

provisions of rule XXII, the cloture vote with respect to the motion to proceed to S. 1 occur at 1:45 p.m.

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

ADJOURNMENT UNTIL 10 A.M.
TOMORROW

Mr. McCONNELL. Mr. President, if there is no further business to come before the Senate, I ask that it stand adjourned under the previous order, following the remarks of Senator MERKLEY.

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

The Senator from Oregon.

DEMOCRACY

Mr. MERKLEY. Mr. President, the most important words in our Constitution are the first three: “We the People.” With these three simple words, our Founders laid out the mission for our government; that is, a government to produce a form of legislation that reflects the will of the American people or, as Lincoln summarized it, a government of, by, and for the people.

That mission is being corrupted and damaged in a significant and extensive fashion. It is being damaged with a goal of converting this vision of “We the People” to a government by and for the powerful and the privileged. That corruption, that fundamental corruption of our government, comes in many forms, but it certainly includes gerrymandering, voter suppression, voter intimidation, and dark money in our campaigns flooding our system with unidentified resources to serve the powerful and the privileged rather than the people.

We in this Chamber, having taken an oath of allegiance to our Constitution, ought to be defending it, but we are not. The result is, we see many challenges facing our Nation unaddressed: stagnant wages and soaring income inequality, huge wealth inequality; skyrocketing healthcare costs; unaffordable higher education and homeownership; rent so high they drive people to live in tents; catastrophic climate chaos wreaking havoc on our planet with uncontrolled carbon pollution.

We have been paralyzed on these issues because of this corruption of our Constitution, because of the gerrymandering, because of the voter suppression intimidation, because of the dark money. It has allowed the hijacking of our Constitution, and we need to end it. It has been hijacked by corporate and Wall Street executives swimming in recordbreaking profits and trillion-dollar tax breaks, shuttering American factories and shipping jobs overseas. It has been hijacked by fossil fuel barons who exhibit a greed for profits that trumps the direct damage—or concern about the direct damage they are inflicting on our beautiful blue-green planet. It has been hijacked

by cabals of shadowy organizations, using vast sums of dark money, no identified source, to influence and buy elections, undermining our institutions at every level and driving massive cynicism among our youth.

Our youth look at our government, and they see those beautiful words: “We the People,” and then they see the corruption, the corruption this body is doing nothing to address—not the gerrymandering, not the voter suppression, not the dark money. It is time to change that.

I have laid out a blueprint for our “we the people” democracy. I unveiled this document last week. I am happy to provide copies to anyone. It is available on the web. It is a blueprint for restoring our democracy that takes on the corrupting influence of dark money, takes on the corrupting influence of gerrymandering, takes on the corruption of voter suppression to ensure equal representation for every American.

Let’s start by looking at dark money. We need to pass Senator UDALL’s constitutional amendment that overturns Citizens United and thereby end the corruption of the unlimited dark money.

According to one analysis, the top 15 dark money groups in America has spent over \$600 million on campaign-related activities in the last few years. That is just the top 15 groups, writing check after check to drown out the voice of the people. It is kind of like the dark money is a stadium sound system cranked up to the top volume so voices and concerns of millions of ordinary Americans are wiped out, unheard, unlistened to; thus, driving decisions of this body in favor of the powerful instead of the people.

It is why we need to give Congress the ability to set reasonable limits on campaign spending and donations through that constitutional amendment. That is why we need to increase transparency on all money in the campaign system through Senator WHITEHOUSE’s DISCLOSE Act. His act calls for robust disclosure for corporate union, PACs, 501(c)(3)s that contribute over \$10,000. It is why we need transparency through Senator KLOBUCHAR’s Honest Ads Act, which addresses the transparency of online ads, which are becoming a bigger and bigger part of our dialogue over campaigns in this country, the social media side. It requires those who purchase and publish those online ads to publicly disclose their financing.

Thomas Jefferson laid out how important an equal distribution of power is among the voters. He called it his equal voice principle, and he said this: “[A] government is republican in proportion as every member composing it has his equal voice in the direction of its concerns”—equal voice. He said in this letter, after he was President, that if we lose this, which he called the mother principle of our democracy, we would not have laws that reflect the will of the people.

So here we are with the mother principle—a distribution of power among voters, a distribution of voice among voters. That, as the securing factor for government, reflects the will of the people.

This is in complete opposition to the concentration of power through Citizens United.

Let us turn to the corruption from gerrymandering. Now, there is a bit of a challenge to define what gerrymandering is, but let’s try putting it this way: the drawing of funny-shaped districts in order to unbalance fair representation of voters in a State.

Now, here are some of the warning signs if you want to say it is gerrymandered. First, look to the districts and see if they are of funny shapes like these—like Nebraska, like the Fifth Congressional District in Florida, like the Seventh Congressional District in Pennsylvania, like the Maryland Third Congressional District, like the North Carolina First District, and the Texas Thirty-third District—blue States, red States, all exhibiting varieties of gerrymandering.

Another way to look at gerrymandering is to look at an imbalance in wasted votes. That is, you take the number of votes required to elect someone in a particular congressional district and add up the surplus of those votes, and you add those up on the Democratic side and you add those up on the Republican side, and if there is a huge imbalance in the wasted votes, then probably these districts have been drawn to unbalance fair representation for people in the State.

A third way to look at gerrymandering is to look at whether the congressional representation in the House of Representatives is proportional to the popular vote totals in a State.

So those three things are warning signs.

How should this be addressed? It should be addressed through having national standards for independent redistricting commissions so that the citizens of the United States across the entire United States get fair representation in Congress and for the ridding of gerrymandering in the United States of America.

In 2016, North Carolina Republicans had 53 percent of the State’s popular vote in House races but 77 percent of the congressional seats. That is a sign of gerrymandering. The same year, Pennsylvania Democrats won 48 percent of the popular vote in their State but only had 27 percent of the House seats.

So these are signs of a rigged system, and if you want to drive cynicism, keep a rigged system.

The House of Representatives is supposed to stand for equal representation for people, not for a biased, corrupted, rigged system that we get from gerrymandering.

So we need to take the power for redistricting out of the hands of partisan

elected officials and put it in the hands of independent commissions to draw fair, competitive congressional districts to truly reflect the voters' voices.

Now, as for that Pennsylvania gerrymandered seat that I referred to, after the 2016 election, the State supreme court stepped in and redrew the district lines to make them more fair and representative.

So what happened? Let's compare 2016 to 2018.

In 2016, you had the Democrats receiving 48 percent of the popular vote and 27 percent of the congressional districts, a gap of more than 20 percent. After the redrawing, you had Democrats receiving 53 percent of the popular vote across the State and winning 50 percent of the contested seats. So a gap of 21 percent goes down to a gap of just 3 percent. That is a sign that the State has been more fairly drawn to reflect the distribution of voters. It shows that the voters are being heard and that the corruption of gerrymandering is being ended. But it shouldn't just be ended in Pennsylvania. It should be ended across the country.

Now, the U.S. Supreme Court has punted on gerrymandering. In fact, it has been at the heart of each of these three corrupting practices: unleashing dark money through Citizens United; striking down the Voting Rights Act of 1965, allowing an unlimited set of strategies—a huge set of strategies—for voter suppression and voter intimidation; and never taking on the issue of gerrymandering.

Maybe the U.S. Supreme Court should read the Constitution and realize what Jefferson was talking about and realize that it is their job to defend the integrity of the United States of America and take on these corrupting forces that they themselves have unleashed in two instances and failed to take on in the third.

Well, voter suppression and voter intimidation are certainly alive and well as corrupting forces. That is why the Blueprint for Democracy calls for the passage of Senator LEAHY's Voting Rights Advancement Act. The bill would restore and modernize the Voting Rights Act of 1965, which the Supreme Court tore down in 2013 with their decision in *Shelby County v. Holder*.

Now, realize that the Voting Rights Act reauthorization had vast bipartisan support here in the Senate. This wasn't a partisan bill. The voting right is the fundamental foundation of our democratic republic, and it had broad bipartisan support, as it should. But the Supreme Court, in the interest of the powerful and privileged, tore down—they are no longer the defenders of the vision of our Constitution but the destroyers of the "we the people" vision of our Constitution. That should concern every Member in this body.

We have seen rampant voter suppression in our national elections used to

block entire groups of people from exercising their constitutional rights at the ballot box.

Just this last November, we saw thousands of Native Americans living on Tribal reserves in North Dakota kept from casting a ballot. In Georgia, we saw the former secretary of state, who was running for Governor, attempt to block 53,000 Georgians, predominantly African Americans, from voting because of what were described as minor clerical inconsistencies. We saw thousands of Ohio voters purged from voting rolls on the order of the secretary of state of Ohio, and done so in a way disproportionately benefiting one party over the other.

That is just scratching the surface of the list of deplorable schemes to disenfranchise American voters.

There was one positive development that was in Florida, where Florida restored the ability of felons to vote after they have served their sentences.

Now, this process of taking away the ability of felons to vote has a deep, deep history of racism in our country. It was used after the Civil War to disenfranchise Black Americans so that White Americans could control areas that were predominantly African American.

So this use of the felon disenfranchisement—failure to restore the right to vote after you have served your sentence—is something that has to be put away, and Florida set a great example in doing so.

There is much more that we can do. We can have a polling place protection act, because the manipulation of polling places is just an irresistible strategy for election clerks. They move the polling places. They cut the hours of polling. Disinformation is put out about where they are. You have a process where some polling places that serve predominantly one community that may vote primarily on one party suddenly don't have enough clerks or enough voting machines so they have long lines here and short lines there to warp the outcome of an election.

So how about a polling place protection act? Isn't that something Democrats and Republicans can come together and do?

How about predatory purging of voter lists, where you analyze the voting list and decide for rules on purging voters in order to disproportionately favor one party over the other? Why not have standard policies across the country so that purging in a predatory partisan fashion is done away with? Shouldn't that be something on which Democrats and Republicans can come together and defend the integrity of American elections?

How about requiring paper ballots so that every election can be recounted? I always heard about these electronic voting machines with no paper ballots. Now, out in Oregon, we insist on paper ballots. We want people to have confidence that the election has not been messed with, that the voting machines have not been hacked.

I remember listening to a radio news story where a person went in and hacked the voting machine while they were on the radio with the reporter and changed the vote totals.

So shouldn't we require paper ballots that can be recounted to give confidence in America that the vote is not being hacked? Isn't that something that Democrats and Republicans can come together to support? Isn't it something that helps to make sure that foreign agents—Russian agents, Chinese agents, who knows whom—are not trying to hack our elections?

While we are at it, how about a national standard for early voting to ensure that people have the flexibility to come to the polls, to make sure the hours are not manipulated in a fashion to try to favor one party over the other.

Better yet, how about Senator WYDEN's Vote By Mail Act? In Oregon, we have a special affection for this. Back when I was first running for the Oregon House of Representatives 20 years ago, in my first election, half the people of Oregon voted by mail and half at the polls, and I started going door to door to campaign, and I didn't really like this whole vote-by-mail idea because I felt it was important for the community to do something together on election day.

As I knocked on one door after another, one senior after another said: No, I really love this ability to vote by mail, because if it is rainy or icy in November, if there is snow that makes it hard to get to the polling place, it is no problem.

They said: And moreover, I really love to be at the kitchen table with my children or with my grandchildren and have the ability, then, to talk with them about these issues as we vote and inculcate them with the civic responsibility of voting.

Another said: You know, here in Oregon we have initiatives that can be very complicated. I love to sit at my kitchen table and study these initiatives and vote.

So I realized how popular it was. So there it was—vote by mail, a very important contribution to the possibility of high integrity in elections of the United States of America.

This last November, we had nationwide about 47 percent of the eligible adults voting—about 47 percent. That was better than 2014, when we had 37 percent. So that is pretty good—47 percent.

In Oregon, with vote by mail, we had 68 percent of the eligible adults voting—20 percent over the national standard. So that gives you a little sense of how automatic voter registration and vote by mail can make a difference in enabling people to fully participate.

If you believe in the vision of a democratic republic, don't you want to be on the side of voter engagement—not voter intimidation, not voter suppression?

A fourth area is equal representation. So we have had a number of elections where we created a discrepancy between the popular vote and the outcome for President—another factor driving citizens. The whole electoral college was set up in a world in which communication was very difficult. It might take weeks to get the votes to the Capitol, but that is not the world we live in any longer.

So isn't it time to go to a direct vote?

Back in the 2000 election, 48 percent of the voters picked Al Gore for President, and that was a majority, but we had 8 years of George Bush.

The electoral college is antiquated—an antiquated idea based on a historical factor of communication that no longer exists.

So let's move to direct vote, either through the national popular vote, which can be done State by State by State by sending their electoral votes to the candidate who wins the majority, or through a constitutional amendment.

And while we are at it, let's give voting representation in the House and Senate to the 4 million people who currently are American citizens who do not have a vote in the Presidential election.

While we are at it, let's give voting representation in the House and Senate to the 4 million people who currently are American citizens who do not have a vote in the House or Senate. For the people of Puerto Rico, Guam, a number of other Territories, and the Virgin Islands, shouldn't there at least be one person in this Chamber representing them?

I went down to Puerto Rico 8 months after the big hurricane to look at the restoration, and the restoration program was horrific. I came away thinking, if there was somebody who stood in this Chamber with a vote or in the House Chamber with a vote and could speak to the abysmal restoration of infrastructure after that hurricane, it

would not have been such a disaster. We would all have listened and responded and helped. But there was nobody here that represented them. A number of us tried to carry their message, their plea, but it is different than having somebody who carries a vote.

So let's figure out a system—some system. No system will satisfy everyone, but give at least a vote in the Senate and a vote in the House for the portion of the population of those American citizens who do not have a vote.

So our constitutional system is in very deep trouble. When I came into political life we had a Voting Rights Act that had taken on the issue of voter intimidation and voter suppression. We don't have it today, thanks to the Supreme Court. Corruption is inhabiting our "we the people" Constitution.

When I came in we had a system that was much more transparent with people making donations to candidates, and today we have vast dark money corrupting the system.

Gerrymandering has been with us for a long time. Isn't it time that we address that? Shouldn't it be a situation in which voters pick their representatives, not representatives picking their voters? Isn't it time to address a national popular vote?

We have allowed so much to happen. We haven't pushed back the failure of the Supreme Court to defend our Constitution. When they struck down the Voting Rights Act, they said Congress can repass another one. But have we done so? Have we had a vote on the floor of the Senate since the Voting Rights Act was struck down? Do we have bipartisan buy-in that it is our responsibility to protect voters to have a fair process? If not, why not? It is way past time. So let each of us ponder the vision of our Constitution—the "we the people" vision of our Constitution. Let's remember that we took an oath to honor this vision and that we are failing. Now, in recognition of that, let's come together—Democrats and

Republicans, House Members and Senate Members—and take on this vast corruption that is destroying the fundamental vision on which our Nation was founded—a vision I love, a vision that will produce laws by and for the people, a vision that produces laws that reflect, as Thomas Jefferson said, the will of the people.

Thank you, Mr. President.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

THE PRESIDING OFFICER. The Senate stands adjourned until 10 a.m. tomorrow.

Thereupon, the Senate, at 6:44 p.m., adjourned until Thursday, January 10, 2019, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

COMMODITY FUTURES TRADING COMMISSION

HEATH P. TARBERT, OF MARYLAND, TO BE CHAIRMAN OF THE COMMODITY FUTURES TRADING COMMISSION, VICE J. CHRISTOPHER GIANCARLO.

HEATH P. TARBERT, OF MARYLAND, TO BE A COMMISSIONER OF THE COMMODITY FUTURES TRADING COMMISSION FOR A TERM EXPIRING APRIL 13, 2024, VICE J. CHRISTOPHER GIANCARLO, TERM EXPIRING.

NATIONAL TRANSPORTATION SAFETY BOARD

MICHAEL GRAHAM, OF KANSAS, TO BE A MEMBER OF THE NATIONAL TRANSPORTATION SAFETY BOARD FOR A TERM EXPIRING DECEMBER 31, 2020, VICE EARL F. WEEENER, TERM EXPIRED.

JENNIFER L. HOMENDY, OF VIRGINIA, TO BE A MEMBER OF THE NATIONAL TRANSPORTATION SAFETY BOARD FOR A TERM EXPIRING DECEMBER 31, 2024. (REAPPOINTMENT)

ENVIRONMENTAL PROTECTION AGENCY

ANDREW WHEELER, OF VIRGINIA, TO BE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY, VICE SCOTT PRUITT.

DEPARTMENT OF THE TREASURY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

LT. GEN. MICHAEL X. GARRETT

IN THE ARMY