

provides massive giveaways to the fossil fuel industry, whose emissions are destroying the planet.

This is legislation which appropriately ends the absurdity of large, profitable corporations paying nothing in Federal income tax but, at the same time, leaves intact virtually all of Trump's tax breaks for the wealthy and large corporations.

This more than 700-page bill, after months of secret negotiations, became public late last week. A 700-page bill, after months of secret negotiations, was made public last week. In my view, now is the time for every Member of the Senate to study this bill thoroughly and to come up with amendments and suggestions as to how we can improve it. I look forward to being part of that process and working with my colleagues to make that happen.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

#### U.S. SUPREME COURT

Mr. WHITEHOUSE. Madam President, every once in a while, life gives you a wonderful coincidence. The wonderful coincidence this evening is that I have had the pleasure of listening to Senator SANDERS describe what happens to a country when billionaires are able to secretly exert immense political power and drive democracy away from its foundations and into the service of the billionaires.

The remarks I am here to give are about how they do it—the technique for infiltration and influence of our democracy by the billionaires. This is part of my series of “Scheme” speeches, which is about how they have taken over the Supreme Court—captured it—in the same way that, in the 1800s, big railroads captured the railroad commissions that were supposed to set their rates. They just had their people set the rules for them, and it worked great. We are seeing this with the Supreme Court right now. This is not a conservative Supreme Court. This is a captive Supreme Court—captive to special interests—and the technique that they use for getting there is to hide who they are through an array of front groups.

There are dozens of front groups that were involved in the Court-capture scheme. The Washington Post did a very good review of them several years ago and calculated, based on information they could get at the time, that this was a quarter-billion-dollar project—\$250 million. Well, the research continued, and folks kept digging. When I held a hearing about this in my Judiciary court subcommittee, the number had climbed to \$400 million spent on the Court-capture enterprise. They have kept digging and kept digging, and now it turns out the number is over \$580 million. Over a half a billion dollars was spent in this effort to capture and control the U.S. Supreme Court.

I don't think you spend over \$580 million unless you have a purpose, and very often, the purpose is to make that much money back and more. There is a web of front groups that are used to deploy all of that money, and this is just a part of that web. This is just one sort of combined creature in that web. So let me take a few minutes and just go through the different organs and limbs of this creature.

The center of it is a pair of organizations, the 85 Fund and the Concord Fund. The way that extremely wealthy people play in politics these days is to put two organizations together that they establish under the Tax Code. One is called a 501(c)(3), which is named after the section of the Tax Code under which it is established. The 501(c)(3) gives you two wonderful things if you are fiddling in politics. One, it gives us anonymity, wherein you don't have to disclose your donors; and, two, it gives you a tax deduction. You get to write off the money that you give to manipulate the American public. But you can't do something very important with a 501(c)(3): You can't go out and manipulate public opinion. You can't participate in elections. So, when you do that, you need to have something else called a 501(c)(4), the very next provision in the IRS Code. So you take your 501(c)(3), and you take your 501(c)(4), and you set them both up.

In my view, there is usually no real distinction between the two. There is a doctrine in law called piercing the corporate veil that separates separate corporate entities, that allows people who are trying to pursue usually damages to show that this is a fake corporate division. You pierce the corporate veil. The 501(c)(3)s and 501(c)(4)s are a corporate veil that you could probably pierce with a banana. They have the same locations; they have the same mailing addresses; they have the same staff; they have the same board members; they have the same funders. It is essentially the same organization, but it just operates under two legal structures.

So that is what you have for starters. You have got your twinned front groups. The 85 Fund is your 501(c)(3), and the Concord Fund is your 501(c)(4). They are essentially the same creature, but in this case, this organism has other limbs. So what you can do under Virginia corporate law is, if you are the 85 Fund or the Concord Fund, you could file with the corporate registry in the State of Virginia permission to operate under what is called a fictitious name. You can operate under your own name, the 85 Fund, or you can file, with permission, a fictitious name. I am not making that up. That is actually the word in Virginia law—a “fictitious name.”

Well, the 85 Fund filed for permission to operate under the fictitious name of the Judicial Education Project—the 501(c)(3) that takes in money, and “tax deductibly,” to work on the capture of the Court. On the other side, over here,

the Concord Fund, your twinned 501(c)(4), has its own twinned fictitious name. So the Judicial Education Project has its own little twin in the Judicial Crisis Network.

Well, what do we know about the Judicial Crisis Network?

We know that it took checks for as much as \$15, \$17 million from secret donors. Imagine writing a \$15 million check to an organization like this. It took that money, and it first ran campaigns to attack Merrick Garland, to round up Republican support for opposing him as a Supreme Court Justice. Then, when that was successful and they brought on Judge Gorsuch, in came other big checks. Then, when Gorsuch was on the Court and it was time for Kavanaugh—other big checks. Then, when it was time for Amy Coney Barrett—other big checks. We have counted four checks over \$15 million. They could be from four separate individuals, but it was happening so regularly you would think you would probably go back to the same source. Somebody spent, probably, \$60 million to control who got on the U.S. Supreme Court.

We don't know what business that \$60 million donor had before the Court, but it is not unusual for cases before the Court to have outcomes that will shift way more than \$60 million. Just the climate change cases move hundreds of billions of dollars around in protecting fossil fuels' enormous subsidy. So you have your 85 Fund and Concord Fund “pierce the corporate veil with a banana” pair, and then you have their fictitious twins, the Judicial Education Project and the Judicial Crisis Network, with big money flowing in.

But it is not enough just to pack the Court. You also want to make sure that you are suppressing voters. Voter suppression is a very big deal, so you set up your Honest Elections Project to do voter suppression because, in this weird, billionaire-funded parallel universe, everything has the opposite name of what it is. Over here, you have, on the 501(c)(4) side, your Honest Elections Project Action because there you can spend some of the money politically. So you have got a whole separate set of twins—this time, completely fictitious twins, fictitious names—no different from the 85 Fund and the Concord Fund—designed to go out in the world and suppress voting: bring lawsuits, write challenge letters, argue for new laws.

Then, as we saw in Virginia recently, you can really whip people up about what is going on in schools—critical race theory. So you set up your Free to Learn fictitious name with its little twin, Free to Learn Action, to do the 501(c)(4) political work. So now what you have is a total of eight organizations that are really the same.

Who does this? Who in real life does this, sets up eight organizations, six of which are mere fictitious names, to run the same money from the same donors out in the world to make it look as if

something real is happening, when, in fact, the whole thing is a phony front?

And then you have, up at the head of the critter—you have how the people behind it get themselves paid. So you have advisers who advise these various entities. You have got the CRC Advisors as the name of the group. It has its public relations antenna here, and it has its strategic advice antenna here, and the money flows usually this way so that the people who run this scheme for the big donors can take their cut. They get paid here. These are all for-profit. These are all the not-for-profits that are set up because they allow you to hide who your donors are.

So that is the rig that was set up, and this is not the entirety of the front group scheme that was funded by the \$580 million. This is just one coordinated corporate critter that was set up in order to perform all of these different several functions.

Think back to the Founding Fathers and their desire to set up a democracy where people made choices about their governments, where popular democracy would be the way in which society went forward. Do you think they had in mind something as creepy and complex as this? And do you think all that effort to build all this scheming, all the lawyers to file all the papers, to cook up all the funny, fictitious names to create all of these bogus organizations—what is the point of all that? Could there be a legitimate point to that? Why all the shells? Why all the hiding if you are not up to no good?

Well, the bottom line is, they are up to no good. And the “no good” is to capture the U.S. Supreme Court and turn it from a proper Court into a captive political entity that will do what the people who are behind all this money tell it to do.

And there are many ways they do it, and I will go into those many ways on other occasions. But on this one occasion, I wanted just to focus on this multifaced corporate creature that hides its donors, that does all of this different work through fake, fictitious name organizations and through which money gets extracted by those who run it so they can pay themselves for this vast disservice to democracy.

To be continued.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

#### MEASURE READ THE FIRST TIME—H.R. 5376

Mr. WHITEHOUSE. Madam President, I understand that there is a bill at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill by title for the first time.

The senior assistant legislative clerk read as follows:

A bill (H.R. 5376) to provide for reconciliation pursuant to title II of S. Con. Res. 14.

The PRESIDING OFFICER. I now ask for a second reading, and in order

to place the bill on the calendar under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. The objection is heard.

The bill will be read for the second time on the next legislative day.

#### EXECUTIVE SESSION

##### EXECUTIVE CALENDAR

Mr. WHITEHOUSE. Madam President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations en bloc: Calendar Nos. 1098 and 1099; that the Senate vote on the nominations en bloc without intervening action or debate; that the motions to reconsider be considered made and laid upon the table; that the President be immediately notified of the Senate's action and the Senate resume legislative session.

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

The question is, Will the Senate advise and consent to the nominations of Annie Caputo, of Virginia, to be a Member of the Nuclear Regulatory Commission for the term of five years expiring June 30, 2026 (Reappointment); and Bradley R. Crowell, of Nevada, to be a Member of the Nuclear Regulatory Commission for the term of five years expiring June 30, 2027 (Reappointment) en bloc?

The nominations were confirmed en bloc.

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now resume legislative session.

##### REESE'S LAW

Mr. WHITEHOUSE. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 5313, which was received from the House and is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (H.R. 5313) to protect children and other consumers against hazards associated with the accidental ingestion of button cell or coin batteries by requiring the Consumer Product Safety Commission to promulgate a consumer product safety standard to require child-resistant closures on consumer products that use such batteries, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. WHITEHOUSE. I further ask that the bill be considered read a third time and passed, and that the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The bill (H.R. 5313) was ordered to a third reading, was read the third time, and passed.

#### JENNA QUINN LAW

Mr. WHITEHOUSE. Madam President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be discharged and the Senate proceed to the immediate consideration of S. 734.

The PRESIDING OFFICER. The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (S. 734) to amend the Child Abuse Prevention and Treatment Act to provide for grants in support of training and education to teachers and other school employees, students, and the community about how to prevent, recognize, respond to, and report child sexual abuse among primary and secondary school students.

The PRESIDING OFFICER. There being no objection, the committee was discharged, and the Senate proceeded to consider the bill.

Mr. WHITEHOUSE. I ask unanimous consent that the Hassan for Cornyn amendment be considered and agreed to and that the bill be considered read a third time.

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

The amendment (No. 5193) was agreed to, as follows:

(Purpose: To require reports on the program of child sexual abuse awareness field-initiated grants)

At the end, insert the following:

(b) REPORT ON EFFECTIVENESS OF EXPENDITURES.—The Inspector General of the Department of Health and Human Services shall—

(1) prepare a report that describes the projects for which funds are expended under section 105(a)(8) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106(a)(8)) and evaluates the effectiveness of those projects; and

(2) submit the report to the appropriate committees of Congress.

(c) REPORT ON DUPLICATIVE NATURE OF EXPENDITURES.—The Inspector General of the Department of Health and Human Services shall—

(1) prepare a report that examines whether the projects described in subsection (b) are duplicative of other activities supported by Federal funds; and

(2) submit the report to the appropriate committees of Congress.

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

Mr. WHITEHOUSE. I know of no further debate on the bill, as amended.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

The bill (S. 734), as amended, was passed as follows:

(The bill (S. 734) will be printed in a future edition of the RECORD.)

Mr. WHITEHOUSE. I ask unanimous consent that the motion to reconsider be considered made and laid upon the table.

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