

Senator WHITEHOUSE has added a reform to his proposal that is very personal to me and I think embodies the accountability and the transparency that Oregonians and people in Minnesota, Michigan, and Maryland are calling for. Here is how I would start it: A number of years ago, I authored legislation that millions of Americans now understand is called Stand By Your Ad. Stand By Your Ad stipulated that as an elected official or a candidate, you would have to actually put your name behind these attack ads where you go after your opponent. And, now, day after day, in these next 50-plus days, we are going to see plenty of these ads.

The law worked well, and it is still on the books today, much to the chagrin of some officials who would like to take a quick hit on their opponent—an official or a candidate—and then scamper off without any accountability.

I do want to make clear, because of the good work of the Senator from Rhode Island, that Stand By Your Ad doesn't mean as much today because we now know the premium is ongoing for these secret, incredibly negative ads on your opponent because the people paying for dark money ads aren't required to put their name behind what they are saying.

That is an extraordinarily strong hit against openness and accountability and transparency in our democracy. Oregonians and people across the country are rightfully disgusted by it. It is extraordinary the lengths that those who are orchestrating these dark money attacks will go in order to make their case when there is no accountability.

I see my seatmate from the Finance Committee. We have worked together for years to change the Medicare statute that barred Medicare from negotiating to hold down the price of medicine. Big Pharma protected this negotiating ban like it was the Holy Grail. My colleague and I would come to the committee day after day and talk about: How is this common sense? Everybody in America negotiates in order to get the best possible deal.

But we looked, particularly in this session, at the start of the debate as a classic study in dark money. Big Pharma, and groups associated with it, spent enormous sums of money attacking me personally in Washington, DC, media. There was scary music, and there were attacks about how anybody who wanted these reforms was like a leech and taking away cures from the American people.

The striking part of all of this, and why what Senator WHITEHOUSE has had to say is so important, is that the ad wasn't even directed at me, because it was in Washington, DC. I am barely a household word in my own household, let alone in Washington, DC.

And what was the point of these extraordinarily large sums attacking me in Washington, DC? The point of it was to scare my colleagues—Senator STA-

BENOW, Senator VAN HOLLEN, all of my colleagues here—because there was so much money at the hands of these extreme groups associated with Big Pharma that wanted to undermine a commonsense reform backed by millions of Americans that Medicare should negotiate.

At one point, someone said: Oh, there is so much opposition to this effort to negotiate.

I said: Are you kidding me? The opponents of negotiating on Medicare must be in a witness protection program because we can't find anybody who thinks you shouldn't negotiate.

Yet Big Pharma was willing to spend huge sums of money—dark money—not really to damage me politically, because my constituents live in Oregon, but to scare other Senators.

So people, of course, are going to get bludgeoned with these dark money ads every time they turn on the television, the radio, or watch a video online. I just don't think that Americans should be forced to guess or wonder what special interest is funding these ads that come from murky groups that have these radical names like the Coalition for Prosperity and Justice. We all know that they are not going to tell you who they really are.

My colleague from Maryland has been very patient. We had some glitches in the schedule, and we want to hear from our friend from Michigan as well.

I want to thank Senator WHITEHOUSE for basically taking the “Stand By Your Ad” concept and kind of reconfiguring it in the DISCLOSE legislation. Senator WHITEHOUSE's bill would require the heads of corporations, unions, or other organizations to identify when they are behind political ads, the same way Stand By Your Ad works under the original version of the law that I authored.

And remember—and I want this to be the takeaway about this issue—Senator WHITEHOUSE's proposal and extending “Stand By Your Ad” in this kind of fashion treats everybody the same. This is quintessential good government. It is not about going after somebody on the right or somebody on the left. This is about common sense. It is not a radical, leftwing proposal.

The American people ought to know who is trying to influence their votes. By the way, when we authored the original “Stand By Your Ad” proposal, it used to be bipartisan. And as my colleague from Rhode Island has mentioned, of late, it has been the Republicans who have been protecting dark money and protecting the basic kind of disclosure that I think our system of government has been all about.

The American people have strong differences of opinion on issues. There is no question about that. But I have had more than 1,020 open-to-all townhall meetings. What nobody disputes is that openness and accountability is what the American system is all about.

So, Senator WHITEHOUSE, our thanks to you for spending years and years at

it because you are taking us, in a significant way, back to what I think used to be common sense, used to be accountability, used to be something that transcended the kind of thing that Big Pharma was doing early on where they didn't even pretend—they didn't even pretend—it was about an individual legislator; it was about scaring off all Members of Congress.

We can do better. Senator WHITEHOUSE's proposal moves us in that direction, and I want to thank my colleague from Maryland, who also was trying to deal with the scheduling kind of challenge, and look forward to working with him and my seatmate on the Finance Committee and Senator WHITEHOUSE, another exemplary member of the Finance Committee.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. VAN HOLLEN. Madam President, I ask unanimous consent that the following Senators be permitted to speak prior to the scheduled vote: myself for up to 10 minutes, Senator STABENOW for up to 10 minutes, Senator CANTWELL for up to 5 minutes, and Senator MENENDEZ for up to 5 minutes.

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

DISCLOSE ACT

Mr. VAN HOLLEN. Madam President, I too want to thank the Senator from Rhode Island, Senator WHITEHOUSE, for his laser focus on the issue of disclosure and transparency. And I want to thank my colleagues here on the floor: Senator WYDEN; Senator STABENOW; and Senator MERKLEY, who was here before; and others within our caucus.

In fact, every member of our Democratic Caucus supports the DISCLOSE Act. We support it because the stakes are so high for the future of our democracy. Billions of dollars that have crept in and now are gushing into our political system to influence our elections pose a grave threat to our Republic and to the future of our democracy.

Make no mistake, these are corporations and very wealthy people who are spending billions of dollars in secret money to influence people's votes so that they can get their way at the expense of the public interest. You have got a very few people with very deep bankrolls who are using their funds to try to shape our democracy and bend our democracy to suit their interests at the expense of everybody else.

And, as President Biden said in his remarks on this earlier this week, even foreign entities—foreign entities that are not allowed to contribute to political campaigns are engaged in these political expenditures—under current law, use dark money, front groups, to try to influence our elections and steer the course of our democracy here in the United States from overseas. That, by itself, should scare the hell out of every Senator and every American.

Madam President, I want to talk a little bit about how we got here. How

did we get to a place where, in the United States of America, for elections, special interests can spend billions of dollars to influence people's votes without telling the voters who they are? And make no mistake, they are not telling voters who they are because they don't want voters to know who is behind these ads.

Well, the story begins with the infamous 5-4 decision in the Supreme Court case of *Citizens United*. That decision opened the spigots and then floodgates to corporate spending—corporate spending in Federal elections. That is when the Supreme Court said: For spending in elections, we are going to say corporations are people too. Corporations can't go into the ballot box and push the lever, but for purposes of influencing everybody else's vote, we are going to say corporations are people too.

And that unleashed a huge amount of money into politics. The only way to address that part of *Citizens United* is, of course, either to have a Supreme Court that will reverse the terrible *Citizens United* decision or through constitutional amendment. I support that, but that is not happening anytime soon. But there is something that we can do right now and which we are going to vote on tomorrow, and that is the issue of secret, dark money because we can change that through our votes tomorrow.

After *Citizens United*, what you began to see was not just more money, not just a gusher of money from corporations and corporate entities going into elections, but more and more secret money flowing into elections. And you can see the pattern here of, back in 2006, about \$5 million a year going into secret money in different ways; in 2020, \$1 billion in that year alone. So the trajectory is increasing by the year, and as my colleagues have said, we also have the situation where one individual just contributed \$1.6 billion that is going to flow in subterranean ways through our election process—one individual, \$1.6 billion.

Now, here is a point I want to emphasize. Even in that really terrible Supreme Court decision, 5-4 decision, in *Citizens United*, the Justices—eight of the nine Justices in that decision called for more transparency in elections. Here is what Justice Kennedy wrote on behalf of eight of the nine Justices: that the disclosure of political expenditures “provide shareholders and citizens with the information needed to hold corporations and elected officials accountable for their positions and supporters.”

He went on to say that, with disclosure, “citizens can see whether elected officials are ‘in the pocket’ of so-called moneyed interests.”

This is Justice Kennedy. He voted for the notorious *Citizens United* decision, which opened the gushers of money, but he said, as this money flows through our system, we have a public interest in making sure voters know

who is spending that money. And he says right here that it is important for citizens to know whether their elected officials are in the pockets of special interests.

So this vote is pretty clear in former Justice Kennedy's terms, which is, if you want dark money, you don't want the public to know who is supporting you in your campaigns, if you support continuing dark money.

So after that *Citizens United* decision, the alarm bells went off, as they should, and many of us said: We have got to pass a law to require disclosure. All this money is going to flow through the system. My God, at the very least, let's make sure that voters know who is spending the money.

So back in 2010—I served in the House of Representatives at the time—I authored the original DISCLOSE Act. My chief cosponsor was a Republican, Mike Castle from the State of Delaware, at the time. And we passed it. We passed that in the House of Representatives back in 2010. But when it came to the Senate, it hit a brick wall of Republican opposition.

And I must say, given what Republicans had said before the *Citizens United* decision about disclosure, it was a complete, 180-degree flip-flop and turnaround because the position that the Republican Senate leader Senator McConnell had taken for decades was, We don't need all these regulations to regulate political money, but we should have disclosure; we should have disclosure.

In fact, when he was on “Meet the Press” back in the day, in the year 2000, this was a hot issue because of McCain-Feingold. So he was asked why he voted no on one of these campaign finance provisions, and he said the following:

We need to have real disclosure. And so what we ought to do is broaden the disclosure to include at least labor unions and tax-exempt business associations . . . so you include the major political players in America.

He went on to say—Senator McConnell:

Why would a little disclosure be better than a lot of disclosure?

Well, I agreed with Senator McConnell in 2000. We want full disclosure and full transparency. But what happened was, as soon as the *Citizens United* decision came down and a gusher of money started flowing through the system, including through corporations, all of a sudden, all of a sudden: Hey, I didn't mean what I said about disclosure. I can have my cake and eat it too—lots of money and nobody knows where it comes from.

And, in a twist of history, when we passed the DISCLOSE bill out of the House, it came to the Senate, and the Senate version of that bill got 59 out of 100 votes. Every Democrat voted for it. It would have been 60 except for a terrible twist in history, which is Senator Kennedy passed away. And Senator Brown took his place, and Senator Brown voted against cloture on the DISCLOSE Act.

But, my colleagues, here is the fact: 59 out of 100 Senators wanted to move forward there, and but for the anti-democratic filibuster, we wouldn't have secret money in politics today. But here we are, and we have to deal with it in the here and now.

And it is interesting to hear the Republican leader. He said back in 2012, after we tried to move the DISCLOSE Act, on this Senate floor: Dark money is a “problem that doesn't exist.”

Then, to take things even further, he rallied Republicans, and so, in the Republican national platform in 2012, it read: We “oppose passage of the DISCLOSE Act,” by name. We don't want the American people to know who is spending this money. We like dark money in politics.

So that brings us to today because what we saw since that vote in 2010 and then those comments by the Republican leader back in 2012 is this huge gusher of secret money flowing. And, interestingly now, it has also caught the attention of some of our Republican colleagues who have been complaining about secret money in politics, complaining that Democratic political organizations are spending secret money in politics.

As we know, Senator McConnell distributed to reporters an email entitled “Democrats Let the Dark Money Flow and Like Its Power”—and like its power. And Senator Hawley tweeted about dark money from foreign groups, writing:

But who is funding this overseas dark money group—Big Tech? billionaire activists? foreign governments? We have no idea. Americans deserve to know what foreign interests are attempting to influence American democracy.

This is Senator Hawley, the Senator from Missouri. And I don't say this often on the Senate floor, but I agree with Senator Hawley's question here. And tomorrow he and every Member of this body will have a chance to vote to say that, yes, we should know about what foreign entities and interests are spending money in our elections, because there is all sorts of money—in fact, about \$300 billion a year in foreign money—being laundered through our whole economy, and we don't know how much of that these days is flowing into elections. As President Biden said, we need to pass this to do that.

And if you look at some of the titles of this bill that Senator Whitehouse has put forward, they are pretty simple. There are whole sections of the bill to get at the question of foreign money in our elections. I don't know why anyone is going to oppose that.

Here we are, 12 years later, after that vote in 2010 that got 59 out of 100 votes. It would have had 60, except that Senator Kennedy passed away. And our Republican colleagues, who are now complaining about secret money, have a chance to work with us and vote with us to get rid of it. Whether it is Democratic money, Republican money, somebody else's secret money, get rid

of it. Require transparency. That is what the DISCLOSE Act is all about.

So this is another chance for every Member of the Senate to align themselves with the overwhelming majority of the American people. Eighty percent support transparency disclosure, and they do it because they know how important it is to our democracy. Let's vote for this.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Madam President, first of all, I want to thank Senator VAN HOLLEN for his incredible work over the years and his leadership both in the House and in the Senate. And thank you for taking on this fight and working so hard to expose the bright light of truth and transparency about what is happening around secret money.

And I want to thank Senator WHITEHOUSE for his dogged focus on the issue of secret money influencing elections. Thank you for all of your wonderful work, and to all of our colleagues who have joined us on the floor and to all of my Democratic colleagues, all of whom are supporting the DISCLOSE Act.

The Members of this Chamber have a choice to make, and it is really pretty simple: You can be on the side of the American people or you can be on the side of the rich and powerful.

We can pass the DISCLOSE Act, let the public know what is happening, put limits around it, stop all of this; or you can vote against it and vote with the powerful and the wealthy.

The DISCLOSE Act is going to keep our elections in the hands of voters, not the highest bidders. That is really the bottom line. And you don't have to look very far for examples of why we need to pass this legislation.

Colleagues have all been talking today about, stunningly, how a conservative group has received a \$1.6 billion donation from a single donor—one man, \$1.6 billion; and one mission—one mission—to put his finger on the scale of our democracy.

If you don't think that guy isn't going to have an undue influence on our elections in the coming years, then I have a bridge across the Straits of Mackinac I would like to sell you.

And this very rich man isn't alone, unfortunately. As my colleagues have said, in 2006, there was less than \$5 million in dark money spent on our elections—5 million. Then, in 2010, the Supreme Court handed down its Citizens United decision, which opened the floodgates, and it didn't take long for the water to rise. In 2012, more than \$300 million was spent in secret money—dark money—in elections, and in 2020, more than \$1 billion was spent in dark money in elections. And now we know, in 2022, that we have one person who has already given \$1.6 billion to try to influence this election.

If you laid those billion-dollar bills end to end, they would extend around the Earth nearly four times—extend

around the Earth four times. That is how much we are talking about here, and we don't even know where all this anonymous spending is coming from.

But we do know this, and Senator WYDEN—Chairman WYDEN—spoke earlier. When we took on Big Pharma to lower prescription drug prices, not one Republican voted yes. When we took on Big Oil to lower energy costs and attack the climate crisis, not one Republican voted yes. When we took on corporations that pay zero in taxes, not one Republican voted yes.

The American people deserve to know why. How much dark money is coming in from those powerful interests to protect their profits?

Dark money could also be coming from foreign actors who wish to harm our country.

What has been reported, though, again, is that dark money is coming in from one really rich guy—one really rich guy who wants to make our Nation a little bit more toward his liking.

American voters deserve to know who is spending huge—huge, huge—sums of money to influence our democracy. And under the DISCLOSE Act, they will know that. It will strengthen the foreign money ban to make sure foreign actors can't influence our elections. It requires corporations and other groups to disclose their donors. Right, left, Democrat, Republican: Disclose your donors.

And it expands disclosure requirements to online ads and other types of ads as well. As for all of those campaign text messages that are blowing up your phone, you deserve to know who is sending them.

These changes are popular. They are common sense, and they are really important. They are really important if we think America deserves to know who is influencing our elections. It is time to make sure our American democracy actually works for the American people.

Again, the Members of this Chamber have a choice to make: We can stand with the American people or we can stand with the rich and powerful. Democrats have made that choice. I have made that choice. We stand with the American people who just want a fair shot to work hard and get ahead. Americans want to know that this is their democracy and that it works for them, not just a few rich people.

I urge my colleagues to support the DISCLOSE Act.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

NOMINATION OF ARATI PRABHAKAR

Ms. CANTWELL. Madam President, I rise today to support the nomination of Dr. Arati Prabhakar to be the Director of the Office of Science and Technology. Since 1976, the Office of Science and Technology Policy has worked to ensure that the United States leads in science and technology, to promote STEM education, and to make sure that our science Agencies

share the common purpose of benefiting all Americans.

Dr. Prabhakar is very well qualified for this job. As an engineer, physicist, leader, venture capitalist, and pioneer, she has had a trailblazing career, accomplishing a lot in a time period where she was Director of the Defense Advanced Research Project Agency, DARPA, and the first woman to lead the National Institute of Standards and Technology, NIST.

And under Dr. Prabhakar's leadership, DARPA kick-started the development of a rapid-response mRNA vaccine platform. This platform was the basis for the fast, safe, and effective COVID-19 development.

Under her leadership at NIST, she worked to expand the Manufacturing Extension Partnership to boost the competitiveness of small- and medium-sized American manufacturers.

Just last year, the Manufacturing Extension Partnership program helped our domestic manufacturers capture \$3.9 billion in new sales. In my State alone, that translated into over \$186 million and more than 2,000 jobs created or retained.

Perhaps even more impressive, back in the 1990s, when Dr. Prabhakar was just in her twenties, she helped launch DARPA programs that made essential leaps forward in semiconductor manufacturing technology. Dr. Prabhakar's programs laid the groundwork for five generations of chip manufacturing technologies to help demonstrate leadership right here in the United States.

Dr. Prabhakar is now ready to lead again, and now we are asking for her to lead this important Agency. We have just passed the CHIPS and Science Act, which is a renewed commitment to domestic semiconductor research and manufacturing and U.S. leadership in the next generation chip technology.

Dr. Prabhakar has the exact experience we need to advise the President on semiconductor manufacturing, on bringing the supply chain and security that we need here in the United States, and on continued growth in science and technology jobs that come along with it.

The CHIPS and Science Act directs the National Science Foundation to invest in translational research, including through a new NSF tech directorate.

Before her nomination, Dr. Prabhakar was an important voice in support of this effort of a tech directorate, reaching out to House and Senate colleagues and helping to shape the directorate in its focus on big national and security challenges.

And the CHIPS and Science Act reflects our commitment to diversity in science, to make sure that the engineering, math, and STEM fields are included and that we continue to grow a workforce that is needed.

The important aspect of science is not always thought of in every aspect of growing the next generation. That is why I am so encouraged that Dr.