



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 117th CONGRESS, SECOND SESSION

Vol. 168

WASHINGTON, THURSDAY, SEPTEMBER 22, 2022

No. 153

Senate

The Senate met at 10 a.m. and was called to order by the Honorable JACKY ROSEN, a Senator from the State of Nevada.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal and blessed God, in a dangerous and unstable world, we find solace from Your presence. We praise You that even when wrong seems so strong, Your providence continues to prevail.

Today, as our lawmakers grapple with pressing issues, give them the wisdom to seek Your guidance. Respond to their petitions by undergirding our Senators with Your enabling might, empowering them to exercise responsible stewardship of their influence by striving to be lights in a dark world.

Lord, open their ears and hearts this day to hear and obey Your voice.

We pray in Your powerful Name. Amen.

PLEDGE OF ALLEGIANCE

The Presiding Officer led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. LEAHY).

The senior assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,

Washington, DC, September 22, 2022.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby

appoint the Honorable JACKY ROSEN, a Senator from the State of Nevada, to perform the duties of the Chair.

PATRICK J. LEAHY,
President pro tempore.

Ms. ROSEN thereupon assumed the Chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

LEGISLATIVE SESSION

DEMOCRACY IS STRENGTHENED BY CASTING LIGHT ON SPENDING IN ELECTIONS ACT OF 2022—Resumed

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the motion to proceed to S. 4822, which the clerk will report.

The senior assistant legislative clerk read as follows:

Motion to proceed to S. 4822, a bill to amend the Federal Election Campaign Act of 1971 to provide for additional disclosure requirements for corporations, labor organizations, Super PACs and other entities, and for other purposes.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

Mr. SCHUMER. When five conservative Justices handed down their opinion in *Citizens United* 12 years ago, the dissenters warned:

The Court's ruling threatens to undermine the integrity of elected institutions across the Nation.

Sadly, they turned out to be right. By giving massive corporations the same rights as individual citizens—multibillionaires being able to have their voices shouted out, drowning out the views of citizens—and by casting aside decades of campaign finance law and by paving the way for powerful elites to anonymously pump endless cash into elections, *Citizens United* has disfigured our democracy almost beyond recognition.

Today, the Senate will vote to begin curing our Nation of this cancer when we take the first procedural vote on the DISCLOSE Act. Democrats are ready to move forward. Republicans today must face the music: either vote to bring transparency and fairness back to our elections—as the vast majority of Americans want—or block this measure and cast their lot with the forces of dark money.

So today is a very important day that would not be possible without the work of my friend and colleague, the Senator from Rhode Island, Senator WHITEHOUSE. More than anyone in this Chamber, Senator WHITEHOUSE has labored relentlessly to shine a light on the link between dark money and so many of the ills that plague our politics, from the radicalization of our courts to the rise of climate deniers and more.

I thank him for his work. Our entire caucus does. We stand with him, strongly, fervently, in supporting this bill. The need for the DISCLOSE Act is great. The past decade has been the most expensive in the history of American elections. Billions have been raised and spent in super PAC and dark money. Because of *Citizens United*, a person's ability to affect the democratic process has largely become a function of their net worth in gross violation—gross violation—of what the Framers intended when they believed in one person, one vote.

The DISCLOSE Act will remedy these ills with a very simple notion

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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that sunlight is the greatest of disinfectants. It will require super PACs and other dark money groups to support anyone contributing \$10,000 or more during an election cycle.

The same goes for any group spending money in support or in opposition to judicial nominees. In other words, it would apply familiar forms of transparency that traditional campaigns and candidates already face when accepting political contributions.

I urge my colleagues to vote yes—all of us should vote yes; every single one of us should vote yes—because so many of the ills in our democracy are rooted in the primacy of dark money. We must rid ourselves of this foulness before it is too late, and our democracy could well become beyond saving.

Over the past few days, the Republican leader has come to the floor and repeated the same timeworn, misleading arguments he has used for years when trying to discredit campaign finance reform. I mean, part of his arguments just get to the point of absurdity. Without a shred of irony, the Republican leader, for instance, has claimed that the DISCLOSE Act is equivalent to threatening the privacy of individuals who want to make political contributions.

I would ask the Republican leader: What about the privacy of tens of millions of women across the country? Those rights are now gone because radical Justices were put on the Court because of dark money in the first place.

Does the Republican leader really think the supposed privacy of the billionaire donor class trumps the rights of women who have suffered the consequences of dark money spending?

He would also have us think that transparency requirements would add a burden to average Americans who want nothing more than to simply exercise their political opinions.

That is bunkum. Those with the power to cut \$10,000 or million-dollar checks can tilt the tide of an entire election with a single donation. These are individuals with outsized influence that average Americans simply don't have.

And when the Supreme Court extended the First Amendment to absurd lengths in *Citizens United*, they went way beyond what the Founding Fathers would have intended and what most Americans—the vast overwhelming majority of Americans—believe.

At a bare minimum, the public has a right to know—simply to know—who is behind these massive donations because at the end of the day, it is their rights that are on the line.

And all of these arguments are really just done to obscure the issue. I mean, it is hard to believe. It is hard to believe that people will be—multibillionaires will be intimidated if they have to disclose their attempts to influence elections. It is just incredible that someone could argue that.

But all these arguments are made for one purpose by the Republican leader

and others, in my judgment, and that is to obscure what is really at issue: The Republican Party for years has been built on a foundation of dark money.

It is how they have hijacked our courts. It is how they have promoted groups that push for voter suppression. It is how they have killed climate policies for years before Democrats finally pushed through our climate investments earlier this year.

In a healthy democracy, American voters alone should have the power to determine the Nation's leaders without fear that their voices will be drowned out by powerful elites or special interests. Whether you are rich or poor, young or old, well connected or otherwise, it shouldn't matter. We should all be equal in our exercise of the franchise. That doesn't happen now. We all know that. The American people know it. Over 80 percent despise dark money.

The DISCLOSE Act will help us restore that norm back into our politics by instilling transparency that we desperately need. Americans are tired of the corrosive power of dark money in our politics. They know something has been deeply amiss for a long time and that we need reforms to bring democracy back into balance.

So I urge my colleagues to support this measure. I urge my Republican colleagues to work with us to break the stranglehold that dark money has in our elections. This bill would be a very important and much needed start.

Democracy can't prosper without transparency. I strongly support passing this legislation so we can safeguard our electoral process and keep the dream of our Founders alive in this century.

GOP AGENDA

Madam President, now on another issue, tomorrow, a cohort of House Republicans will travel to western Pennsylvania to roll out what they claim is their GOP agenda.

I want to skip right to the punch line. The GOP has made its agenda perfectly clear for months: a nationwide ban on abortion, Medicare and Social Security on the chopping block, raising taxes on working families.

While Democrats continue to fight to defend a woman's right to choose, a central feature of the Republican agenda is eliminating abortions once and for all. Many of them will deny it, but, not 2 weeks ago, the Senator from South Carolina introduced a nationwide abortion ban here in the Senate. And the American people should not forget that nearly every Senate Republican is on record as sponsoring and voting for nationwide abortion bans.

So if Americans want to know what the GOP agenda is, look no further.

Also, while Democrats passed legislation to lower prescription drug costs and extend affordable healthcare, every single Republican voted against legislation that would lower insulin costs for seniors on Medicare and have openly called for putting Medicare and Social Security on the chopping block.

They seem to think tax cuts for the rich is good policy, but argue that Medicare and Social Security should no longer be guaranteed.

And let's not forget, when they had the House, the Senate, and the Presidency, their major, major accomplishment was cutting taxes on the rich—cutting taxes on the rich. Is that what the American people want? Well, if you do, elect these Republicans.

Finally, while Democrats want to keep taxes down for the middle class and working families and we want to help Americans save on their electric bills and healthcare, the Senator from Florida, who chairs the Republican Senate campaign arm, has already released a GOP agenda that calls for raising taxes on working people.

It is amazing that the election is around the corner, and Republicans are still struggling to show a united front that appeals to the American people. Their fundamental problem is that the GOP is now the party of MAGA extremism, and there aren't enough press conferences in the world to change that fact.

TREATY DOCUMENT NO. 117-1

Madam President, finally, on Kigali, yesterday was truly a high point for the U.S. Senate. After years of bipartisan work, the Chamber ratified one of the most significant pro-climate, pro-job measures that has ever come to the floor, the Kigali Amendment.

I thank the Senators from Delaware and New Jersey and Senators from so many other States who worked so hard to make this happen.

Ratifying the Kigali Amendment, along with passing the Inflation Reduction Act, is the strongest one-two punch against climate change any Congress has ever taken. Thanks to our commitment to phase out HFCs, we will put ourselves in a position to lower global temperatures by half a degree Celsius by the end of the decade. So many people have overlooked this, but it is truly a significant milestone. Half a degree will have an enormous—an enormous—impact on the global scale.

And the Kigali Amendment will also help American businesses secure an edge against China in the emerging industry of next-generation refrigerants. This market will see most of its growth outside the United States, and Kigali will make sure that U.S. businesses will be able to take advantage of new opportunities that will yield billions in investments and, best of all, will create tens of thousands of good-paying jobs along the way.

So, once again, ratifying Kigali is a win-win-win—a win for U.S. jobs, a win for U.S. investment, and a win for U.S. leadership to protect the planet.

I thank my colleagues for their excellent work in pushing Kigali finally over the finish line.

I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. MCCONNELL. I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

The Republican leader is recognized.

REMEMBERING U.S. CAPITOL POLICE OFFICER
WILLIAM THOMAS

Mr. MCCONNELL. Madam President, first this morning, I was deeply saddened to learn we lost a dedicated and long-serving member of the Senate family this week.

Officer William Thomas of the United States Capitol Police passed away after a battle with cancer. He was only 38 years young.

Officer Thomas joined the force nearly 14 years ago. He quickly became a familiar face to many of the Senators and staff serving on this side of the Capitol. By all accounts, his dedication, his professionalism, and his service in the Senate Division and most recently in the Communications Division were a credit to the entire Department and to our institution.

The loss of Officer Thomas leaves a hole in the close-knit community of brave men and women who keep us safe here at the Capitol.

The entire Senate joins Officer Thomas's brother Vincent, as well as his brothers and sisters here in uniform, in mourning this tragic loss.

INFLATION

Madam President, now on an entirely different matter, the painful story of Washington Democrats' runaway inflation is playing out in hard-working communities all across our country. We learned last week that food inflation is now at its highest level since 1979.

For folks in the Phoenix metro area, where inflation already outpaces the national average, that has meant a 3-percent inflation tax on food in just the last 2 months. According to one Arizona shopper:

It's all almost \$300. I used to get the same groceries like around \$150 before.

Across the border in Nevada, the Las Vegas Review Journal reported recently how local coffee shops are caught between eating higher costs for supplies and chasing their customers away with higher prices. The owner of one shop says that as everything from coffee beans to cups gets more expensive, they have had to raise prices by about 10 percent:

We've done our best not to pass this on to our customers, because we do understand that we are all in the same boat together.

The Colorado Sun spoke with one new resident of Westminster who said he had moved to town to "lower the impact of an 18-percent rent increase." He has cut back on cable, driving, and buying meat at the grocery store.

In Washington State, the Seattle Times is reporting that 4 in 10 area

renters are now spending more than 30 percent of their paychecks on rent. When one resident learned her rent would be increasing by nearly 10 percent, she said:

I just wanted to cry. I'm barely making it. I'm just a senior citizen.

In Georgia, the Augusta Press reports that local small businesses are still facing a rocky road. According to the owner of one power-washing business in Evans: "Materials are getting more expensive," and potential clients are "more hesitant to get any work done right now."

And further north, with winter cold fast approaching, one resident of Manchester, NH, told the local news that heating oil subsidies were appreciated, but "I feel like it's a Band-Aid after they've stabbed you."

So these are the real-world consequences—real-world consequences—of Washington Democrats' inflation. Every corner of every State is writing its own painful story. But the ones I just mentioned have something unfortunate in common. Every resident of Arizona, Washington, Nevada, New Hampshire, Colorado, and Georgia is represented by two Senators each who cast the deciding vote to set this inflation in motion. If just one single Senator—just one—from Georgia, Arizona, Colorado, New Hampshire, or Washington had refused to give their vote to President Biden's reckless spending, the working families and small business owners of these States would not be dealing with this much inflation, period. But every one of those States' Senators cast tie-breaking votes to bring on the worst inflation in four decades, and now every American is paying the price.

DISCLOSE ACT

Madam President, now on one final matter, Democrats' reckless policies have stuck the American people with an inflation crisis, a border crisis, a violent crime crisis, and an energy crisis.

Today, this Democrat Senate majority is spending time on legislation that tackles none of these things. They aren't addressing any of the problems that keep moms and dads up at night. They aren't tackling any of the issues that are leaving small business owners unable to pay their bills or unsafe in inner-city locations, or both. They aren't spending 10 seconds of the Senate's time exploring the disconnect between Vice President HARRIS who says "we have a secure border" and the illegal immigrant who told a reporter last week:

Everybody believes the border is open . . . we see it on the news that everybody comes in illegally, so we do the same.

So, the Democrats don't want to spend time on the people's business today. They would rather spend time on their business—something we have seen time and time again over the last 2 years.

Today's liberal pet priority is a piece of legislation designed to give

unelected Federal bureaucrats vastly more power over private citizens' First Amendment rights and political activism and to strip privacy away from Americans who speak out about politics in their private lives.

More power for Washington, DC, censors; less privacy for private citizens; and throw some ice on the First Amendment. That is what our colleagues across the aisle have made their top priority for the day.

So I have to state, it is a novel response to flagging poll numbers and public outcry. Instead of trying to clean up the border mess, the crime mess, or the inflation mess, my Democratic colleagues decided it would be easier just to erode the American people's right to complain about it in the first place.

The legislation I am speaking about itself is an insult to the First Amendment, and the notion that it gets Senate floor time today above everything else is truly an insult to the working people of this country.

So I would urge my colleagues on both sides to stand with the Constitution, stand with our citizens who deserve better, and vote no.

The ACTING PRESIDENT pro tempore. The majority whip.

DISCLOSE ACT

Mr. DURBIN. Does the name "Barre Seid" ring a bell? Barre Seid, of Chicago, a businessman—a successful businessman. He was born in 1932, and he owned a company called Tripp Lite that made electronic products.

He was very successful in the course of his life, but he decided to donate the value of this company to something known as the Marble Freedom Trust. Does that ring a bell? Barre Seid, Marble Freedom Trust?

The reason I bring this up on the floor of the United States Senate is, Mr. Seid, with this gift of \$1.6 billion to Marble Freedom Trust is setting out to change America.

Wait a minute. A 90-year-old individual, who has been charitable in many ways, gives money away and it changes America? Yes. I stand by my comment, because the Marble Freedom Trust is now becoming the largest dark money—secret money—contributor to American political campaigns in the history of the United States. And if you think I am overreacting, the go-to leader of the Marble Freedom Trust is a man named Leonard Leo.

I am sure none of these names register with most Americans—Barre Seid of Chicago, Marble Freedom Trust, Leonard Leo. What does this have to do with what my family is worried about? Well, let me get to the bottom line because the leader from the Republican side just alluded to it.

This \$1.6 billion is going to be invested in political campaigns on the right for conservative Republican candidates, period.

Leonard Leo has a pedigree and well-known background of involvement in politics in Washington, and he has been very successful.

I am a member of the Senate Judiciary Committee, currently chairman; but over the years I have watched, over the Trump years, every judicial nominee approved by the Republicans had to pass one litmus test: They had to be cleared by the Federalist Society. Now, that is another name which the average American family won't recognize, but let me tell you what the Federalist Society is. The Federalist Society is a clearinghouse for lawyers who want to be judges. You have got to join it. You have got to pay your dues. You have got to show up. Most importantly, you have to pass the checklist of required positions on issues before you can become a judge on the Republican side.

That happened over and over and over again in the hearings we had for nominees for lifetime appointments to the Federal court during the Trump administration.

I would ask these lawyers sitting before us, when you could question them: Tell me about the Federalist Society.

Oh, we just got together for lunch once in a while. It is not that big a deal.

But what a coincidence that every nominee had to be approved by the Federalist Society, and it didn't end there. When former President Trump put out his list of potential Supreme Court nominees, which included the three whom he ended up choosing, all of them were provided by the Federalist Society—the Federalist Society and Leonard Leo.

Sadly, they got the job done. Senator MCCONNELL was complicit in that. When there was a vacancy on the Supreme Court with the untimely death of Antonin Scalia, it was Senator MCCONNELL and Senate Republicans who blocked President Obama in his last year in office from filling that vacancy. In fact, they refused—they said to their Members: Don't even meet with the man.

Here is Merrick Garland, a respected jurist on the DC Circuit, nominated to the highest Court in the land, can't even get an appointment with a Republican Senator to plead his case that he would be a good nominee. And the reason? Senator MCCONNELL was bound and determined to make sure that a Federalist Society nominee eventually made it to the Court, and he got his way.

So now we have Leonard Leo in a new role. God only knows how much they are paying him. But this man is now set up on a new political agenda. It is the largest dark money, secret money effort in the history of the United States. How did we learn about Barre Seid giving \$1.6 billion to this Marble Freedom Trust? Someone leaked it to the newspapers. Otherwise, it would have gone unnoticed because this is, in fact, the world of dark and secret money.

Senator MCCONNELL made a passing reference to the fact that we are about to vote on something called the DISCLOSE Act. The DISCLOSE Act—and I

want to salute Senator WHITEHOUSE, who is not on the floor at the moment. The DISCLOSE Act is really pretty basic. We are going to vote today on this provision which would be added to our campaign law—protecting American democracy from foreign interference and requiring super PACs and special interest groups to disclose anyone contributing \$10,000 or more to their cause. That is it. We don't prohibit the actual contribution; we just require disclosure. Where is it coming from?

The reason we ask for this is that you go State by State with the heated campaigns of the day, and you will find all sorts of ads online and on television, and you have to race to the TV set to get close enough to read the small print at the end of the ad that explains who pays for it. If you knew who really paid for it, it would explain a lot of things to you.

I have been, for example, at war with the major credit card companies, Visa and MasterCard. They have a duopoly. And I believe they overcharge consumers across America, and they are a contributor to inflation. In fact, they admit that much. So, as a result, I passed an amendment 8 or 10 years ago which they have branded the “Durbin amendment” which limits debit card swipe fees, interchange fees—I get into the world of finance here—and they hate it.

Visa and MasterCard hated my amendment like the Devil hates holy water. Why? Because it costs them \$8 billion a year. It reduces the add-on charges that retailers—restaurants and shops—have to charge when people use a Visa and MasterCard. So, every once in a while, they work up the courage to come at me again and try to undo this amendment, and they buy television ads. Do the television ads say that they are paid for by Visa and MasterCard? No. They say they are paid for by the Committee for a Better America or something.

What we are trying to do with the DISCLOSE Act is give to the voters of this country more information and, in so doing, protect the whole process from corruption by foreign money being spent or by individuals like Mr. Seid, who puts \$1.6 billion into the treasury of the Republican side.

Now, if they came to the floor to debate this—and I don't think they will—they are likely to say: Well, you do the same thing. You use dark money and such.

It is true that the campaign system is set up for organizations not to disclose, but we are authoring the solution to the problem for both political parties. We are standing by a reform and a change—Senator WHITEHOUSE has led the way—that would literally say to America: You have the right to know. Who is paying for this candidate's ads? Who is putting all those ads on TV? What special interest group is behind this cause?

Now, Senator MCCONNELL says we should be dealing with serious issues.

There is no more serious issue than the integrity of our campaign process. And I know, as a person who has been a candidate over many years, that it has changed dramatically. I can remember not that long ago when the first super PAC effort on the Democratic Senate side raised something in the range of \$4 million to \$10 million. Well, I can tell you that has been increasing by multiples every year, and on the other side, it is the same story.

Do we need to sit down both political parties and put an end to this madness? Do we need to tell Mr. Seid and his family: Take your \$1.6 billion and spend it for something that is really wholesome and of value to your community and your Nation, rather than to get into the hunt to be the biggest spender.

Mr. Seid became the biggest spender of campaign funds in the history of the United States with his \$1.6 billion contribution to Leonard Leo, the Marble Trust, and the Republican cause. That is a fact. I think we ought to change it. This system we have in America is one we need to protect and not exploit.

When the U.S. Supreme Court in Citizens United decided that money was speech and that corporations had a right to speak, it really corrupted the system in ways unimaginable. We are living with the results today. Citizens United was a terrible decision. Search the Constitution all day and night for the word “corporations,” and you won't even find it. This is no constitutional protection. And the idea that if you are rich, you can speak more loudly and more often in America is a corruption of the basic rights we all should protect and enjoy.

So I am going to vote in favor of the DISCLOSE Act. I don't think it is as insignificant as the Senator from Kentucky does. I think it gets to the heart of the issue about the future of our democracy.

CONTINUING RESOLUTION

Mr. DURBIN. Madam President, this Senate is facing an important deadline. Eight days from today, September 30, is the end of the fiscal year. That leaves us just a handful of legislative days to pass a continuing resolution that will keep the government operating while Congress negotiates a Federal budget for the next fiscal year.

It is critical that we come to agreement as quickly as possible on a responsible Federal budget for next year. While we continue our negotiations, it is also critical that we not lose momentum on two life-and-death battles in which we are now seeing hard-won progress.

I am speaking about our efforts to finally end the COVID pandemic—as well as our Nation's efforts to help Ukraine repel Russia's immoral and illegal war on that small democracy.

Finally, we can help our fellow Americans who are suffering in the wake of a catastrophic Hurricane Fiona in Puerto Rico, recent devastating floods in Kentucky, and other natural disasters.

Because, when disasters overwhelm the ability of communities and even States to respond, we don't abandon our fellow citizens to suffer alone. We reach out our hand to help.

I want to take a few minutes to speak about each of these priorities that must be included in the continuing resolution. In recent weeks, the world has seen a stunning contrast in courage, leadership, and decency play out on the world stage. In Ukraine, we have witnessed the Ukrainian military retake thousands of square miles of territory in the Kharkiv region in a lightning counter-offensive against the Soviet occupiers. We have seen weeping men and women able to return to their communities. Others have come out of their homes and basements for the first times in months, overwhelmed with emotion at what they hope is the end of their nightmare. Still other Ukrainians are beginning the heartbreaking work of exhuming bodies from discovered mass graves and documenting Russian war crimes and atrocities.

This is Ukrainian President, Volodymyr Zelenskyy last week in the newly liberated city of Lyzum. President Zelenskyy is singing the Ukrainian national anthem during a Ukrainian flag-raising ceremony with members of the country's armed forces who drove out the Russian occupiers. He resolutely proclaimed, that while Russia may still occupy parts of Ukraine, for now "[i]t is definitely impossible to occupy our people, the Ukrainian people."

And what was happening in Moscow as Ukrainian communities were being liberated—and neglected and demoralized Russian troops were fleeing in haste? Vladimir Putin, who has never visited the Russian soldiers he so cynically uses for his disastrous war in Ukraine, was opening a giant Ferris wheel at an amusement park, trying to give a facade of normalcy. Putin is terrified that the Russian people will learn the truth about his failed and grotesque war—a war fueled by lies, war crimes, and Putin's warped nostalgia for a Soviet dystopia. Why else would he censor the news and jail anyone who criticizes the war? Why else would he imprison brave Russian patriots such as Alexei Navalny and Vladimir Kara-Murza who respect the Russian people by speaking the truth and offering real debate? Just 1 day after Putin opened the Ferris wheel in Moscow, the ride broke down, leaving some people dangling high off the ground. It was a pathetic and apt metaphor for Putin's disastrous war against Ukraine. Putin vowed that Russia would take Ukraine in days, maybe in hours. That was nearly 7 months ago. Today, Russia is losing its war against Ukraine.

From the earliest days of this war, when Ukrainian forces repelled Russian forces trying to seize Kiev and set up a puppet government, U.S. and allied support has been critical to Ukraine's

military success. The successful counter-offensive we are seeing today is due, first and foremost, to the heroism of President Zelenskyy and the Ukrainian people. But it's also a reflection of President Biden's foresight and leadership in rallying our allies and providing timely and formidable assistance to Ukraine.

Yet we cannot assume that Ukraine's victory is inevitable. A wounded beast is dangerous. Russia still occupies large swathes of Ukraine and is threatening to unleash even more powerful weapons in a desperate attempt to avoid complete defeat. In fact, over the last 24 hours alone, Putin has made a number of desperate and increasingly unhinged announcements: calling for a partial mobilization of more Russian reservists despite mounting losses; making further veiled threats of using nuclear weapons; and pursuing sham referendums across eastern Ukraine, beginning as early as this Friday, echoing his past illegitimate actions in Crimea. Let me be clear that the U.S. never recognized the annexation of Crimea.

Today, Senator RUBIO and I will introduce legislation making clear the U.S. will never recognize Russia's annexation of any other part of Ukraine. All this is a reminder of why we must pass additional aid to Ukraine as part of the continuing resolution without delay.

This war is not simply a war between Russia and Ukraine. It is a battle between democracy and autocracy. It is cheaper for us, and it is unquestionably in our national security interest, to win this war while it is still contained within Ukraine.

Madam President, ending the COVID pandemic once and for all is another battle that we are winning and can't afford to give up on now. When President Biden took office, he set an ambitious goal: to vaccinate 70 percent of American adults. We have done that—and more. Today, almost 80 percent of all Americans—more than 260 million people—are well on their way to being fully vaccinated. Experts tell us those vaccinations have helped prevent more than 60 million infections in the United States, 17 million hospitalizations, and more than 2 million deaths. That is a modern medical miracle. But we are not out of danger completely. The virus is still circulating, still mutating, and still sickening and killing people. America is still seeing 57,000 new COVID infections daily, with more than 30,000 people hospitalized and more than 400 people dying each day.

In March, President Biden asked for additional funding and resources to continue the fight against COVID. For months, our Republican colleagues have blocked that request. Their obstruction has had serious costs. With another COVID surge likely on its way this fall, the administration is running out of funds to purchase and distribute COVID vaccines. And it has been forced to pause part of its free testing pro-

gram. President Biden is right; we have made huge progress against COVID. But history shows us what happens when we declare a pandemic to be over prematurely. The flu pandemic of 1918, which killed at least 50 million people worldwide, had at least 4 waves over about 2 years. In some cities, the fourth wave killed even more people than the second wave. Why was the fourth wave so much deadlier? Because, by then, people had grown tired of precautions and given up on them. We can't repeat that deadly mistake.

We need to pass the administration's request for additional funds for public and global health so that we can end the COVID pandemic once and for all, and we must also dedicate more funds to helping stop the spread of monkeypox. I also strongly support the administration's request for additional funding for the Global Fund to fight AIDS, tuberculosis, and malaria, as well as Gavi, the Vaccine Alliance, to control the spread of the pandemic amid potential new variants.

Finally, as I said, Madam President, we must include in the continuing resolution disaster relief funds to help our fellow Americans who are suffering in the wake of natural disasters in Puerto Rico, Kentucky, California, and many other States. The entire island of Puerto Rico—more than 1 million people—lost power this weekend as it was battered by Hurricane Fiona, almost exactly 5 years after the devastation of Hurricane Maria. Roughly 70 percent of residents and businesses lost access to clean water, with massive flooding still ongoing. I stand ready to do all I can to provide Federal support to the island and other communities recovering from disasters this year. They need our help now. I hope my Republican colleagues will join Democrats in providing it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Madam President, I understand that Senator THUNE is next in order on the floor, but not seeing him on the floor, I thought I would take the time before he arrives to echo the terrific remarks of my Judiciary chairman, DICK DURBIN.

As I think people know, a lot of money has been spent in this effort to control the Court by special interests. Indeed, the last count is that it cost \$580 million in dark money to achieve that purpose. I don't know anybody who spends nearly \$600 million—more than half a billion dollars—without having a purpose in mind. And when you see the undoing of women's right to determine their own reproductive choice, when you see new weaponry rolled out against pollution regulations, when you see 100-year-old gun laws being taken down, when you see the agenda of the big-money rightwing being implemented by the Court, it begins to look like, in fact, they got their money's worth, and they didn't mind spending big.

One of the ways they did this was to make sure that all of the Trump selections of nominees went through the Federalist Society. Never in our history has that happened, with a private organization stepping in and deciding who would be on the Supreme Court.

I see that Senator THUNE has arrived. The floor is his. I will interrupt my remarks because I was just filling time.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. THUNE. Madam President, I thank the Senator from Rhode Island for yielding. I appreciate his kindness. I know he has got a lot to say on the subject, and hopefully he will be able to get back to it.

ENERGY

Madam President, I want to speak just a minute about the issue of high energy prices and high grocery prices that have become a distinguishing feature of the Biden economy.

Electricity prices increased 15.8 percent in August, the largest year-over-year increase since 1981—1981. I wasn't even married the last time we saw electricity increases like this, and now I have grandkids.

Utility gas service was up 33 percent from a year ago in August—33 percent increase year over year from August.

The price of home heating oil, which many households in places like New Hampshire rely on to keep their homes warm in the winter, has soared. All told, the National Energy Assistance Directors Association estimates that home heating costs for the winter heating season will average \$1,202—a 17.2-percent increase from last season.

I haven't even mentioned gas prices. Gas prices may have decreased from their \$5 high this summer—partly as a result of President Biden's problematic decision to draw down our Nation's emergency petroleum reserves to their lowest point since 1985, with no plan to refill them—but customers are still paying \$1.30 more per gallon than they were when President Biden took office. The average price for a gallon of gas has increased this week, ending a streak of diminishing, although still high, gas prices.

Madam President, if there is one thing we should be doing about high energy prices, it is increasing our domestic energy supply, including our supply of conventional energy—namely, oil and natural gas. I am a longtime supporter of alternative energy, and I come from a State that derives a substantial portion of its electricity generation from wind. In fact, in 2021, over 50 percent of our State's power generation came from wind and 30 percent came from hydroelectric on the Missouri River. But if it weren't for traditional fossil fuels backing up that generation, especially on days when the wind is still, we would be left in the dark.

The fact of the matter is, no matter how much Democrats might wish it were otherwise, alternative energy

technology has simply not advanced to the point where our country can rely exclusively on alternative energy. Attempting to pretend we have advanced further than we have or have solved all the requisite supply chain hurdles will lead to nothing but economic pain for American families.

Just look at California, whose overreliance on alternative energy technology has resulted in an electricity grid that cannot sustain the demands being placed on it. Californians were recently asked to ration their energy usage and refrain from charging electric cars during certain hours to reduce strain on the grid. Yet the State has issued a final regulation that will require all new cars sold in the State to be electric or otherwise zero emission by 2035. I don't see this ending well for Californians. This is the kind of unrealistic thinking that has permeated pretty much the entire Democratic Party.

I am all for advancing clean energy technologies. I have done a lot of work here in Congress to advance clean energy, from renewable fuels to wind energy. But until clean energy technology has advanced to the point where it can truly, reliably, and affordably supply America's energy needs, we need to continue to invest in responsible conventional energy production as part of the "all of the above" energy strategy that we need for this country. Otherwise, the high energy prices Americans are struggling with right now could get even worse and persist long into the future.

President Biden, of course, has been discouraging conventional energy production since day one, which is one reason why high energy prices have become a defining feature of the Biden administration. From canceling the Keystone XL Pipeline, to discouraging investment in conventional energy with a targeted ESG agenda, to making it more difficult for oil and gas companies to develop leases, President Biden has shown a distinct hostility to conventional energy.

Last month, the President signed into law the so-called Inflation Reduction Act, the partisan tax-and-spending spree the Democrats jammed through Congress in August. Now, I have mentioned the high energy prices Americans have been experiencing. Well, apparently, Democrats think that the best solution is to pass a bunch of new fees and tax hikes that will drive up energy prices further.

Their so-called Inflation Reduction Act includes a slate of taxes on conventional energy production at the worst possible time. The methane fee in their bill alone has the potential to drive Americans' natural gas bills by 17 percent—17 percent—just what Americans need while they are paying 15.8 percent more for electricity and 33 percent more for utility gas service and \$1.30 more for every gallon of gasoline.

But at least Americans can feel good about the fact that their tax dollars will be going to fund Democrats' Green

New Deal fantasies, like tax credits for wealthy Americans to purchase electric vehicles. That is right. The so-called Inflation Reduction Act—which, by the way, even the Democrat chairman of the Senate Budget Committee admits will do nothing to fix inflation—pours hundreds of billions of dollars—taxpayer dollars—into Green New Deal priorities.

In addition to tax credits for wealthy Americans, the Inflation Reduction Act also includes funding for things like expensive electric vehicles for the U.S. Postal Service, mitigating urban heat island hotspots and monitoring gaps in tree canopy coverage, and climate-related political activity. That is right—climate-related political activity.

Democrats succeeded in pushing through the Inflation Reduction Act—and its tax hikes on conventional energy—by promising one of their Members a vote on permitting reform legislation.

Real permitting reform is something I heartily endorse. Too many energy permits spend years mired in bureaucracy, leading to completely needless delays in energy development. Cleaning up the permitting process would help advance both conventional and renewable energy production.

Unfortunately, it is not clear that the permitting reform deal that was released last night will do anything to meaningfully address permitting delays and, in some cases, could make things worse.

For one, it would expand FERC's authority to override State jurisdiction for projects the President designates as "national interest facilities," which is why the South Dakota Public Utilities Commission is opposed to it. And it would give States wide latitude to kill the very infrastructure projects the bill purports to expedite by expanding the State Clean Water Act jurisdiction.

In other sections where this proposal seeks to shorten deadlines for various stages of permitting, which is a goal I support, the consequences for not meeting a deadline are merely notifying the Office of Management and Budget and the lead Department Secretary. It is hard to see this actually moving the chains.

On top of that, it is starting to seem extremely doubtful that Democrats actually have the votes in their conference to pass permitting reform legislation.

Republicans, thanks to the efforts of Senator CAPITO, have a meaningful, substantive permitting reform bill ready to go. It is supported by every Member of our conference. It would need the support of just 10 Democrat Senators to pass. It would be nice to think that there are 10 moderate Democrat Senators—if the words "Democrat" and "moderate" can still go together in this time of the Democratic Party's rapid push to the extreme

left—who would be willing to join Republicans to pass our legislation and finally take a real step to ease the burden of high energy prices on American families.

But given the President's and the Democratic Party's hostility to any measure that would genuinely start addressing high energy prices, I am not holding my breath.

High prices—for energy and just about everything else—have become the distinguishing feature of the Biden economy, and if Democrats continue to take steps to discourage conventional energy production, high energy prices will be a Democrat legacy that lasts long into the future.

I yield the floor.

The PRESIDING OFFICER (Mr. BOOKER). The Senator from Rhode Island.

S. 4822

Mr. WHITEHOUSE. Mr. President, the place where I left off, when Senator THUNE came to the floor, was discussing the extent to which huge floods of dark money had taken control of our Supreme Court. I will just dig into that a little bit further while we have a moment, because one of the vehicles for this effort was the Federalist Society.

It is extremely unusual in any modern democracy that the selection of who got onto the Supreme Court would be parceled out to a private organization. It is even more peculiar when that private organization has a very distinct political and ideological bent, and it is worse still when that private organization, while acting as the gatekeeper to Supreme Court appointments, was receiving massive dark money infusions.

Before it got that role, the Federalist Society did not get loads of dark money. Back in 2002, their anonymous donations summed to a grand total of \$5,000. But once it became clear that they were the gatekeeper to the Supreme Court for the Republican Party, by 2019, they were up to \$7 million pouring in in dark money.

We don't know how those names were picked for Donald Trump's Federalist Society list. There was no public process. There was no disclosure. There was some back room someplace where those lists were assembled. And who got a voice controlling who got on that list, I suspect, has a lot to do with that \$7 million.

Again, when you are spending \$7 million, you are not kidding around. You want results, and they have got them.

The other piece of the pie here is one of Leonard Leo's little nodes of phony front groups funded by dark money. He has got an 85 Fund and a Concord Fund, a 501(c)(3) and a 501(c)(4). That is the state of the art in dark money political manipulation: You do a 501(c)(3). You do a 501(c)(4). You put them in the same office with the same staff, with the same oversight and the same funders, but you pretend that they are different. Then, to make it even more complicated, you file under Virginia

corporate law fictitious names—that is what it is actually called under Virginia corporate law—fictitious names for other front groups. So in this dark money Court capture machine, even the front groups have front groups.

One of them is right here. It is called the Judicial Crisis Network. The Judicial Crisis Network was the one that took in the dark money from anonymous big donors to push out the television ads to capture the Court: ads for Gorsuch, ads for Kavanaugh, and ads for Barrett. They put out some pretty good money to do that. For Gorsuch, they spent \$21 million. For Kavanaugh, they spent \$17 million. For Barrett, as far as we know so far, they spent \$14 million. These came in not from grassroots donations. The checks were as big as \$15 million. The checks were as big as \$17 million. And if the same person was writing those \$15 million and \$17 million checks, our count is that it is \$60 million or more. And if one person has paid \$60 million or more to influence who gets on the Supreme Court and we don't know what business they have before the Court, that is an open avenue and prescription for corruption.

Right now, after all that money got spent by the Judicial Crisis Network to push all those rightwing FedSoc Justices onto the Court, the Honest Elections Project, another fictitious-name leg of this dark money critter, is in the Supreme Court right now pushing the argument developed by John Eastman—the Big Lie argument that in Georgia and other States the State legislature should be able to throw out the outcome of a Federal election and replace the winner of it with the person they want.

The theory is so extreme that it even posits that the State court system can't control the State legislature. The principle of judicial review of legislative acts is undone by this. It is wildly extreme.

But there is the Honest Elections Project—so-called—showing up in Court as an amicus, pushing the Big Lie theory to the very judges who the Judicial Crisis Network paid to get on the Court.

And guess what. Do you think they disclosed to anybody that that was the connection? No, I have got to come to the floor of the Senate to point that out because the Supreme Court, which is behind so much of this—the unlimited money, the failure to enforce the transparency requirement, the gobs of dark money that are going through—also won't enforce the rule that requires amicus curiae, the people who file the briefs, to tell the Court and the other parties who is really behind them. So they are getting away with it from the judges who got put on the Court.

This whole dark money problem goes well beyond just dirty dark money flooding into our elections. It goes beyond the cause of the slime of the dirty, noxious TV ads that come pouring out of our television screens, pour-

ing through our devices with a phony-balance name behind the advertisement.

The good Senator is from New Jersey. Perhaps it could be "New Jerseyans for Peace and Puppies and Prosperity."

Anybody watching the ad knows that that is not a real organization. And what does it tell you, as a citizen, when slimily, lying, dirty smear ads are being pushed through to you, through your TV screen, through your device by a group that you know is a phony? How do you have confidence in that?

I will close because Senator HIRONO is here, and I want to have her speak. But I will say that I am not alone in thinking that requiring people to stand up and identify who they are when they are trying to influence our politics is a distinctly American quality.

In fact, I quote:

Requiring people to stand up in public for their political acts fosters civic courage, without which democracy is doomed. For my part, I do not look forward to a society which, thanks to the Supreme Court, campaigns anonymously . . . and even exercises the direct democracy of initiative and referendum hidden from public scrutiny and protected from the accountability of criticism. This does not resemble the Home of the Brave.

The author of that: Justice Antonin Scalia.

I will continue later, but I want to defer to the busy schedule of my friend Senator HIRONO.

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

Ms. HIRONO. Mr. President, I want to thank my colleague from Rhode Island, Senator WHITEHOUSE, for his long and strong advocacy for cleaning up the scourge of dark money in our country.

Our country was built on the founding principles of democracy, where every person has a say—a democracy where the American people can make their voices heard in free and fair elections and we the people can decide the direction of our country. But in 2010, the Roberts Court, in an obvious act of judicial activism, struck down corporate campaign contribution restrictions found in the Bipartisan Campaign Reform Act. Suddenly, the Supreme Court said that corporations are people who have First Amendment constitutional rights to make campaign contributions.

This decision opened the floodgates to billions of dollars of dark money to influence our elections, our Courts, and our thinking on issues from gun safety to abortion.

When the Supreme Court held that political speech by a corporation is protected by the First Amendment, it left for Congress just the narrow authority to take action to require disclosure of donor names.

After knocked-down, dragged-out negotiations in the U.S. House in 2010—I was there—the House passed a disclosure bill, only to see it fail in the Senate very narrowly without the support of a single Republican.

Back then, we had the chance to require political spending disclosures so that the American people could see who was contributing millions to influence election outcomes.

So here we are, more than a decade later, and now it is not millions but billions of dollars flowing undisclosed into races across the country. Our country is awash in undisclosed money that is subverting the will of the American people.

When 85 percent of the American people support reproductive freedom, 65 percent of the American people support gun safety, and 63 percent of the American people support protecting the right to vote and Senate Republicans are preventing us from even having a legislative debate on the floor on these issues, what does that tell you? It tells you that too many elected officials are no longer answering to the people but, instead, to the secret donors and corporations who are funding their campaigns.

But it is not just elected officials that have been influenced. Mega-corporations and the ultrawealthy have spent millions to stack our courts. One dark money group already spent more than \$30 million in total on the nominations of Neil Gorsuch, Brett Kavanaugh, and Amy Coney Barrett to the U.S. Supreme Court, where they sit, in my view, busily overturning precedents such as *Roe v. Wade*.

For the sake of our democracy, we need to get rid of the anonymous spending influencing our elections and our courts. That is a goal that everyone should be able to get behind regardless of whether you are a Democrat or a Republican. In fact, many of my Republican colleagues agree. The senior Senator from Iowa said dark money is “attacking the independence of the judiciary.” Another said dark money is “sowing public distrust in the legitimacy of the Supreme Court.”

There is bipartisan agreement to limit dark money, but, sadly, we know Republicans too often say one thing and then do another because not a single one of them so far has voiced support for even considering the DISCLOSE Act, which we will be voting to advance today, a bill that would increase transparency and accountability in political spending, a bill that would do the very thing that some leading Republicans have called for.

When given the chance, I hope my Republican colleagues will step up for the American people and not their special interest donors. We shall see.

We cannot accept a country where billionaires and corporations can secretly buy our elections, choose our leaders, and determine the fate of our country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, I thank the Senator from Hawaii, who has been such an ardent and effective ally in this fight, for coming to the

floor today and for all of our work in the Judiciary Committee and also through briefs that we file in the Supreme Court trying to wake up the Court to what is happening around them.

I would add an additional point to my description of this little node of the dark money apparatus that has controlled the makeup of the Supreme Court and works very hard to control the decisions of the Supreme Court—and too often does—because you have heard Senator DURBIN and others speak on the floor today about the biggest dark money contribution ever made, \$1.6 billion, given to an organization run by this same individual.

And you see it going in but only because some whistleblower told the press what had happened. But even knowing that \$1.6 billion went in, you don't know where it goes next because this complicated apparatus and others like it enable the money to be sluiced through underground, subterranean, clandestine channels and pop out in political races through unknown, phony front groups with preposterously sweet names.

And nobody who is a citizen is allowed to understand what is happening. You can bet the word gets to the candidate about who is behind “New Jerseyans for Peace and Puppies and Prosperity,” and you can bet the big donors know. And if it is a House race, you can bet the House leaders know; and if it is a Senate race, you can bet the Senate leaders know. And you can bet that gives immense clout at stopping things in this building.

And, sure enough, that \$1.6 billion went into Marble Freedom Trust. And one of the first things it did was give money to the Concord Fund, one of the other Leonard Leo groups. You will recognize that as this chart behind me, and you add to it the Marble Freedom Trust that was the vehicle into which the \$1.6 billion got dumped, and then—zip—here came money straight to the Concord Fund, among other uses of it. So this thing is sort of a creature of multiple fronts.

And I was struck today when I read a news article about the resignation in Iraq of the finance minister, who is largely regarded as being the voice of integrity and decency and honesty in that government. And he quit, and he said one of the reasons was that he felt that there was around him a “vast octopus of corruption and deceit.”

This is just one piece of a vast octopus of corruption and deceit whose target is the American people and whose desire is to control government from behind the scenes without even showing up and showing who they are. If you want to see some of this mischief in action and in relation to what I have said about how this captured Court, with its FedSoc Justices, has delivered for the big-donor interests, the biggest thing that they have done so far in terms of affecting the trajectory of honesty and decency and public ac-

countability in this country has been in a case called *Americans for Prosperity Foundation v. Bonta*.

What did the judges who dark money put onto the Court that dark money built do? They built a brandnew constitutional right to dark money—unprecedented. And when they did it, when the case came up to them—interestingly, as part of this octopus of deceit are innumerable front groups that file amicus briefs.

I talked about how they don't disclose, and the Court lets them get away with it. Let me give you an idea of the number at the certiorari stage, which, for those not familiar with Supreme Court practice, is the point where the Supreme Court decides whether or not they will take up the case. And then there is the merits decision later on, on how they decide the case. But on the question of whether they take up the case, we counted about 50–5–0, 50—of these phony, dark money-funded front groups coming in and saying: You have got to take up this case. You have got to take up this case. You have got to take up this case.

It was signaling; it was flares; it was semaphore telling FedSoc Justices: We put you there. This is what we want you to do.

So let's take a quick look at a little bit about the Americans for Prosperity Foundation because it is related—remember what I said about 501(c)(3)s and 501(c)(4)s twinning together and having basic identity? Well, the Americans for Prosperity Foundation is the 501(c)(3) twin to a 501(c)(4) called Americans for Prosperity.

And guess what Americans for Prosperity is? It is the biggest battleship in the Koch brothers' political influence operation. It is the mother ship. It is as political as you get. It goes directly into elections and spends dark money.

And here are the big differences between Americans for Prosperity and the Americans for Prosperity Foundation. Well, the CEO and director of Americans for Prosperity is, amazingly enough, the CEO and director of the Americans for Prosperity Foundation. And the secretary of the Americans for Prosperity group happens also to be the corporate secretary of the Americans for Prosperity Foundation. How about that? Oh, here is a big difference. The senior vice president of grassroots operations for Americans for Prosperity is the senior vice president of state operations for Americans for Prosperity Foundation. There is a difference. The treasurer and vice president of Americans for Prosperity is the same as the treasurer and vice president of finance for the Americans for Prosperity Foundation, and the director of Americans for Prosperity is the chair of the Americans for Prosperity Foundation.

There is a thing in law called piercing the corporate veil. This is a corporate veil you could pierce with a banana. This is the kind of phony fun and games that dark money allows to intrude into our democracy. And in this

terrible death loop, dark money puts Justices on the Supreme Court who get told by dark money amici what they want, in flotillas of 50, and then deliver for dark money to a nominal plaintiff who is the indistinguishable twin of the Koch brothers' political battleship, letting that money loose into our politics with now constitutional imprimatur.

And they show up in droves. Here is just one case: Seila Law. This was the one about the Consumer Financial Protection Bureau. You know the dark money people hate the Consumer Financial Protection Bureau. In fact, they hate regulation. That is why they are trying to undo American government as best they can.

So here are some of the amici that showed up in Seila Law. I actually put this in my brief to the Supreme Court in that case as an appendix so they could see what was going on around them. A lot of good it did. So here are some of the front groups, all of whom take dark money, and here are some of the dark money sources we were able to trace them having taken: Donors Trust, widely described as the ATM of the far right. It has no purpose. Donors Trust doesn't make a product. You can't buy a Donors Trust car or bicycle or tire or pedal. It doesn't provide services. You can't go to Donors Trust and get your taxes done. You can't go to Donors Trust and get your shoes polished.

It does one thing and one thing only: It takes money in; it scrubs off the identity of the person who gave it the money; and then it sends the money where that person wants, as Donors Trust. That is it. It is an identity laundering machine for the dark money operation that we have running for this vast octopus of deceit.

And here are other foundations: Bradley, Scaife, Searle. Look at how much of this is in common. That was not described to the Court.

My time is running out. I will say two things as I go. One is, until the Supreme Court opened the floodgates of unlimited money, Republicans wanted disclosure. Republicans wanted disclosure. MITCH MCCONNELL, the leader:

We need to have real disclosure. Why would a little disclosure be better than a lot of disclosure?

He was in favor of a lot of disclosure on "Meet the Press."

"I think disclosure is the best disinfectant," he wrote.

We could do disclosure more frequently. I think disclosure is the best disinfectant.

MITCH MCCONNELL.

But then along came the Supreme Court in 2010; they opened the floodgates of unlimited money. And particularly the fossil fuel industry, which wanted to stop climate legislation, knew that if it showed up as Exxon, as Marathon, as Chevron, as Shell, the public would get the joke; their unlimited money would be useless because everybody would see the self-interest and the corruption behind all of that.

So they immediately went to work through phony front groups, 501(c)(4)s, Donors Trust, shell corporations.

And the Supreme Court let them do it despite the fact that, 8 to 1, the Supreme Court in Citizens United has said:

Without transparency, this unlimited money is corrupting. Without transparency, this unlimited money is corrupting.

Despite having said that, for 12 years, they have done nothing but let the dark money flow—over a billion dollars now into any single election.

It is intensely frustrating to see our country head down this filthy road, where huge special interests, defined by just a few characteristics—one, they have unlimited money to spend; two, they can win in politics by spending it; and, three, they want to hide—is that group of people the ones we want controlling our country? I don't think so. How about regular voters? How about regular people? How about farmers and doctors and business owners, nurses? No.

I know the leader wants to come to the floor, and I will yield as soon as he comes to the floor. Before he does, I want to thank him for bringing this measure here, for the strength of his statements, for the strength of his commitment, for his help to organize all of this. This began originally as his bill years ago, after Citizens United. So I want to yield to him when he gets here.

But I want to go back to this departure of Minister Allawi, who talks about the Iraqi state having become degraded and become a play thing of special interests. That is the choice we face in this vote: Is this going to be America the beautiful or is this going to be America the degraded placing of special interests? This vote will determine it.

I yield to the leader for his remarks.

The PRESIDING OFFICER. The majority leader.

Mr. SCHUMER. Mr. President, I ask unanimous consent to speak prior to the vote.

Mr. BOOKER. Without objection, it is so ordered.

Mr. SCHUMER. Mr. President, let me just give as many kudo—because he taught me the word was "kudo," not "kudos"—as I can, to our wonderful Senator from Rhode Island.

There is no one—I don't think in America, let alone just in the Senate—who has done more to highlight the evil scourge of dark money that just plagues our Republic. It degrades our democracy. One of the reasons that people are so upset with what is going on in this country is because of the dark money. And no one has shined that spotlight on it like Senator WHITEHOUSE. Hats off to him.

Now, the choice before the Senate is simple: Will Members vote today to cure our democracy of the cancer of dark money or will they stand in the way and let this disease metastasize beyond control?

Members must pick a side. Which side are you on—the side of American voters and one person, one vote or the side of super PACs and the billionaire donor class rigging the game in their favor?

Sometimes the contrast is really that simple. Today is about standing either with the American people or the dark money donor class.

And the DISCLOSE Act itself is simple to its core. It says that a healthy democracy is a transparent democracy—a healthy democracy is a transparent democracy—one where all of us can exercise our right to the franchise on an equal playing field, without regard to our wealth or our connections or lot in life. It is a quintessentially American ideal.

In the 12 years since the conservatives on the Supreme Court ruled in Citizens United, our elections have become rank with the stench of dark money. You can smell it in every corner of this country—and particularly in Washington. We must fix that. In free and fair elections—one person, one vote—American voters should have the power to determine our Nation's leaders without fear that their voices will be drowned out by powerful elites or special interests. That is simply what the DISCLOSE Act would do.

For the sake of our democracy, for the sake of transparency in elections, for the sake of breaking the wretched stranglehold that dark money has on our country, I urge my colleagues, plead with my colleagues, to rise to this occasion to protect our democracy and vote yes.

I yield the floor.

CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 484, S. 4822, a bill to amend the Federal Election Campaign Act of 1971 to provide for additional disclosure requirements for corporations, labor organizations, Super PACs and other entities, and for other purposes.

Charles E. Schumer, Sheldon Whitehouse, Mazie Hirono, Martin Heinrich, Christopher A. Coons, Benjamin L. Cardin, Margaret Wood Hassan, Patty Murray, Michael F. Bennet, Jacky Rosen, Alex Padilla, Brian Schatz, Christopher Murphy, Chris Van Hollen, Edward J. Markey, Angus S. King, Jr., Tim Kaine.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 4822, a bill to amend the Federal Election Campaign Act of 1971 to provide for additional disclosure requirements for corporations, labor organizations, Super PACs and other entities, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Wisconsin (Ms. BALDWIN) is necessarily absent.

Mr. THUNE. The following Senator is necessarily absent: the Senator from Idaho (Mr. CRAPO).

The yeas and nays resulted—yeas 49, nays 49, as follows:

[Rollcall Vote No. 346 Leg.]

YEAS—49

Bennet	Hirono	Rosen
Blumenthal	Kaine	Sanders
Booker	Kelly	Schatz
Brown	King	Schumer
Cantwell	Klobuchar	Shaheen
Cardin	Leahy	Sinema
Carper	Lujan	Smith
Casey	Manchin	Stabenow
Coons	Markey	Tester
Cortez Masto	Menendez	Van Hollen
Duckworth	Merkley	Warner
Durbin	Murphy	Warnock
Feinstein	Murray	Warren
Gillibrand	Ossoff	Whitehouse
Hassan	Padilla	Wyden
Heinrich	Peters	
Hickenlooper	Reed	

NAYS—49

Barrasso	Grassley	Risch
Blackburn	Hagerty	Romney
Blunt	Hawley	Rounds
Boozman	Hoeben	Rubio
Braun	Hyde-Smith	Sasse
Burr	Inhofe	Scott (FL)
Capito	Johnson	Scott (SC)
Cassidy	Kennedy	Shelby
Collins	Lankford	Sullivan
Cornyn	Lee	Thune
Cotton	Lummis	Tillis
Cramer	Marshall	Toomey
Cruz	McConnell	Tuberville
Daines	Moran	Wicker
Ernst	Murkowski	Young
Fischer	Paul	
Graham	Portman	

NOT VOTING—2

Baldwin
Crapo

The PRESIDING OFFICER (Mr. SCHATZ). On this vote, the yeas are 49, the nays are 49.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session and resume consideration of the following nomination, which the clerk will report.

The senior assistant legislative clerk read the nomination of Amanda Bennett, of the District of Columbia, to be Chief Executive Officer of the United States Agency for Global Media.

VOTE ON BENNETT NOMINATION

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the Bennett nomination?

Mr. WHITEHOUSE. Mr. 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. DURBIN. I announce that the Senator from Wisconsin (Ms. BALDWIN) and the Senator from New Jersey (Mr. BOOKER) are necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Idaho (Mr. CRAPO) and the Senator from Utah (Mr. LEE).

The result was announced—yeas 60, nays 36, as follows:

[Rollcall Vote No. 347 Ex.]

YEAS—60

Barrasso	Hassan	Reed
Bennet	Heinrich	Risch
Blackburn	Hickenlooper	Romney
Blumenthal	Hirono	Rosen
Blunt	Kaine	Rounds
Brown	Kelly	Sanders
Burr	King	Schatz
Cantwell	Klobuchar	Schumer
Cardin	Leahy	Shaheen
Carper	Lujan	Sinema
Casey	Manchin	Smith
Collins	Markey	Stabenow
Coons	Menendez	Tester
Cornyn	Merkley	Van Hollen
Cortez Masto	Murphy	Warner
Duckworth	Murray	Warnock
Durbin	Ossoff	Warren
Feinstein	Padilla	Whitehouse
Gillibrand	Peters	Wyden
Graham	Portman	Young

NAYS—36

Boozman	Hawley	Paul
Braun	Hoeben	Rubio
Capito	Hyde-Smith	Sasse
Cassidy	Inhofe	Scott (FL)
Cotton	Johnson	Scott (SC)
Cramer	Kennedy	Shelby
Cruz	Lankford	Sullivan
Daines	Lummis	Thune
Ernst	Marshall	Tillis
Fischer	McConnell	Toomey
Grassley	Moran	Tuberville
Hagerty	Murkowski	Wicker

NOT VOTING—4

Baldwin
Booker
Crapo
Lee

The nomination was confirmed.

The PRESIDING OFFICER (Mr. KING). Under the previous order, the motion to reconsider is considered made and laid upon the table, and the President will be immediately notified Senate's action.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the following nomination, which the clerk will report.

The senior assistant legislative clerk read the nomination of Arati Prabhakar, of California, to be Director of the Office of Science and Technology Policy.

The PRESIDING OFFICER. The Senator from Texas.

BORDER SECURITY

Mr. CORNYN. Mr. President, new data from the U.S. Customs and Border Protection shows that the crisis at the border isn't going away even if that may be the wish of the Biden administration. In the last year, Customs and Border Protection has encountered more than 2.3 million migrants at the southern border, which is an all-time high.

I know some people think, well, these are economic migrants or people fleeing violence and persecution. Some of them are asylum seekers who might potentially qualify, although the data indicates that, if in fact they end up showing up for their immigration court hearing years after they claim asylum, because of the backlogs, only about 10 percent qualify for asylum. Then you have the economic migrants. You have criminals. You have drug smugglers. It is a hodgepodge. And while many people turn themselves in in order to invoke our asylum system, which is broken and results in many people being given a notice to appear for a future court hearing that they never show up for, the situation at the border remains a public safety threat and a humanitarian crisis.

Customs and Border Protection is the first line of defense against dangerous threats to the country. Over the last 11 months, the hard-working men and women of CBP have arrested nearly 700 criminal gang members and have stopped more than 140 people on the terrorist watch list from crossing the southern border. They have interdicted more than 645 pounds of illegal drugs, including 13,600 pounds of the deadly synthetic opioid fentanyl. I think it takes roughly the point of a pencil lead, a couple of milliliters, of fentanyl to kill a person. So you can imagine what 13,600 pounds would do, and these are only the drugs that we have caught. Nobody believes that we catch even the majority of the drugs coming across.

CBP seized illegal currency, weapons, ammunition, counterfeit goods, and other products that could hurt the American people or our economy.

I want to just take a moment to thank the Border Patrol agents and Customs officers who take on this challenging and important work every day. Sometimes they are met with nothing more than derision or ridicule or a lack of support for their important work. These men and women put their own health and safety at risk to keep our borders and keep the American people safe, and they don't receive nearly the level of thanks that they deserve.

Coming from a border State, as you might imagine, I have visited the border many, many times. I always enjoy talking to these men and women because they are, frankly, the experts about what we need to do in order to fix what is wrong about the borders. They are true professionals, and they know more than just about anybody else I have talked to about what the problem is and what the solutions are.

Many of these officers and agents have worked for Customs and Border Protection for years, some even since its founding in 2003. They have seen migration surges over the years, but as they have told me many times, they have never seen anything quite like we are seeing today.

An average of 6,600 migrants are coming across the southern border every