

President Trump has been pursuing a provocative and incomprehensible policy of regime change in Iran, trying at one moment to flatter and meet with President Rouhani to negotiate and then the next moment threatening to obliterate Iran from the planet. President Trump withdrew from that nuclear agreement and tried to starve Iran of the agreed benefits it was to receive from that deal.

Let me be clear, there is no doubt that Iran is responsible for dangerous conduct around the world, which I will never approve of, but an Iran with nuclear weapons is dramatically more dangerous than one without. The President doesn't understand that basic fact. Why not push back against Iran without withdrawing from the nuclear agreement? Why give them the pretext for belligerence and undermine our credibility with the global powers that joined us in that nuclear agreement?

The tragic end result of this President's incoherent policy in Iran is that our allies are united against us, and Iran may restart nuclear activities within the next few weeks. President Trump's policy at the direction of Mr. Bolton seems to have only increased regional tensions, incentivized Iran to restart its nuclear weapons program, and fomented a pretext for another Middle Eastern war.

This Congress, too often a rubberstamp for this President's worst behavior, must do more in the next few weeks and months to stop this effort based on the briefing we received yesterday. Wars are so easy to get into and so difficult to get out of. When I hear our advisers, in general terms, talking about short wars, I think about Iraq, and I think about Afghanistan and the fact that, 18 years later, with gravestones all across the United States, we are still paying the price for decisions that were made so long ago. Let us think twice before we engage in direct military confrontation with any country and, certainly, with Iran.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

(The remarks of Ms. COLLINS pertaining to the introduction of S. 1602 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Ms. COLLINS. I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

SENATE LEGISLATIVE AGENDA

Mr. KENNEDY. Mr. President, I don't have a speech prepared. I just want to share a few thoughts with my colleagues. What I am about to say I intend to say gently and constructively, and that is this: We need to do more. We need to do more. By "we," I mean the U.S. Congress.

We have completed almost 25 percent of the time allotted to this current Congress. And what have we done? Other than nominations, which are important—and I will come back to that—we have done nothing—zero, zilch, nada.

Let me talk about my friends in the House of Representatives first. I have great respect for them. I wish I had served in the House. I would have loved to have had that experience. So far, our friends in the House—at least the leadership—have done two things. No. 1, they have passed bills they know have not a hope in Hades of passing the U.S. Senate. We call those bills messaging bills, as you know. They are not designed for the next generation. They are designed for the next election. They don't do anything to make the American people any more secure or improve the quality of their lives, and we all know that.

The second thing that my friends in the House leadership have done—and I say this with all the respect I can muster—is to harass the President.

Again, I say this gently, and I say this, hopefully, constructively to my friends in the House leadership: The House leadership needs to urinate or get off the pot. The House leadership needs to indict the President of the United States, impeach him, and let us hold a trial—he will not be convicted—or they need to go ahead and hold in contempt every single member of the Trump administration so we can move those issues into our court system and get back to doing the people's business.

Now, if they decide to go the court route, I would caution my friends to be very, very careful because once it enters the court system, it becomes a zero-sum game. One or two things are going to happen. Either the administration will win, in which case the oversight authority of the U.S. Congress will be undermined, or the House leadership will win, in which case no American with a brain above a single-cell organism is going to want to run for President of the United States, because Congress will be able to find out everything about your life, even the most intimate details, whether it is relevant to your job or not and whether it happened when you were President or not.

What I hope happens is that my friends in the House leadership and the administration sit down and talk—not talk like 8-year-olds in the back of a minivan fighting but talk constructively about how their behavior could impact important institutions in this country—and work it out.

I thank the Attorney General for making overtures to the House leadership to try to find common ground.

Now, let me talk about the Senate. We need to do more. I am not saying we haven't done anything. We have confirmed some very important nominees to the Trump administration. It is long overdue. They are fine men and women. We have confirmed some very fine men and women to the Federal Judiciary, and I believe they will make this country safer and will make this country better. I am very proud of that effort. So let me say it again. I am not saying we have done nothing. I am saying we need to do more.

There are issues where our Democratic friends and my Republican friends have more in common than we don't. We need to bring the bills to the floor of the Senate. Everyone has their own list, and everyone in the Senate knows what I am talking about, whether they will say it or not.

What is one of the things that moms and dads worry about when they lie down at night and can't sleep? The cost of prescription drugs. There is bipartisan support for prescription drug reform.

I just read a study in the Journal of the American Medical Association. They studied the U.S. healthcare delivery system and the healthcare delivery systems of all other wealthy countries. So it is apples to apples. In America, we pay about \$1,500 for every man, woman, or child every year for pharmaceutical drugs. In the average rich country, other countries pay \$750.

I am not criticizing our pharmaceutical drug companies. What they do is marvelous. We live longer. They save money. They keep us out of hospitals. But why is everybody else paying \$750 and our people are paying \$1,500? There are things we can do that will help make the pharmaceutical industry better but also help consumers. Do you know what we are doing about it? Nothing. We need to bring a bill to the floor.

I could give you another example. We all know there needs to be reform of our National Emergency Act. We know that. It is not about President Trump. It is about institutions, checks and balances, and Madisonian separation of powers.

We could do something together to get rid of spam robocalls. I get about 12 a day.

ROB PORTMAN has a great bill that would end government shutdowns. We have more in common on that than we don't.

We need a supplemental disaster bill. We have Americans who are hurting. In my State, after Katrina, we were flat on our backs. If it hadn't been for the American taxpayer, we would have never risen to our knees, much less to our feet. We have other Americans and friends in Puerto Rico who need help. We ought to be able to work it out.

I could keep going. Everybody has their own list.

I don't care whether we move a bill through committee or whether we bring a bill directly to the floor of the Senate—I am in labor, not management; that is above my pay grade—but we need to try. We need to try.

I understand it is an election cycle. I get that. I say to the Presiding Officer, I am a politician. You know that. But we are always in an election cycle. When are we not in an election cycle? And I understand some of my colleagues with a lot more experience than I have—and I listen carefully to them, and I try to listen carefully to them—are thinking right now: Kennedy, that is just not the way it is done here.

Well, by God, maybe it is not, but maybe it should be.

I know some of my friends are thinking: Kennedy, if we do that, we are taking too big of a political risk.

Maybe we are. Maybe we will win.

I just think that there are bills that will make the American people able to live better lives, and we ought to spend a little more time thinking about the next generation than the next election.

With that, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. COTTON). Without objection, it is so ordered.

THE FEDERALIST SOCIETY

Mr. WHITEHOUSE. Mr. President, on Tuesday, the Washington Post published an important piece of investigative journalism. The journalists looked into a very narrow, very wealthy group of special interests seeking to control our Federal judiciary. It was a revealing story, one that matters a great deal to the Senate and to the people we serve. I come to the floor today to discuss that tightening special interest grip on our courts.

The central operative in this court-fixing scheme is Leonard Leo of the Federalist Society, the organization at the center of this effort. As I described here on the Senate floor several weeks ago, there are three incarnations of the Federalist Society.

The first is a debating society for conservatives at law schools. They convene panels and forums for like-minded, aspiring lawyers to talk about conservative ideas and judicial doctrine. That is all fine.

The second is a flashy Washington, DC, think tank. They attract big-name lawyers, scholars, and politicians—even Supreme Court Justices—to their events. They publish and podcast. They hold black tie galas. I don't agree with the work they do, but I don't question their right to do it.

The third Federalist Society is what was exposed in the Post article. It is something much, much darker, both in its funding and in its function. It is a vehicle for powerful interests seeking to “reorder” the judiciary under their control so as to benefit their corporate rightwing purposes. It seeks to accomplish by judicial power grab what the Republican Party has been unable to accomplish through the open Democratic process.

This third, dark Federalist Society understands the fundamental power through the Federal judiciary to rig the system in favor of special interests.

So what did the Post find out about how our judges on the most important courts in the country are selected? It found a network of front groups. It found shell entities with no employees.

It found shared post office mail drops, common contractors and officers across nominally separate entities, even common presidents of nominally separate entities. In these characteristics, it has some resemblance to money laundering and crime syndicates.

What else did they find? They found dark money funders, anonymous advertising, enormous pay packages for the operatives, and judicial lists prepared secretly. It found \$250 million in dark money flowing through this apparatus.

The story turns up familiar dark money political funders like the Mercers and the National Rifle Association, but it also exposes groups that are harder to spot, which may not have garnered much attention before but serve central functions in Leonard Leo's court-fixing apparatus.

A few weeks ago I delivered remarks on the Senate floor about the sweeping influence of Leonard Leo and the Federalist Society court-fixing scheme. I touched on one Federalist Society product of this scheme in particular: the newly confirmed DC Court of Appeals judge, Neomi Rao. I described some pretty straightforward facts about Rao. Her connection to the Federalist Society is no secret. Sitting on the DC Circuit right now, her bio still appears on the Federalist Society website along with the list of 26 times she has been featured—26 times she has been featured at Federalist Society events.

Before being nominated for one of the most influential courts in the country, which some call the second highest court in the land, she had never been a judge, she had never tried a case. Instead, she had served as the Trump administration's point person for helping big Republican donors tear down Federal safety regulations. She did this as the head of the White House's Office of Information and Regulatory Affairs, OIRA. That is not disputed.

Before that, she founded something provocatively called the Center for the Study of the Administrative State at George Mason University's Antonin Scalia Law School. Her center is a cog in Leonard Leo's machine.

Let's revisit Rao's testimony before the Senate Judiciary Committee about the funding for the Center for the Study of the Administrative State. She testified that neither the Koch Foundation nor any anonymous donors had funded her center. Well, a trove of documents obtained by me, the New York Times, and others showed that was not true. A Virginia open records request had revealed that an anonymous donor funneling its dark money donation through Leonard Leo and the Charles Koch Foundation in fact donated \$30 million intended to flow to her organization, her Center for the Study of the Administrative State.

Well, my remarks drew quite a reaction. The center's current director took to Medium to post a 2,500-word rebuttal. He claimed I was all wrong about the center's funding—that none

of its money came from those anonymous and Koch brothers' donations.

The National Review jumped into the fray and noted the Medium post on its website. The nub of their criticism was that although I was right, the Scalia Law School had indeed received millions in anonymous and Koch brothers' money. That money had gone to fund scholarships, not to the anti-regulatory Center for the Study of the Administrative State.

Let's start by assuming that is true. I will tell you, if I gave \$30 million to my alma mater “for scholarships,” I would expect a thank-you. I expect they would see a gift of \$30 million in scholarships as a benefit to the school. If they were asked “Has Senator WHITEHOUSE ever given you a gift?” I would expect them to say “Yes, he gave us a \$30 million scholarship fund.” I might even expect a nice press release. So I don't buy the “this was just scholarships money” dodge around telling the truth to the Judiciary Committee.

But look a little more. In 2016, George Mason University, indeed, received a \$10 million donation from the Charles Koch Foundation and, indeed, did receive a \$20 million donation from an anonymous donor. Both gifts came with grant agreements, and these grant agreements were among the Virginia open records documents. So we can learn a little bit more.

The grant agreements stipulate that the money was intended to fund “scholarships” but also specify that gifts were conditioned on the school's providing “funding . . . and support for”—you guessed it—Neomi Rao's Center for the Study of the Administrative State.

That is not all we found. Private communications revealed with the grant agreements show that the Koch Foundation and their handpicked law school administrators viewed all of this money as fungible.

I earlier said that if I gave \$30 million, I might expect a press release. The Antonin Scalia Law School did a press release. Its announcement of this funding stated: “The scholarship money will also benefit the institution because it frees up resources that can be allocated for other priorities, including additional faculty hires and support for academic programs.”

It didn't end there. The documents keep telling us more. They include a progress report—a progress report—to the Koch Foundation. Under the heading “most pressing needs,” Dean Henry Butler wrote to the Koch Foundation: “Cash is King (scholarships are cash).” In that same memo to the Koch Foundation—which, by the way, is kind of a bizarre document to exist in the first place, unless this is kind of a front for Koch brothers' political activities—Dean Butler also made clear that Rao's center had indeed received hundreds of thousands in funding from an anonymous donor, just as I charged, and further made clear that Rao's center was