorneys general asked Congress to pass legislation to disclose the beneficial owners of LLCs. A federal solution to this issue is necessary because individual states compete for incorporation revenue and therefore have little incentive to reform on their own. In Nevada, for example, the process of registering a company has been described as “easier than getting a library card.” A federal requirement to disclose the true owners and controlling interests of LLCs would allow law enforcement to scrutinize the “ghost corporations” that pop up overnight in states like Nevada or Delaware—and that could be used to funnel dark money into our politics.

Real estate deals are also susceptible to foreign money laundering because they are largely exempt from the “know your customer” rules that apply to the banking industry. This allows foreign entities to use shell companies to park their wealth in the United States or to channel that money to U.S. political interests (for example, by purchasing real estate at above-market prices). Implementing more comprehensive disclosure requirements in high-end real estate and prohibiting all-cash sales above certain thresholds would help create transparency in this sector.

The fact that we don’t know exactly how much foreign dark money is being channeled into U.S. politics is precisely why we need to reduce our vulnerabilities. There is ample evidence of dark money penetrating other democracies, and no reason to believe we are immune from this risk. In 2004, for example, Lithuania’s president was impeached after the media disclosed that a Russian oligarch who contributed to his campaign later received Lithuanian citizenship. Just this past January, in Montenegro, a local politician was charged with laundering Russian funds to support a pro-Russian political party. In Australia, an intelligence report leaked in 2017 exposed pervasive Chinese financial influence in the country’s domestic politics. Similar allegations recently surfaced in New Zealand.

As we take on the threats posed by cyber attacks and disinformation from foreign actors, we can’t ignore the threat posed by foreign dark money. With a new Congress about to be sworn in, there’s an opportunity to finally end the permissive environment for foreign dark money in this country. Campaign finance reform is certainly a necessary part of the solution, but so too is disclosure of beneficial ownership and greater transparency in real estate transactions. As mat-

ters of national security, these are issues that should be of interest to both Democrats and Republicans who want to reduce our vulnerability to foreign corrupt influence.

[From Issue One]

#### DARK MONEY ILLUMINATED

Today many—if not all—politicians live in fear that opaque dark money groups will launch 11th-hour smear campaigns against them. If you listen closely, many members of Congress continuously fundraise precisely to prevent this doomsday scenario, leading some of them to even leave office rather than try to out-raise the deep-pocketed donors attempting to control their electoral fates.

Dark money groups hold enormous sway over what issues are, and are not, debated in Congress and on the campaign trail. But the donors behind these groups rarely discuss their motivations for bankrolling these efforts, leaving the public in the dark about who funds these increasingly prominent and potent organizations.

Unfortunately, Supreme Court Justice Anthony Kennedy was either ill-advised or misinformed when he—while writing the majority opinion in the Supreme Court’s *Citizens United v. Federal Election Commission* case—assumed that any new corporate spending in politics unleashed by the decision would be wholly independent of candidates and promptly disclosed on the Internet. In that ruling, Justice Kennedy wrote that “a campaign finance system that pairs corporate independent expenditures with effective disclosure has not existed before today.”

But let’s be clear: It still does not exist today.

Issue One’s new “Dark Money Illuminated” project—a year-long, deep-dive analysis into the forces at play in the post-*Citizens United* political world, which is accompanied by a first-of-its-kind database of dark money donors—chronicles just how difficult it remains to effectively ascertain information about the true sources behind the deluge of political dark money that *Citizens United* ushered in, even for campaign finance experts. The project also offers constitutional, bipartisan solutions to bring additional accountability to the political advertisements from dark money groups that are increasingly bombarding citizens across the country.

#### AN EXPLOSION OF POLITICAL DARK MONEY

Dark money groups are influential in part because they aim to define candidates and issues before, during and after an election. Thus, even if their preferred candidates lose, the issues that define the election are aligned more closely with the labor unions, corporations, mega-donors and other special interests bankrolling these secretive groups.

According to the Center for Responsive Politics, dark money groups reported spending more than \$800 million on campaign-related activities to the FEC between January 2010 and December 2016 (the last full election cycle). What is less known is that this surge of opaque spending has been incredibly concentrated: Issue One’s new analysis shows that the top 15 dark money groups accounted for three-fourths of this spending—more than \$600 million.

The U.S. Chamber of Commerce—the nation’s largest lobbying organization for businesses—alone has spent approximately \$130 million on political advertisements since *Citizens United*. That’s about \$1 of every \$6 spent on political ads by dark money groups between 2010 and 2016.

Other major dark money players in this top 15 list—each of which reported spending at least \$10 million on political activities to

the FEC since January of 2010 and all of which are profiled on Issue One’s website—include:

Americans for Prosperity, the flagship politically active nonprofit of the billionaire industrialists Charles and David Koch;

Crossroads Grassroots Policy Strategies (Crossroads GPS), a Republican-aligned group associated with Karl Rove, a former advisor to President George W. Bush;

The League of Conservation Voters, an advocacy organization that works to elect pro-environment candidates who are typically Democrats;

The National Rifle Association, the nation’s top gun lobby and backer of politicians who champion the Second Amendment;

Patriot Majority USA, an organization led by political operatives with close ties to Democratic Sens. Harry Reid and Chuck Schumer; and

The Planned Parenthood Action Fund, an advocacy group working to elect politicians who support reproductive rights and to thwart anti-abortion politicians.

Informing and augmenting the profiles of these 15 major dark money groups is an exclusive, first-of-its-kind database created by Issue One that features information about the donors identified by obscure public records—and other little-known sources—who are funding these organizations.

In all, this new database contains nearly 1,200 transactions spanning more than eight years—and identifies approximately 400 unique donors who have collectively given more than \$760 million to these dark money groups in recent years.

Each record also contains a link to the primary source document for each transaction—constructed through painstaking research and fact-checking by the Issue One team, building off of work previously done by the Center for Responsive Politics, Center for Public Integrity, Center for Political Accountability and others.

#### HOW DID CITIZENS UNITED LEAD TO AN EXPLOSION OF POLITICAL DARK MONEY?

By a slim 5-4 margin, the Supreme Court held in *Citizens United* that corporations—including limited liability companies and certain nonprofit corporations—could bankroll overt political advertisements that called on people to vote for or against federal candidates.

While charities and foundations organized under Section 501(c)(3) of the U.S. tax code—the types of nonprofits to which you may make tax-deductible contributions—are still prohibited from engaging in electoral politics, the *Citizens United* ruling allowed certain other nonprofits—most notably 501(c)(4) “social welfare” organizations and 501(c)(6) trade associations—to spend heavily in elections.

Unlike political candidates, parties or political action committees, these nonprofits are generally not required to disclose their donors, meaning the public is frequently left in the dark about who is funding the ads that are trying to influence their votes.

#### DARK MONEY DONORS REVEALED

To paint as comprehensive a picture as possible about what interests have bankrolled the top 15 dark money groups since *Citizens United*, Issue One searched obscure public records for information that has essentially been hiding in plain sight.

To this end, Issue One reviewed FEC filings, tax returns, annual reports submitted by labor unions to the Department of Labor, documents submitted to Congress by registered lobbyists, corporate filings, press releases and other sources. (See Appendix 2: Methodology for a more detailed description.)

These methods frequently led Issue One to be able to identify transactions—and donors—that have never previously been associated with these dark money groups.

Here are some of the highlights of what we learned:

Companies and labor unions are among the donors identified by this research.

For instance, while the U.S. Chamber of Commerce does not publicly reveal its donors, Issue One found that nearly 100 blue-chip companies have voluntarily disclosed their own dues payments to the trade association. The Dow Chemical Co. alone has contributed about \$13.5 million to the U.S. Chamber of Commerce in recent years, while health insurer Aetna Inc. has contributed \$5.3 million and oil giant Chevron Corp. has contributed \$4.5 million.

Meanwhile, Issue One found that gun manufacturer Sturm, Ruger & Co., Inc. has contributed more than \$12 million in recent years to the National Rifle Association, while tobacco company Reynolds American Inc. has contributed substantial sums to three major dark money groups in recent years: \$275,000 to Americans for Tax Reform, \$61,000 to Americans for Prosperity and at least \$50,000 to the U.S. Chamber of Commerce.

At the same time, Issue One found that labor unions accounted for about \$1 of every \$8 raised between July 2009 and June 2017 by a dark money group known as the VoteVets Action Fund—which has touted itself as the “largest progressive organization of veterans in the United States.” In all, the VoteVets Action Fund raised more than \$5.6 million during this time from labor unions, with significant union donors including the American Federation of Government Employees, the United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry and the American Federation of State, County and Municipal Employees (AFSCME).

Issue One’s analysis additionally revealed that more than two dozen of the nation’s largest trade associations have contributed to many of the top dark money groups in recent years. Some have even contributed to three, four or five of the top 15 dark money groups since Citizens United.

For instance, the American Petroleum Institute (API), the Motion Picture Association of America (MPAA) and Pharmaceutical Research and Manufacturers of America (PhRMA) each contributed to five of the top 15 dark money groups during the past eight years.

PhRMA alone, in recent years, has contributed \$12 million to the American Action Network—a dark money group launched in 2010 by former Sen. Norm Coleman (R-MN) and GOP fundraiser Fred Malek.

Another large donor identified on the other side of the ideological spectrum: The Susan Thompson Buffett Foundation, a private foundation that is primarily funded by billionaire investor Warren Buffett and that is named for his late wife. The Susan Thompson Buffett Foundation has contributed \$26 million to the Planned Parenthood Action Fund since 2012, earmarking these funds for “the charitable purpose of reproductive health advocacy.”

Mr. WHITEHOUSE. Mr. President, I yield the floor to the distinguished Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. PETERS. Mr. President, I rise today in support of overturning the Treasury Department’s rule that will allow even more dark money into our political process. This action by the

Trump administration allows groups to hide the identities of their donors. It allows big corporations and wealthy individuals to inappropriately influence elections by contributing to outside groups in secret. This amounts to unlimited corporate political spending, effectively silencing the voices of everyday voters.

Under this President, the Internal Revenue Service is looking out for wealthy donors rather than hard-working, middle-class voters.

I strongly support today’s action to overturn this rule. We need to reform our campaign finance system, improve disclosures and transparency, and restore the voice of the people in the democratic process.

Michigan voters deserve to know who is behind the money being spent in our elections. We must take steps to improve transparency and restore trust in our electoral system. Above all, we must ensure that every American has an equal say in our elections, regardless of their means. The right of every citizen to make their voice heard at the ballot box is the very foundation of our democracy. I will continue to fight to ensure that the voices of Michigan families aren’t being drowned out by big corporations or wealthy individuals with limitless resources who are trying to buy elections and the outcomes.

We should be working to bring transparency to our political system, not shielding special interest groups, big donors, and this administration’s political allies. I will support today’s IRS dark money rule CRA, and I urge my colleagues to join me in giving the power back to the American people.

I yield the floor to the distinguished Senator from Maryland.

Mr. VAN HOLLEN. Mr. President, I rise in strong support of the resolution sponsored by Senators TESTER and WYDEN to overturn the Treasury Department rule.

We have heard loud and clear from the American people that they are sick and tired of the hundreds of millions of dollars of special interest money going into our elections. They are especially sick and tired of all of the secret dark money going into our elections.

What do I mean by that? I mean when wealthy individuals can contribute to organizations and the American public has no idea who those individuals are, while those organizations go on to spend hundreds of millions of dollars to try to influence the votes of our fellow Americans.

We have all seen those commercials that come on TV that say they are sponsored by the Committee for a Better America, the Committee to Support Mom and Apple Pie, and the public wants to know and has a right to know who is spending all of that money to try to influence their votes.

The vehicle of choice for these shadowy, dark money organizations has been organizing their entities under section 501(c)(4) of the Internal Revenue Code.

We will soon—probably in January but early on—we will see a bill coming over to the Senate from the new Democratic majority in the House of Representatives because their No. 1 priority is electoral reform, including getting rid of secret money, making sure the public has that right to know who is bankrolling these entities.

What the Treasury Department did took us in the opposite direction. Currently, 501(c)(4) organizations have to report to the IRS the information about their donors, but currently the IRS keeps that information confidential. It does not share it with the public. We should share it with the public, and that is what the DISCLOSE Act that the House will pass will do.

What this Treasury rule does is it takes us in the opposite direction. It says to those 501(c)(4)s that they no longer even have to provide that information to the Treasury Department on a confidential basis. So it heads in the wrong direction. It is especially outrageous because it will take away one of the key tools the Treasury Department has to prevent foreign money from being spent in our elections, because right now that information is made available to the Department of the Treasury.

If you are a 501(c)(4), you have to confidentially report who is giving you money and how much. Now the Treasury Department says: We don’t want that information. We don’t want to see anything. We don’t want to know if foreign governments are putting money into 501(c)(4)s. We don’t want to know if the primary purpose of these funds is for electing or defeating candidates as opposed to social welfare—which is the requirement for a 501(c)(4) organization under our law.

I think a lot of people are wondering why it is that this administration—and now maybe the Senate—wants to actually cover up for those who want to spend their money secretly to try to elect or defeat candidates. One thing we know is that across the board, whether they are Republicans or Democrats or Independents, Americans believe—and I agree with them—that they have a right to know who is spending all of that money to try to influence their vote. So let’s pass this resolution to overturn the Treasury rule in defense of secret money, when we need more transparency and more accountability.

I yield the floor.

The PRESIDING OFFICER (Mr. SULLIVAN). The Senator from Utah.

FAREWELL TO THE SENATE

Mr. HATCH. Mr. President, for more than four decades, I have had the distinct privilege of serving in the United States Senate—what some have called the world’s greatest deliberative body. Speaking on the Senate floor, debating legislation in committee, corralling the support of our colleagues on compromise legislation—these are the moments I will miss. These are memories I will cherish forever.



To address this body is to experience a singular feeling—a sense that you are a part of something bigger than yourself, a minor character in the grand narrative that is America. No matter how often I come to speak at this lectern, I experience that feeling again and again.

But today, if I am being honest, I also feel sadness. Indeed, my heart is heavy because it aches for the times when we actually lived up to our reputation as the world's greatest deliberative body. It longs for the days in which Democrats and Republicans would meet on middle ground rather than retreat to partisan trenches.

Now, some may say I am waxing nostalgic—yearning, as old men often do, for some golden age that never existed. They would be wrong. The Senate I have described is not some fairy tale but the reality we once knew.

Having served as a Senator for nearly 42 years, I can tell you this particular thing: Things weren't always as they are now. I was here when this body was at its best. I was here when the regular order was the norm, when legislation was debated in committee, and when Members worked constructively with one another for the good of the country. I was here when we could say without any hint of irony that we were Members of the world's greatest deliberative body.

Times have changed. Over the last several years, I have witnessed the subversion of Senate rules, the abandonment of regular order, and the full-scale deterioration of the judicial confirmation process. Polarization has ossified. Gridlock is the new norm. And, like the humidity here, partisanship permeates everything we do.

On both the left and the right, the bar of decency has been set so low that jumping over it is no longer the objective. "Limbo" is the new name of the game. How low can you go? The answer, it seems, is always lower.

All the evidence points to an unsettling truth: The Senate as an institution is in crisis, or at least may be in crisis. The committee process lies in shambles, regular order is a relic of the past, and compromise—once the guiding credo of this great institution—is now synonymous with surrender.

Since I first came to the Senate in 1977, the culture of this place has shifted fundamentally—and not for the better, in my opinion. Here, there used to be a level of congeniality and kinship among colleagues that was hard to find anywhere else. In those days, I counted Democrats among my very best friends. One moment we would be locking horns on the Senate floor, and the next we would be breaking bread together over family dinner.

My unlikely friendship with the late Senator Ted Kennedy embodied the spirit of goodwill and collegiality that used to live and thrive here. Teddy and I were a case study in contradictions. He was a dyed-in-the-wool liberal Democrat. I was a resolute Republican. But

by choosing friendship over party loyalty, we were able to pass some of the most important and significant bipartisan achievements of modern times—from the Americans with Disabilities Act and the Religious Freedom Restoration Act to the Ryan White bill and the State Children's Health Insurance Program. These are very important bills, and we were able to work together even though we differed widely on politics.

Nine years after Teddy's passing, it is worth asking: Could a relationship like this even exist in today's Senate? Could two people with polar-opposite beliefs and from vastly different walks of life come together as often as Teddy and I did for the good of the country? Or are we too busy attacking each other to even consider friendship with the other side?

Many factors contribute to the current dysfunction, but if I were to identify the root of the crisis, it would be this: the loss of comity and genuine good feeling among Senate colleagues.

Comity is the cartilage of the Senate, the soft connective tissue that cushions impact between opposing joints, but in recent years, that cartilage has been ground to a nub, and I think most of us feel that. We have actually seen it happen. All movement has become bone-on-bone.

Our ideas grate against each other with increasing frequency and with nothing to absorb the friction. We hobble to get any bipartisan legislation to the Senate floor, much less to the President's desk. The pain is excruciating, and it is felt by the entire Nation.

We must remember that our dysfunction is not confined to the Capitol. It ripples far beyond these walls—to every State, to every town, and to every street corner in America. The Senate sets the tone of American civic life. We don't mirror the political culture as much as we make it. It is incumbent on us, then, to move the culture in a positive direction, keeping in mind that everything we do here has a trickle-down effect. If we are divided, then the Nation is divided. If we abandon civility, then our constituents will follow.

So to mend the Nation, we must first mend the Senate. We must restore the culture of comity, compromise, and mutual respect that used to exist here—and still does, in some respects. Both in our personal and public conduct, we must be the very change we want to see in the country. We must not be enemies but friends. Though passion may have strained, it must not break our bonds of affection.

"The mystic chords of memory will swell when again touched . . . by the better angels of our nature." These are not my words but the words of President Abraham Lincoln. They come from a heartfelt plea he made to the American people long ago on the eve of the Civil War. Lincoln's admonition is just as timely today as it was then. If

ever there were a time in our history to heed the better angels of our nature, I think it is now.

How can we answer Lincoln's call to our better angels? In the last year, I have devoted significant time and energy to answering that question. Today, I wish to put flesh on the bones of Lincoln's appeal.

Our challenge is to rise above the din and divisiveness of today's politics. It is to tune out the noise and tune into reason. It is to choose patience over impulse and fact over feeling. It is to reacquaint ourselves with wisdom by returning to core principles.

Today, allow me to offer a prescription for what ails us politically. Allow me to share just a few ideas that, when put into practice, could help us not only fix the Senate but put our Nation back on the right path.

Heeding our better angels begins with civility. While our politics have always been contentious, an underlying commitment to civility has been important and held together the tenuous marriage of right and left, but the steady disintegration of public discourse has weakened that marriage, calling into question the very viability of the American experiment.

As the partisan divide deepens, one thing becomes increasingly clear: We cannot continue on the current course. Unless we take meaningful steps to restore civility, the culture wars will push us ever closer to national divorce.

We would do well to remember that without civility, there is no civilization. Civility is the indispensable political norm—the protective law between order and chaos. But, more than once, that wall has been breached.

Consider recent events: the pipe bomb plot in the midterm election, the terrorist attack in Charlottesville last year, and the shooting at the congressional baseball practice before that. These are stark reminders that hateful rhetoric, if left to ferment, becomes violence.

Restoring civility requires that each of us speak responsibly. That means the President, that means Congress, and that means everyone listening today. We live in a media environment that favors outrage over reason and hyperbole over truth. The loudest voices, not the wisest ones, now dictate the terms of the public debate. For evidence, simply turn on the TV, but be sure to turn down the volume.

The media deserves some culpability in creating this environment by adopting outrage as a business model, but we are complicit when we use words to provoke rather than to persuade, to divide rather than to unite. We only make the problem worse when the object of our discourse becomes to belittle the other side—to own the libs, for example, or to disparage the deplorables. If you are looking to convert someone to your side, humiliating them is probably not the best place to start. Who among us would make friends with the same person who would make him a fool?

Put simply, pettiness is not a political strategy. It is the opposite of persuasion, which should be the ultimate aim of our dialogue. Our better angels call on us to persuade through gentle reason. They call on us to inspire and unite rather than to provoke and incite. In short, they call on us to embrace civility.

In addition to embracing civility, we must rediscover a forgotten virtue, one that lies at the heart of our Nation's founding—pluralism. Pluralism is the adhesive that holds together the great American mosaic. It is the idea that we can actually be united by our differences, not in spite of them.

In a pluralist society, we can be polar opposites in every respect yet still associate freely with one another. I can be White, conservative, and Christian, and my friend can be Black, progressive, and Muslim. We can be different but united precisely because we are united by our right to be different. That, in a nutshell, is pluralism.

Pluralism is the alchemy that makes, out of many, one possible. It is the means by which we have been able to weave together the disparate threads of a diverse society more successfully than any other nation on Earth. At the heart of pluralism is the understanding that our country was built not on a collection of common characteristics but on a common purpose.

When we approach political problems from a pluralist perspective, we recognize that the majority of our disagreements are not matters of good versus evil but good versus good. Pluralism acknowledges that there is more than one way to achieve the good life, if you will. Accordingly, it seeks to accommodate different conceptions of the good rather than pit them against each other.

The adversary of pluralism is zero-sum politics, which we embrace at our own peril. Zero-sum politics tempts us to view life through an absolutist prism, one that filters all nuance and recasts everything as an either-or fallacy. This distorted way of thinking renders every policy squabble as a Manichaean struggle for the soul of the country. If the Republican tax bill passes, it will be Armageddon. If a Democrat takes the White House, it will be the end of America as we know it. It is funny how these prophecies never come to fruition.

Answering the call to our better angels requires us to reject zero-sum politics in favor of pluralism. It requires us to make room for nuance and to see our differences not as competing but as complementary.

Nowhere is the pluralist approach more needed than in the fraught relationship between religious liberty and LGBTQ rights. As my colleagues know, I have made religious liberty a priority of my public service. Of all the hundreds of pieces of legislation I have passed—and I have passed a lot during my 42 years in the Senate—the one

that I am most pleased with and the one that I hope will most define my legacy is the Religious Freedom Restoration Act. Religious liberty is a fundamental freedom. It deserves the very highest protection our country can provide.

At the same time, it is also important to take account of other interests as well, especially those of our LGBTQ brothers and sisters. We are in the process now of working out the relationship between religious liberty and the rights of LGBTQ individuals here in America. There are some who would treat this issue as a zero-sum game, who would make the religious community and LGBTQ advocates into adversaries. In my opinion, this is a mistake.

Pluralism shows us a better way. It shows us that protecting religious liberty and preserving the rights of LGBTQ individuals are not mutually exclusive. I believe we can find substantial common ground on these issues that will enable us to both safeguard the ability of religious individuals to live their faith and protect LGBTQ individuals from invidious discrimination. We must honor the rights of both believers and LGBTQ individuals. We must, in short, find a path forward that promotes fairness for all. My personal religious beliefs require that, and I surely want to live up to those beliefs.

In my home State, we were able to strike such a balance with the historic Utah compromise, a bipartisan anti-discrimination law that both strengthened religious freedoms and offered special protections to the LGBTQ community. No doubt we can replicate that same success on a Federal level. That is why, as one of my final acts as a U.S. Senator, I challenge my colleagues to find a way to compromise on this crucially important issue—a compromise that is true to our founding principles and that is fair to all Americans.

Our better angels invite us to walk the path of civility and to embrace the principles of pluralism. Above all, they call on us to strive for unity. Before President Lincoln beckoned us to our better angels, he warned that a nation divided against itself cannot stand. That warning is especially relevant in our time. Today, our house is as divided as at any time since the Civil War.

Each year, red and blue America drifts further apart. As progressives move to the coasts and conservatives retreat to the interior—to the center of the country—we are finding that a lot of difficulties have arisen, and they are not easy to solve. We increasingly sort ourselves by geography. We also sort ourselves by ideology, with media diets catered to quiet our cognitive dissonance and confirm our preconceived notions. It is a sad consequence of the Information Age that Americans can now live in the same city but inhabit completely different worlds.

Something has to give; the status quo cannot hold. These are, and should

always be, the United States of America. While that name has always been more aspirational than descriptive, it at least gives us an ideal to strive for.

To achieve the unity that is our namesake, we must reject the politics of division, starting with identity politics. Identity politics is nothing more than dressed-up tribalism. It is the deliberate and often unnatural segregation of people into categories for political gain. This practice conditions us to define ourselves and each other by the groups to which we belong—in other words, the things that divide us rather than unite us.

When institutionalized, identity politics causes us to lose sight of our shared values. In time, we come to see each other not as fellow Americans united by common purpose but as opposing members of increasingly narrow social subgroups, and thus begins the long descent into intersectional hell.

Our better angels call on us to resist identity politics by recommitting ourselves to the American idea, the idea that our immutable characteristics do not define us. It is the idea that all of us—regardless of color, class, or creed—are equal and that we can work together to build a more perfect union. When we heed this call, we can achieve unity, and ideas—not identity—can resume their rightful place in our public discourse.

This is the last request I will ever make from this lectern—that as a Senate and as a nation, we listen to our better angels; that we recommit ourselves to comity; that we restore civility to the public discourse; that we embrace wholeheartedly the principles of pluralism; and that we strive for unity by rejecting the rhetoric of division.

When we heed our better angels—when we harken to the voices of virtue native to our very nature—we can transcend our tribal instincts and preserve our democracy for future generations. That we may do so is my humble prayer.

Before I close, let my parting words be words of gratitude. There are countless people I personally need to thank, but first and foremost, I wish to thank the good people of Utah. Without you, I could have accomplished nothing. The landmark reforms that I have helped to pass in Congress have always been a joint effort, drafted by me under constant guidance from people like you. In that sense, the legislative legacy I leave behind is not mine but ours. That goes for my colleagues here as well.

Representing the Beehive State has been the privilege of a lifetime. Thank you for allowing me to do so for 42 years. That is a long time—the longest service of any Republican.

I likewise wish to thank my family—my dear wife Elaine and our six children, who have stood by me through thick and thin.

Of course, I wish to thank my congressional colleagues, especially Leader MCCONNELL and Speaker RYAN, and the countless other public servants, including my friends on the Democratic

side, as well, whom I have had the privilege of working with over the years. These are friendships I will treasure forever.

I also wish to thank my protective detail—the 20-plus men and women who have worked day and night to keep me safe over the years. These officers are like family to me.

As all of you know, a Senator is only as good as his staff, which is why I need to recognize mine today. My Finance Committee staff is unequalled. Led by Jeff Wrase, it has helped me accomplish things I never could have accomplished on my own.

In particular, I wish to thank my personal staff—the countless men and women who have served alongside me over the years. Because of you, I have been able to pass more bills into law than any legislator alive today. Thank you. I love you all.

Let me take a moment to recognize them personally. Thanks to my chief of staff, Matt Sandgren, I am ending this term on a crescendo of legislative activity, having introduced more bills this Congress than at any other time during my Senate service. In the last 2 years, we have also enacted a historic number of bills into law. My staff has not let up in the final stretch, not one bit. We have been a legislative powerhouse to the very end, and I have to thank Matt Sandgren for his efforts in that regard. I have had many chiefs of staff, and I have loved all of them, but I think I saved, maybe, the best for last.

My Utah staff has also played a critical role in my legislative success. A huge thank-you goes to Melanie Bowen, Sharon Garn, Annette Riley, Heather Barney, Sean Firth, Cloe Nixon, Jessa Reed, Ron Dean, Matt Hurst, Nathan Jackson, Courtney Brinkerhoff, and Emily Wilson.

Here in DC, a huge thank-you goes to Matt Jensen, James Williams, Matt Whitlock, Corey Messervy, Ruth Montoya, Celeste Gold, Sam Lyman, Chris Bates, Peter Carey, Brendan Chestnut, Kristin McLintock, Jacob Olidort, Ally Riding, Dianne Browning, Heather Campbell, Nick Clason, Jeff Finegan, Will Holloway, Rick James, Bailee Flitton, Abdul Kalumbi, Monique Laing, Karen LaMontagne, Keri Lyn Michalke, Romel Nicholas, Lauren Paulos, Jordan Roberts, Margo Robbins, and Samantha Ryals. This truly is the best staff on Capitol Hill, in my opinion.

Last, and perhaps most importantly, I wish to thank my Father in Heaven, who has allowed me to serve much longer than my detractors would have hoped. Each time I walk into this Chamber, I am humbled by the symbolic significance of it all. I am reminded of a passage of scripture, one of my favorites: For of him unto whom much is given, much is required. Truly, God has given me so much. In return, I have tried to give back as much as I could. I hope He will accept my best efforts.

Before I get even more sentimental, I note that this is a final floor speech, not a final goodbye. Three weeks from now, I will no longer hold office, but I will continue to hold a special place in my heart for all of you, for all of my colleagues. I look forward to continuing these special friendships even long after I have left the Senate.

I want to thank everybody in the Senate, all of the staff members, all of the law enforcement people, all of the people who have provided us with knowledge and ability. I want God to bless all of you.

May God bless the Senate, and may He bless the United States of America.

With that, I yield the floor.

(Applause, Senators rising.)

Thank you very much.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President and colleagues, we have so many waiting to speak about our friend Chairman HATCH that I am going to be very brief.

If you are to talk about the Chairman's record over the last 42 years, we would be here for months and months on end.

I wish to say, if you had told this body or the country in the winter of 2017 that you would pass in this Congress a bipartisan 10-year reauthorization of the Children's Health Insurance Program—we have plenty of Finance members here—you would have been charged with hallucinating. People would have said: No way; it couldn't possibly happen.

If you had said in the winter of 2017 that you were going to pass a major set of reforms on foster care—reforms that Marian Wright Edelman of the Children's Defense Fund has been dreaming about for decades—they would simply have said: That is impossible. It couldn't possibly happen. You are hallucinating.

Colleagues, listen to this. If you had said in the winter of 2017 that you were going to start a transformation of Medicare with over 50 million seniors—a transformation from a program that traditionally used to be about acute illness and now is largely about chronic illness: cancer, diabetes, heart disease, and stroke—if you had said in 2017 that you were going to transform Medicare to update the Medicare guarantee to help seniors, once again, they would have said: Impossible.

Colleagues, that has happened in this Congress because Chairman HATCH was willing to reach across the aisle, and now millions of kids, millions of seniors, and families from sea to shining sea for whom the foster care system didn't work are now going to be able to have a better path.

I am going to close my remarks—I know so many colleagues want to speak—by quoting Senator Kennedy. As you know, Senator Kennedy had a long friendship with ORRIN HATCH. In 1981, Chairman HATCH took the gavel of what was called the Senate Labor and Human Resources Committee. And I

am telling you—the chairman remembers this—Senator Kennedy and ORRIN HATCH got down right away to duking it out. They were duking it out over labor law and all kinds of things, but they began to develop a mutual respect. I am going to close by reading what Senator Kennedy said about ORRIN HATCH.

Senator Kennedy said: We are beyond the point where we let our differences get in the way of opportunities for progress. We have just learned it is a lot easier to work together than it is to fight each other.

Senator Kennedy said:

We have differences in terms of perhaps how we achieve the objectives, but I don't really feel that I have a difference with Orrin in terms of what the objectives ought to be. If you build upon that kind of understanding and respect, you get a lot of things done.

Colleagues, I am telling you, if you look at 2017 and 2018, for the millions of kids who will benefit from the 10-year Children's Health Insurance Program, the scores of families who are going to benefit from the foster care dreams Marian Wright Edelman has been dreaming about, and the millions of seniors who will benefit from updating the Medicare guarantee, that came about because Chairman HATCH looked at Senator Kennedy's words, and he has continued that tradition in the Finance Committee today. I just want him to know how much we appreciate that work.

It is going to matter, Mr. Chairman, for millions of people from sea to shining sea, and I thank you for the opportunity to pursue those opportunities with you.

I yield the floor, and I look forward to hearing from my colleagues.

The PRESIDING OFFICER. The Senator from Utah.

Mr. LEE. Mr. President, it is with mixed emotions that I stand today to honor my friend, my colleague, and my mentor, the senior Senator, the Senator from Utah, ORRIN HATCH.

This year marks the end of an outstanding 42-year tenure serving the people of Utah in the U.S. Senate. In that time, Senator HATCH has made an indelible mark on our State, on the U.S. Senate, and on this Nation.

People who follow Washington politics closely know, of course, what he has meant to this institution and also to his party, to his State, and to the Republic. But for those of us from Utah, ORRIN HATCH is more than just a prominent name in the news; he is a towering political figure, not only of his generation but also of the generations that have come along in his wake and that will follow.

Many Utahns can't remember a time before ORRIN HATCH was serving, leading, and speaking out for us in Washington. One of the great privileges of my young life was the opportunity to serve as his page when I was a teenager. He was then, as now, one of the leaders of the Senate—not only a political role model but a role model, period; outspoken but always thoughtful;

honest but always gentle; tough when he had to be and kind even when he didn't have to be.

One of my fondest memories of Senator HATCH was something that occurred a couple of years after I was his page. I was maybe 18 years old or so. I was in Salt Lake City attending the semiannual General Conference of the Church of Jesus Christ of Latter-day Saints in the tabernacle at Temple Square. I happened to be sitting with my family—with my parents and siblings—just a row behind Senator HATCH and his family.

Toward the end of the meeting, it was time for Senator HATCH to catch his plane to go back to Washington, where he was representing our State so faithfully. When he turned around and saw me there, he stopped, recognizing me. He took the cuff links right off of his shirt—they had the seal of the U.S. Senate on them—and he handed them to me as a gift. I felt like and was at that moment the luckiest kid in the world. I felt just like a rock star had handed me his guitar after a sold-out concert. That is how I felt at the conference that day.

Of course, ORRIN HATCH's career stretches back much further than that. In 1976, the political landscape of the United States was very different than it is today. We were plagued at that time with double-digit inflation, high interest rates, growing unemployment, and a diminishing military. America was still reeling from the war in Vietnam and from the Watergate scandal.

At the same time, Congress was rapidly expanding the Federal budget with little or no regard for the future debt it was racking up. Washington was governed by the belief that government was the answer to every problem and that ordinary Americans could not be trusted to make decisions by themselves.

It was in this environment that ORRIN HATCH, without any previous political experience, without having held previous political office or, according to experts, much chance of success, stepped up, and he stepped up in a very big way.

As he wrote in one of his memoirs, "I could not escape the powerful and persistent belief that my state and country were in serious trouble, headed down a dangerous and destructive path, and that if given a chance, I could make a difference. I felt it was my duty, my responsibility, to run and at least give voice to my concerns and my ideas for remedying what was wrong. It was my obligation to give the voters another choice."

So ORRIN—the son of a tradesman, who grew up during the Great Depression in a ramshackle house built from recycled lumber—did just that. He defied the pundits, and he took the plunge. From his first campaign in 1976, ORRIN understood that Utahns wanted the country to go in a different direction, and he was ready to offer his service and the full energy of his heart

and devotion to that noble cause. Against all odds and with a whole lot of work from ORRIN, from his family, and from his faithful band of supporters, HATCH beat the incumbent Democrat by a solid margin. Thus began his long and now famous career in the Senate and his many years of striving to serve the interests of Utah and the Nation. For more than four decades, ORRIN has not only been engaging in the great debates of his time, he has been leading them.

As I see it, the thread that runs through Senator HATCH's politics is trust—his trust in the American people, his trust in the Constitution of the United States, his trust in this great institution that is the U.S. Senate. That trust of consumers, producers, workers, and families is why he is such an effective advocate for the free enterprise economy. It is why he sponsored a balanced budget amendment to the U.S. Constitution some 17 times and whence his nickname "Mr. Balanced Budget" from Ronald Reagan originated.

In shepherding the historic tax reform law we passed last year, Senator HATCH adopted an inclusive, open-minded approach that succeeded specifically because he trusted his colleagues, because he invited them into the process and he allowed them to make their own mark on that legislation. He trusted his colleagues, and it worked.

His work in the 1980s helping to create the modern generic drug industry was based on the same principle—trusting the American people and the American economy to make good decisions for individuals, for families, and for their healthcare.

We all know the honors and accolades. They include President pro tempore and being a recipient of the Presidential Medal of Freedom. But ORRIN would be the first to tell you that the real legislative legacy he leaves behind is the work of a Senator who has sponsored more bills that have become law than any other lawmaker alive today. Look at the stamp he leaves on the Senate Judiciary Committee alone, for example. Not just landmark legislation like the Religious Freedom Restoration Act, which guarantees robust protections for all Americans to live, work, and worship according to their beliefs—this legislation itself leaves behind a solid, proud legacy, one that will last for generations. Just within the Senate Judiciary Committee alone, Senator HATCH has also been involved in the selection and confirmation of Federal judges not just in Utah but across the country, and every current member and many past members of the U.S. Supreme Court. That, too, is a legacy which will far outlast his time in the Senate still by many, many decades.

Yet, despite all the history ORRIN has made in Washington, his story is even more impressive. He has been a loving and devoted husband to his wife Elaine

for 61 years. Together, they have 6 children, 23 grandchildren, and 24 great-grandchildren. They are his proudest achievements, and he credits their love as his key to success.

Despite decades at the very pinnacle of American Government, ORRIN believes the most important years of his life were the two spent serving as a missionary in the Great Lakes Mission of the Church of Jesus Christ of Latter-day Saints.

As Senator HATCH mentioned in recent remarks, an article of our faith is that "if there is anything virtuous, lovely, or of good report or praiseworthy, we seek after these things." And this is, indeed, how ORRIN HATCH has lived his life and the way in which he has faithfully served God, family, his country, and his State.

Utah and the United States of America as a whole are better off for his service since he decided to run for the Senate all those years ago. I am grateful for all the time he has dedicated to the State of Utah and for the personal encouragement he has given me. And from the time that I was his page to the past years that I have also been his colleague in the U.S. Senate, it has been an honor to serve with him.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I have bad news and good news. The bad news is that it was suggested to me that there is some type of a rule at a time like this where the senior person in the Chamber speaks next, and that is me. The good news is that it is short, and the reason is because I didn't really think about this until I came down here to watch Senator HATCH.

I remember so well that long before I was in the House—ORRIN, long before then—you were the guy I always listened to. You would get phone calls from some obscure State senator out in Oklahoma who was complimenting you. You might even remember one time when you and I put something together where we were going to balance the budget and pass an amendment that we knew would pass because we were going to confirm everything before we got it passed, and that was a brilliant idea that didn't work. Nevertheless, we talked quite often about things, and you were the one I looked up to.

The same thing happened. You had a way. When I was in the House, I would see you more than anyone else during the annual National Prayer Breakfast. You would be active on that from the Senate, and I would be from the House. So you kind of had a way of saying things differently, the things you have heard many times before that you don't realize you have been wrong on all the time. You did it a few minutes ago when you talked about Lincoln. You talked about "the House divided against itself" and drew that relationship to what is happening today.

You said it. When you talk, you are talking history, and it meant something different than anything I had ever seen. The Scripture you have quoted, "To whom much is given, much is expected," I didn't think about that.

I just want to tell you, you have been given a lot and a lot was expected and you surpassed all expectations.

I am going to wind up here with an experience I had a week ago today that was, I think, a violation of our rules, but I occasionally do that anyway. I remember my junior Senator, JAMES LANKFORD, who said something at the conclusion of your remarks a week ago. He said: I have been here 3 or 4 years, and I don't remember one time that I have seen ORRIN HATCH when he didn't encourage me and tell me I was a very special person, and I will always remember that.

When he said that, I began thinking. I have been here about 24 years, and I can't think of one time you haven't been encouraging and an encouraging voice. I would come to a conclusion that there is a reason for this. You reflect, as much as anyone I can think of, the civility and love of Jesus, and I can assure you, Jesus is very proud of you this morning. I love you.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Thank you, Mr. President. This September, at the height of yet another contentious campaign season, Senator ORRIN HATCH authored an op-ed for *Time* magazine which we should all read. Its theme was reflected in the remarks he delivered today in his farewell address to the U.S. Senate and to our country.

With his combination of eloquence and straightforwardness that has enlightened this Chamber for more than four decades, our colleague from Utah called upon all Americans to embrace, as he put it, "the practice of true tolerance: respecting others' beliefs even, or perhaps especially, when they differ from our own."

Senator HATCH reminded us that our system of government, crafted by the Founders with great wisdom and understanding of human nature, only works when we recognize "that the majority of our political disagreements are not matters of good versus evil but good versus good," as he put it. He concluded his important essay with these words: "When we embrace these virtues fully, we can heal partisan divisions, reinvigorate the public discourse and begin to realize the full potential of American democracy."

To our friend and colleague ORRIN HATCH, those are not just words; rather, they have represented his guiding philosophy throughout his 42 years of service in the U.S. Senate. They are why he is such an admired statesman here in Washington, throughout our Nation, and around the world.

They are why he is one of the most effective legislators of modern times. As many of my colleagues have already

commented, Senator HATCH's record of having passed more legislation than any Senator alive today is one that demonstrates his commitment to bridging the partisan divides to achieve and advance the common good and to improve the lives of Americans.

I have known and admired ORRIN HATCH for nearly all of his time in the Senate. I was on the staff of Senator Bill Cohen, who joined the Senate in 1979, just 2 years after Senator HATCH. I saw from the start, as a staffer observing Senator HATCH, that this gentleman from Utah was brilliant, he was kind, and he was devoted to his duty to serve others. He truly is one who leads by example.

Senator HATCH has placed careful consideration and compromise above partisan politics, time and again. From the landmark legislation to create the State Children's Health Insurance Program, during my very first year in the Senate, to the recent tax reform law to strengthen our economy and grow jobs, I have had the great pleasure to work with this remarkable leader.

In fact, I remember my freshman year in the Senate when Senator HATCH came to see me in my office. He told me about his plan to expand health insurance for the unserved children of our country. He said he was authoring the bill with Ted Kennedy, and I thought, well, that is a surprising combination, but then I learned it was not; that he would work together with his colleagues on both sides of the aisle to accomplish the goals he set. He invited me to be one of the early cosponsors of that bill, and I was so flattered that this senior Member of the U.S. Senate would come to me, a mere freshman, and invite me to join in cosponsoring such legislation that has made such a difference for millions of American children.

In addition to his accomplishments as a legislator, Senator HATCH holds another record that is unsurpassed. In 32 of his 42 years in the Senate, he has been either the chairman or the ranking member of a major committee. He is held in very high esteem by his colleagues. The Presidential Medal of Freedom that he was awarded in November acknowledges the gratitude the American people have for his many contributions.

There is another side of Senator ORRIN HATCH. He is also a wonderfully talented musician and successful songwriter. The beautiful song he cowrote for the 2005 Presidential Inauguration, called "Heal the Land," includes this line that describes the mission to which he has devoted his life: "Keep us ever on the path of liberty."

Of all of his accomplishments, Senator HATCH is most proud of his family, as he mentioned today. He credits their love and support as the key to his success, and anyone who has met his wonderful wife Elaine will have to concede that Orrin has a point. His wife of more than 60 years, their 6 children, 23 grandchildren, and 24 great-grand-

children, by last count, have much to be proud of as well.

ORRIN HATCH has compiled an extraordinary record on issues ranging from tax reform, education, national defense, scientific research, criminal justice, and healthcare. In fact, it is difficult to think of an issue where he has not left his mark. He is a dedicated advocate of our Senate traditions and a fierce defender of our Constitution. His wide-ranging accomplishments are united by a commitment to always move our country forward.

ORRIN, our Nation is so grateful for your service, and I am so grateful for your wise counsel, mentorship, and friendship over the years. I offer my best wishes to you and to Elaine for many years to come.

Thank you.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, as this session of Congress draws to a close, it provides us with an opportunity to acknowledge and express our appreciation to those Members of the Senate who will be retiring in just a few weeks. One of those Senators who is retiring and whose leadership and institutional knowledge will be missed is my friend ORRIN HATCH of Utah.

I have known ORRIN since my first days 22 years ago in the Senate, and I much appreciated working with him over the years. His mentoring, his guidance, his love, and his sharing of his faith have made a tremendous difference to me.

He comes from a State that borders my own. We are neighbors. As a western Senator, he has an understanding of what is truly important to the people in our neck of the woods and has fought to make this country better during his time in the Senate.

Before I talk about his many accomplishments in public service, I want to acknowledge some of the other things about him that have also been mentioned, his life and role beyond the Senate.

So often it is easy to gloss over things that are important to Senators personally. Sometimes it is easy to forget the men and women we know have their lives that stretch beyond these Halls. ORRIN has been married to his wife Elaine for more than 60 years. He is a father of 6, grandfather of 23, and currently has 24 great-grandchildren. He is an author and a man of many talents. It has been mentioned that he is a talented composer and musician and has both a gold and platinum record from the Recording Industry Association of America. He has been instrumental in the musical world and has been awarded an honorary Grammy. He has been the main protector of copyrights.

ORRIN has dedicated his life to serving the people of Utah. He has always worked for the best interests of Utah, and that includes Americans nationwide.

He has served in the Senate since 1977 and since 2015 has been the President

pro tempore, where he can be seen presiding during the opening of the Senate for daily business probably more than any other President pro tempore of the Senate.

The numbers are in, and they are impressive. He has served under seven Presidents, been a part of both the minority and majority, and has served the people of Utah and the U.S. Senate for over 40 years. ORRIN has served in a variety of leadership roles and has helped America every step of the way. He has had the opportunity to serve as the chairman of three major Senate committees—the Health, Education, Labor, and Pensions Committee; the Judiciary Committee; and most recently, the Finance Committee while doing the tax bill. He has run for President. He has been considered as a potential nominee for the Supreme Court. He has played a role in confirming every Supreme Court Justice currently sitting on the bench. ORRIN is eminently qualified for so many positions, and America has been lucky to have his leadership through the years. The people of Utah, our Nation, and people of all faiths were fortunate to have him to rely on. ORRIN is a man of faith, one who defends others' right to worship in peace.

He has consistently fought to rein in the Federal Government. He has been a champion of responsible government spending and a leader of States' rights. He authored a constitutional amendment to balance the Federal budget that received 66 votes, just one short of what was needed to amend the Constitution. One of those votes was somebody who had just run for election and said that was the most important thing and no matter how many times it came up, he would be voting for it. He voted against it, and that was the one vote that was needed. Just by virtue of his legislative triumphs, he has helped to author some of the most consequential pieces of legislation in our time. Many have been mentioned.

He paved the way for the sale of generic drugs and helped advance innovation for patients with rare diseases. He has contributed to the protection of children's health and well-being as well as the rights of Americans with disabilities. I know one of his proudest accomplishments is passing the Religious Freedom Restoration Act, which protects individual Americans' right to exercise their religion. Most recently, he had the honor of having the Orrin G. Hatch-Bob Goodlatte Music Modernization Act named after him, which overhauled musical copyright law.

We both have a strong touch of the West in our hearts, which we express every day in what we do. That is why I wasn't surprised last year when ORRIN announced he would not be running for another term in the Senate. He said:

I've always been a fighter. I was an amateur boxer in my youth . . . but every good fighter knows when to hang up the gloves. . . . I look forward to spending more time with family, especially my sweet wife

Elaine, whose unwavering love and support made all of this possible.

ORRIN has been a great source of strength and a great support for our party, and he will be missed. My wife Diana joins me in sending our best wishes and appreciation to ORRIN and Elaine. We wish them all the best as they have time to spend with their children, grandchildren, and great-grandchildren. Together, they have been great examples of the importance of public service, and we wish them the best in whatever adventure they choose to pursue next.

ORRIN, it will be said that it was well done, good and faithful servant. Happy trails.

I yield the floor.

The PRESIDING OFFICER (Mrs. ERNST). The majority whip.

Mr. CORNYN. Madam President, I have been sitting here listening to all of the accolades being given to our friend ORRIN HATCH, and I didn't hear a word I disagree with. As a matter of fact, rather than offering my prepared remarks, I ask unanimous consent that they be made part of the RECORD following my verbal remarks.

Let me just spend a couple of minutes talking about the ORRIN HATCH that I know. I first met ORRIN HATCH in 1990, when I was a candidate for the Texas Supreme Court. We had an event in Dallas, TX, and, lo and behold, who would be the star attraction? It certainly wasn't me. Who would be the star attraction of this event? It was Senator ORRIN HATCH, famous for his work on the Senate Judiciary Committee, having served there for virtually his entire career in the Senate. Of course, he lent tremendous gravitas to that event, which would otherwise have been forgotten, including by me, in a short time. But it was indicative to me of the importance that ORRIN has always placed on the independent Judiciary in our country, and we heard how many judicial nominations he has participated in and how many Supreme Court Justices whose confirmation proceedings he has participated in.

What I will always remember about ORRIN is his generosity, his kindness, and his faithfulness when it comes to the rule of law and the role of our independent Judiciary.

Recently, we had a debate in our conference at one of our lunches. ORRIN is so famous for encouraging, as we heard from the Senators from Oklahoma, Mr. INHOFE and Mr. LANKFORD. He is famous for being an encourager. I can't think of any one of us who hasn't had ORRIN HATCH come up to us at some point during the day and say: You are doing a great job. Keep it up.

Actually, the joke was that ORRIN has told so many of us that he loved us, that one of our colleagues said: Well, he told me he loves me most—hoping we would be jealous, I guess.

But the truth is, ORRIN has a heart as big as all the outdoors. At a time when people wonder about the future of our country and the character of the people

who serve our country and government, he is a shining example of exactly what should cause them to keep faith for the future of this country. As long as we have men and women of the character of ORRIN HATCH serving in the U.S. Government, we have nothing to worry about.

Let me just say to my friend ORRIN, thank you for being my friend. Thank you for being a great example for all of us to emulate. There is nothing more powerful in life than a good example, as ORRIN has helped us realize.

We wish you and Elaine and your family all the best. As the Scripture says: You fought the good fight, you finished the race, and you kept the faith. We love you for it.

Today, I have the difficult task of trying to sum up the work of a great Senator, a valued colleague, and a great friend.

While this is a familiar reality every other December, it doesn't make the task any easier—especially when it comes to saying farewell to Senator ORRIN HATCH. It is rare to find such a combination of wit and grace, humor and humility. But we find that in him, and the combination works. He is the American Dream personified, a shining example of where hard work and determination can get you in life.

ORRIN's story starts in Pittsburgh from humble beginnings with parents who worked for every cent they earned. Back then, in his words, he had to "fight for everything," and he meant that both literally and figuratively. After a bully shoved a young ORRIN on the playground, he went home, stuffed a duffel bag with sand, and hung it from a tree in his yard. He punched that bag for hours, and when it came time to stand up to another playground foe, he won.

As he and his wife Elaine built their young family, he built a home for them himself, converting an old chicken coop. Elaine counts their time there as some of her happiest memories.

It is this drive to succeed no matter what the circumstance that lit a fire in ORRIN and made him a star in the courtroom and later, in this chamber. ORRIN has served as a mentor to me and to so many others in Congress.

Our friendship goes back before my time in the Senate to when I was running for the Texas Supreme Court. ORRIN came to Texas to headline an event for me and the Chief Justice. It was an outsized act of kindness for someone of his stature in the U.S. Senate, and an act I have never forgotten.

We have continued that friendship and partnership on a wide range of issue areas, but often on one topic we find increasingly important for both our states: trade. I have been fortunate to benefit from ORRIN's leadership on the Senate Finance Committee as chair of the trade subcommittee, especially as we worked to pass Trade Promotion Authority. Although these trade agreements are complex, they are not faceless: they affect whether or not



an American family can put food on their table.

ORRIN recognized that TPA is an integral trade tool to ensure American workers and businesses get the best deal possible in pending trade agreements. And passing it was a true team effort.

Nearly everything I have done with Chairman HATCH on the Finance Committee has been to help American families, and that is something ORRIN keeps at the forefront of his mind with each vote we take in committee or here on the floor. It drove his work during our efforts on tax reform, his most historic achievement to date. He led the entire conference masterfully, providing steady guidance and keeping our goal of putting more money back in the pockets of hard working Americans in mind.

ORRIN has also served as the Chairman of the Judiciary and HELP Committees and has had over 800 bills signed into law—more than any living Senator. He has not let party lines stop him from getting things done. He joined with Senator Ted Kennedy on the Children's Health Insurance Program. He worked to lower the price of prescription drugs. He pushed the Americans with Disabilities Act over the finish line.

A lot of his ideas for legislation come from his deeply held convictions and his passions in life. A devout Mormon and believer that all Americans should be able to practice the religion of their choice, he worked across the aisle to pass the Religious Freedom Restoration Act.

His love of music led him to partner with fellow musician Senator LAMAR ALEXANDER on the Music Modernization Act, now law. It was the first sweeping update of our music copyright laws in 20 years, and it allows artists to get the royalties they are due.

ORRIN, a prolific songwriter, has had hits included in movies and his songs range from the serious, like a tribute to his brother Jesse who died in World War II, to the patriotic, like his ballad, "America Rocks!" Through all of his work, ORRIN has been driven by a belief that he would make a difference in the lives of Americans. It is this service mentality—guided by his strong faith—that continues to be an inspiration to us all.

Although he attributes his success to hard work, he also knows he has been given special talents by his Maker. ORRIN once said, "There's no question that God has helped me throughout my life, and I don't want to let him down." I believe our colleagues would join me in saying that ORRIN, you have not let him down.

I challenge my colleagues to outwork ORRIN HATCH. I am not sure it can be done, but we would be a better Chamber for it.

I think it is safe to say that my colleagues and I will miss the laughter and wisdom of this man, and we are be-

yond grateful for his countless contributions to this country, this institution, and to his beloved state over an outstanding career.

I want to thank him for his service and bid him farewell. Senator HATCH's legacy will live on through our work, we will make sure of it.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. SULLIVAN. Madam President, I just had the honor of presiding over Senator HATCH's farewell address to the Senate and to the country. I think for everybody who saw this—whether it is our colleagues on the Senate floor or, hopefully, millions of Americans—in his speech, they saw and heard, not only in his remarks but in the remarks that have followed from Democrats and Republicans who have served with him for many years, why he is so revered in this body as a statesman and as an example for all of the Senate. You just heard the accolades: civility, class, competence, effectiveness, patriot, kind, statesman. We could go on and on here.

I want to thank him for his example. As an Alaska Senator, I also want to thank him for being such a great friend to Alaska, my State. In my 4 years in the Senate, as so many others have said, he was always encouraging me but always asking me: What can I do to help, Dan? What can I do to help Alaska?

ORRIN, I want to thank you so much for that encouragement, for your exceptional example to all of us, for your exceptional example to America, for your exceptional service not only to the people of Utah but to the entire Nation. It has been a great honor to serve with you, sir.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

#### CONGRESSIONAL REVIEW ACT

Mrs. SHAHEEN. Madam President, we will soon be voting in this Chamber on S. Res. 64, which is a Congressional Review Act resolution looking at a Treasury Department rule that I believe will promote dark money in politics.

Since the Supreme Court's decision in *Citizens United*, our political system has been flooded—absolutely flooded—with money from special interest groups. According to the Center for Responsive Politics, independent expenditures on campaigns went from \$203 million in 2010 to \$1.48 billion less than 10 years later, in 2016. So it went from \$203 million in 2010, after the *Citizens United* decision, to \$1.48 billion in 2016.

This massive influx of money into our elections undermines the confidence of the American people in our political system. It creates an environment that is ripe for corruption and inappropriate influence. It sows further disenchantment among the electorate and impacts participation in our democracy. It allows voters to believe that their votes are less important

than businesses with a bigger checkbook.

That is why it is so important that we ensure transparency and accountability in campaign financing through robust disclosure requirements and oversight.

Unfortunately, instead of making it easier to identify individuals and organizations who are funding campaigns, the Treasury Department has issued a rule that will increase the amount of dark money in the political process. That is money that comes in, and we have no idea where it comes from and who is behind it. This ill-advised rule change from the Treasury Department will eliminate the requirement that social welfare organizations, or 501(c)(4)s, and business leagues, or 501(c)(6)s, report donor information to the IRS. That basically gives a blank check for anyone to come in and spend any amount of money, and we are not going to know who it is or who is behind the money.

The change risks impeding law enforcement efforts to track money laundering in our political system, and it makes it more likely that foreign money will illegally influence our elections. Under this new rule, organizations that made over \$197 million in independent expenditures during the 2016 election cycle would now be totally exempt from disclosing who those donors were to the IRS.

The door will now be open to hundreds of millions more in dark money from secret groups with hidden agendas, trying to buy an election with money and influence. These dark money groups have increased in size and scope since the *Citizens United* decision, as they recognize the opportunity to influence elections with no accountability.

Malicious actors at home and abroad will likely exploit the increased secrecy in this process, and the proliferation of these dark money groups will further influence our political system.

This Congress has a duty to ensure the integrity and security of our electoral process. We have to eliminate dark money contributions as we do this. Dark money has a corrosive influence on our Democratic process because it erodes trust in our institutions, it distorts the motives of our elected representatives, and, perhaps most importantly, the American people have a right to know if the candidates they choose to represent them are supported by foreign groups and shady special interests.

For these reasons, I strongly support attempts to stop the Trump administration's misguided attempt to allow more dark money into our political process, and I urge my colleagues to support the resolution that will be coming up shortly.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. JOHNSON. Madam President, I ask unanimous consent that I be allowed to complete my remarks and

Senator TESTER be recognized at the conclusion of my remarks for up to 5 minutes.

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

TRIBUTE TO ORRIN HATCH

Mr. JOHNSON. Madam President, before I begin addressing my opposition to the CRA, I want to spend a brief moment agreeing with all of the tributes and all of the accolades of Senator HATCH.

I wasn't able to get down here on the floor because I couldn't get down here in time—he started a little bit early—but I watched the entire speech from my office. It just showed the integrity, the patriotism, and the goodwill of this good man.

Like so many of my other colleagues, I don't know another Senator who offers more encouragement and more kind words to all of us than Senator HATCH. Again, I wish him and Elaine well in their retirement. I wish them the best.

God bless Senator HATCH for all of his faithful service.

CONGRESSIONAL REVIEW ACT

Madam President, I rise to discuss the Congressional Review Act challenge put forward by the senior Senators from Oregon and Montana.

The CRA has been proposed in response to guidance on a revenue procedure recently announced by the Internal Revenue Service. As chairman of the Homeland Security and Governmental Affairs Committee, I have written to the IRS twice asking them to take the very actions this CRA seeks to overturn.

Let me begin by reviewing some basic facts about the guidance—facts that are irrefutable, but facts that are apparently being ignored by those supporting this measure.

First, I want to make it clear that the guidance in question mirrors a proposal that was crafted under the Obama administration. While that proposal was never fully implemented, the fact that it was first proposed by the Obama administration proves its bipartisan nature.

Essentially, the guidance makes clear that personal identifying information of donors for certain tax-exempt organizations does not need to be filed on a form with the IRS. However, these organizations will still be required to keep that donor information on file. Simply put, the guidance is merely a change in where the information is warehoused.

In the past, it was kept on a form at the IRS, as well as in the records of each organization. Now, it will only be kept in the records of each organization.

It is important to note that the officials in the Obama administration said that the reporting of such information is no longer necessary for the efficient administration of the internal revenue laws. I am not actually sure it ever was required.

The one change being implemented that differs from the Obama proposal is

that the IRS also included in its new guidance needed privacy protections in response to recent government leaks and breaches. In order to protect taxpayer privacy, under this new guidance, the donor information in question is prohibited from being made public by the government no matter where it is warehoused.

So let me summarize. The donor information in question is not used by the IRS for the efficient administration of the internal revenue laws, as was noted by the previous administration. The information is required to be kept on file and on the books of the organization and to be available to the IRS or law enforcement, if needed, which was also as proposed by the previous administration. Finally, the information, no matter where it is housed, shall not be made public by the government.

These are clear and concise reasons for a simple change that was made—and let me reemphasize this point—in order to protect taxpayer privacy. Unfortunately, such protection is necessary because, when the IRS required that donor information be reported on a form to the IRS, there had been numerous times during which the returns of tax-exempt organizations were inappropriately and possibly illegally disclosed, whether through administrative sloppiness, carelessness, breaches, or other potentially nefarious or partisan reasons.

The reason tax-exempt organizations' donors may wish to remain anonymous is best illustrated in the 1958 Supreme Court case of the NAACP v. Alabama. The State of Alabama was attempting to force the disclosure of the members of the NAACP. The concern those members had in having their names revealed should be obvious. Fortunately, the Supreme Court decided unanimously to protect the identities of the NAACP's members.

Today, tax-exempt organizations that span the political spectrum and the supporters of those organizations deserve the same consideration and protection as the NAACP had. They deserve to remain anonymous so that they cannot be targeted by their political opponents.

A similar threat does exist today from the compelled disclosure of donor information that is held by tax-exempt organizations, including 501(c)(4) social welfare groups. If information about donors to these groups becomes publicly available, the information could be used in a way that would chill future speech and association—a basic First Amendment right.

Donor information is also susceptible to abuse by the Federal Government itself. In one egregious example in 2010, the IRS sent 1.1 million pages of tax-exempt return information, including donor information in some cases, to the Justice Department for potential prosecutions relating to political speech. More recently, some States have sought to compel the disclosure of

donor information from schedule B. The disclosure of donor information has led to the harassment of donors in some very well-documented cases.

In a court brief that was filed in January of 2017 in *Americans for Prosperity Foundation v. Becerra*, the NAACP warned against States' compelling the disclosure of donor information:

Forcing an organization to release [organizational membership and/or donor lists] to the State not only divulges the First Amendment activities of individual members and donors, but may also deter such activities in the first place. Specifically, individuals may legitimately fear of any number of negative consequences from disclosure, including harassment by the public, adverse government action, and reprisals by a union or employer.

This potential harm exists across the political spectrum regardless of donors' ideological beliefs.

Needless to say, the Congressional Review Act challenge to the recent IRS guidance on where to house private donor information is troubling, and its motivation is highly suspect. For anyone who truly cares about privacy and ensuring that the Federal Government does not use the tax system as a political targeting machine, a vote against the Congressional Review Act challenge is the obvious choice. I urge my colleagues to vote no.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. TESTER. Madam President, before I start, I thank Senator HATCH for his decades of service to this body, and I wish him well in retirement.

This CR is about one thing—transparency, sunlight, and making sure people know what is going on with their government. I rise on behalf of the millions of Americans who are tired of seeing their democracy undermined by mega-donors as they hide in the shadows. As my friend from Maine said, it would be like going to a public meeting with a bag over your head. That is what this is about. Take the bag off. Take them out of the shadows.

Since the Supreme Court's ruling in 2010 in a case called *Citizens United*, we have had our democracy and our elections for sale. Over the past 8 years, billions of dollars have been spent to influence our elections. Nobody knows where this money comes from. It could be coming from foreign countries.

Just 3 years after the unpopular *Citizens United* decision, these wealthy families once again used the Supreme Court to chip away at our democracy with the *McCutcheon* ruling. A handful of our Nation's wealthiest families have used this court ruling to hide behind political action committees with stoic names so they can build pipelines of cash to push their own agendas.

While we are still tallying the totals from this past election 5 weeks ago, we know that dark money groups in 2016 spent \$1.4 billion in that single election.

If we don't take an aggressive approach, more dark money is going to

flood our elections. It is going to mislead voters and turn people away from our elections, our democracy, and, quite frankly, will put our democracy at risk.

This is a very important joint resolution, and it is not the first time we have been here. During the Gilded era of the Copper Kings, this Nation's wealthy openly exercised their power over our democracy. Once again, they tried to buy it. In fact, in my home State of Montana, Copper King William Clark's solicitation for bribes during his campaign for the U.S. Senate was so blatant that Mark Twain called him "as rotten a human being as can be found anywhere under the flag." Today, I am concerned that the days of the Copper Kings have returned and are being ushered in, in part, by policies from this administration.

Back in July, the Treasury Department and the IRS took an unprecedented step and eliminated the requirements for certain tax-exempt organizations to report to the IRS the identities of their major donors.

I will say one thing about the Senator from Wisconsin's remarks—the Obama administration's view on this was that it opposed it because it would constrain the IRS in enforcing its tax laws. This administration's policy through the Treasury, through the IRS, created another safe haven for this country's wealthiest donors to hide in the shadows while they pulled the levers of power in our democracy.

Just like ordinary Americans took control of our government at the end of the days of the Copper Kings, when Senate seats were openly for sale—they acted—we have to act today. Today's vote will overturn that rule and shed more light on the folks who are trying to buy our elections.

In my reelection campaign over the past 2 years, over \$40 million of outside money was spent to influence just 500,000 voters. We will never know who those folks were. These out-of-State fat cats didn't know the State of Montana; they just wanted to write the large checks to try to influence and buy our State, just like the Copper Kings did 100 years ago. I guarantee that a lot of those dollars came from the same dark money groups that are opposing this vote here today. They don't want to see this joint resolution pass because it undermines their efforts to anonymously influence our elections—once again, taking away from the transparency of our government.

In addition to these wealthy few who are trying to buy our elections, these dark money policies open the door to foreign contributions to House, Senate, and Presidential campaigns. Of course, it is illegal for a foreign national to contribute to our Federal candidates for office, but when you do not know who is contributing the money, how do we know that it is not the Russians or that it is not the Saudis or other nations that are infiltrating our elections? Our adversaries are always look-

ing for the weakest link to try to destroy our country and destroy our democracy. One of our weak links today is our broken campaign finance system.

It is time to pass this bill, shore up the election infrastructure, and take a step toward eliminating the ability of our enemies to choose leaders in Washington, DC.

I thank the senior Senator from Oregon for his leadership and for helping to force a vote on this important legislation. Senator WYDEN and more than 30 Members of this body cosigned our discharge petition, and 35 Members of this body cosponsored this joint resolution of disapproval under the Congressional Review Act to force today's vote.

The public needs to know where the Senators stand. Do they stand on the side of transparency and accountability, or do they side with the dark money special interests who flood our elections with television ads and our mailboxes with misleading ads? It is past time to wrestle our country back from the wealthy few who are fighting to drown out the voices of regular folks. I urge the support of this joint resolution of disapproval so as to help take our country back.

I will close with one thing, and then I will be quiet—and thank you for your tolerance. This is about transparency. Tell me one time when transparency has not been a good thing. It is the antiseptic for good government.

I yield the floor.

The PRESIDING OFFICER. The clerk will read the title of the joint resolution for the third time.

The joint resolution was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. Under the previous order, the joint resolution having been read the third time, the question is, Shall the joint resolution pass?

Mr. WYDEN. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from North Carolina (Mr. TILLIS).

The PRESIDING OFFICER (Mr. ALEXANDER). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 50, nays 49, as follows:

[Rollcall Vote No. 260 Leg.]

YEAS—50

Baldwin	Collins	Hassan
Bennet	Coons	Heinrich
Blumenthal	Cortez Masto	Heitkamp
Booker	Donnelly	Hirono
Brown	Duckworth	Jones
Cantwell	Durbin	Kaine
Cardin	Feinstein	King
Carper	Gillibrand	Klobuchar
Casey	Harris	Leahy

Manchin	Peters	Tester
Markey	Reed	Udall
McCaskill	Sanders	Van Hollen
Menendez	Schatz	Warner
Merkley	Schumer	Warren
Murphy	Shaheen	Whitehouse
Murray	Smith	Wyden
Nelson	Stabenow	

NAYS—49

Alexander	Gardner	Paul
Barrasso	Graham	Perdue
Blunt	Grassley	Portman
Boozman	Hatch	Risch
Burr	Heller	Roberts
Capito	Hoeven	Rounds
Cassidy	Hyde-Smith	Rubio
Corker	Inhofe	Sasse
Cornyn	Isakson	Scott
Cotton	Johnson	Shelby
Crapo	Kennedy	Sullivan
Cruz	Kyl	Thune
Daines	Lankford	Toomey
Enzi	Lee	Wicker
Ernst	McConnell	Young
Fischer	Moran	
Flake	Murkowski	

NOT VOTING—1

Tillis

The joint resolution (S.J. Res. 64) was passed.

The PRESIDING OFFICER. The Senator from Iowa.

### MORNING BUSINESS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

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

### TAX LEGISLATION

Mr. GRASSLEY. Mr. President, as the 115th Congress winds down, I would like to reflect on the enactment of the historic tax legislation, which passed last year, and what is ahead for us in the new year.

In December of 2017, Congress passed, and the President signed into law, the most comprehensive reforms to the Nation's tax laws in more than three decades.

For years, both sides of the aisle have talked about the need for tax reform that would provide tax simplification, tax fairness, and increase America's economic competitiveness. With the enactment of the law called the Tax Cuts and Jobs Act, we finally made all three of those goals a reality.

Significant simplification was achieved for individuals by nearly doubling the standard deduction. This means people will be able to pay less and avoid the tedious task of itemizing their taxes. Overall, roughly 90 percent of taxpayers will file their taxes by simply taking the standard deduction.

Moreover, thanks to a significantly higher alternative minimum tax, which we refer to as the AMT exemption, millions of middle-class taxpayers will no longer be faced with figuring out their tax liability two times: one time to calculate their regular tax liability and the second time to calculate their tax liability under the alternative minimum tax.