

proceeded in recent years, I have had opponents of the pipeline come to say: Look, there have been water quality violations. You should stop the pipeline.

I have had proponents of the pipeline come and say: We need this for America's energy security. You should put your thumb on the scale and make sure it gets approved.

What I have told both the opponents and proponents of the Mountain Valley Pipeline is: You tell me how to fix the process—the permitting process—to make it fair, and I will do that. But then you should have to put your project through a fair permitting process and, if you can earn approval on the merits, then you can build the pipeline. But if you do poor work and can't, then you are not going to be able to build it.

I deeply believe this is not Congress's job to make this determination. It is our job to make sure that permitting is fair.

Section 24 of the Energy Independence and Security Act of 2022 would basically say that after 86 pages of improving permitting in this country, we will take one project in two States and take it completely out of all permitting. We will order the Biden administration to grant four permits that are currently in midstream. The company hasn't yet demonstrated that it should get these four permits.

There is a Clean Water Act permit. There is a permit to cross the Jefferson National Forest. There is a permit to certify that this project will not harm endangered species. And, finally, there is a permit from FERC, the Federal Energy Regulatory Commission. The company is attempting to get these permits, but they haven't yet demonstrated that they are able to do it.

But what section 24 of the bill would do, after doing this great work to establish this great permitting process, is that it would say: Forget all of that. The Biden administration must give these four permits to the Mountain Valley Pipeline owners right now, and, further, no one can seek any judicial review of these permits—highly unusual.

These administrative permits are issued by administrative agencies with a capacity for judicial review under the Administrative Procedure Act. But in this case, we would be forced to issue the permit, and then we would also immunize the permit from any person, landowner, effective party, or environmental group being able to challenge it in judicial review. In my view, that is highly inappropriate and virtually unprecedented.

But to make matters worse, section 24 of the bill also does something that I believe is unprecedented and that would create a very, very dangerous precedent in this body. It would strip jurisdiction of any litigation in the future in this project from the U.S. Court of Appeals for the Fourth Circuit, headquartered in Richmond, my hometown.

Why? The owners of the Mountain Valley Pipeline have lost a case or two in the Fourth Circuit.

I used to try cases, as did the Presiding Officer. I lost some cases, and I lost cases in the Fourth Circuit. If I represented a civil rights litigant and we lost a case in the Fourth Circuit, I had remedies. The first remedy was to try to get an en banc court to possibly reconsider the ruling of the panel. It is difficult to do, but that is a remedy you have.

The second remedy you have is to appeal to the U.S. Supreme Court. I tried that too. Once, I got a case that I had lost in the Fourth Circuit taken by the U.S. Supreme Court, and I was able to be successful there in getting it reversed.

But if you are a party that is unhappy, that is what your remedy is, to appeal. Whether you are rich or you are poor, whether you are a corporation or an individual, whether it is a criminal case or a civil case, if you don't like the ruling of a district court, you appeal to an appellate court. If you don't like the ruling of an appellate court, you try to take it en banc or go to the Supreme Court. And that is a rule that should apply to all litigants.

In this case, what the Mountain Valley Pipeline is asking is, in my view, an egregious and dramatic overreach. They don't like the rulings of the Fourth Circuit. They haven't been able to get the Fourth Circuit to take the case en banc. They haven't been able to convince the U.S. Supreme Court that the Fourth Circuit was wrong.

So what the Mountain Valley Pipeline owners are asking the Senate to do and what this bill proposes is that we would take jurisdiction away from the Fourth Circuit and mandate that any future case not go to the Fourth Circuit but instead come to the DC Court of Appeals.

What ground would there be for such a historic rebuke of my hometown Federal circuit court, to say that just because they ruled against a powerful energy corporation, we will, in an unprecedented way, strip jurisdiction away from them in a pending case that is midstream and not allow them to hear it?

The Fourth Circuit is my hometown circuit court. I tried cases in the district courts there. I had appeals in that court. I won some; I lost some. I was often unhappy with the ruling, but never would I have believed, if a ruling went against me, that the resolution was to punish the court by stripping jurisdiction away from them. Yet that is what the Energy Independence and Security Act of 2022 would do. It would force the issuance of permits that have not yet been justified, deny the possibility of judicial review of those permits and, in particular, in an unprecedented way, strip jurisdiction away from one circuit court in the middle of a case by taking it away from them. Why? Because the big energy company that wants these permits is unhappy that they have lost a case there.

As I conclude, I just want to point out, if we go down this path, in my view, it could open the door to serious abuse and even corruption. Imagine if the Senate of the United States starts stripping jurisdiction away from courts because we don't like their ruling. So midstream, we will take it away.

A corporation is unhappy that they are getting sued in shareholder derivative suits in the Second Circuit, for example, and somebody comes to the Senate and says: Let's just take jurisdiction away from the Second Circuit dealing with this particular company.

Somebody in a complicated criminal case doesn't like the rulings of a circuit court on procedural matters and tries to get this body, the Senate of the United States, to strip jurisdiction away from the court.

I am proud of the Fourth Circuit—the U.S. Court of Appeals for the Fourth Circuit. I have been involved with my colleague Senator WARNER in recommending to Presidents and then advocating for people to be nominated and eventually confirmed in this court. The Fourth Circuit is no more perfect than any court is.

I can tell you, as somebody who has practiced in this court for my entire professional career, they do not deserve to be rebuked in a historic way and have jurisdiction stripped away from them in a case like this just because they have had the temerity to rule against an energy company on a pipeline project.

We can do a permitting reform bill that will advance the goals of the first 86 pages of the Energy Independence and Security Act. We can do a bill that will include 23 of the 24 sections of the Energy Independence and Security Act and have a much better permitting process that the Mountain Valley Pipeline and anyone else wanting to do a project can then go through.

If they demonstrate on the merits that they should be entitled to build a pipeline or an electricity transmission, then build it, by all means. But don't embrace the need for permitting reform and then choose one project in the entire United States, affecting my State, and pull it out of permitting reform, insulating it from the normal processes of administrative permitting issuance and insulating it from judicial review.

I yield the floor.

The PRESIDING OFFICER (Ms. SMITH). The Senator from Kansas.

#### INFLATION

Mr. MARSHALL. Madam President, last week, we received what might have been the worst economic news I have ever seen in 1 day in my lifetime.

In Joe Biden's America, it costs more to feed your family. In Joe Biden's America, your commute to work is more expensive. In Joe Biden's America, it is a struggle to pay the bills that power your home. In Joe Biden's America, farmers and ranchers are facing

such high input costs that they are struggling to grow the food that feeds our Nation and those around the globe. In Joe Biden's America, just as kids are heading back to school, the price of school supplies has increased by over 9 percent.

This President continues to preside over the worst economy that most Kansans have ever seen in their lifetime. This is all thanks to the Democrats' massive, hyperpartisan, tax-and-spending bills and, of course, their business-crushing Federal regulations.

As you can see on this chart, inflation was just 1 percent in January 2021—1.4 percent. Today, it is over a staggering 8 percent, almost 6 times higher than when Joe Biden took the reins and his woke inflationary policies wrecked our economy.

Look, energy, groceries, and shelter account for two-thirds of inflation, and they always lead inflation. Inflation is not going away unless this administration does an about-face on its policies, and we know that is not going to happen.

Let's take a look at what Joe Biden has done.

Energy—energy is up 23 percent; groceries, up 13 percent; shelter, up 6 percent. You might ask: Why? Why has shelter gone up 6 percent? Look, mortgage rates on 30-year loans have quadrupled under this President. Energy, grocery, shelter—all up across the board. All are essential to every individual's comfort and prosperity.

Finally, have you looked at your retirement accounts lately? Down, if you are lucky, maybe some 17 percent off its peak values.

Kansans are hurting. Main Street merchants are hurting. Americans are hurting. Instead of helping, this administration continues to pour gas on the fire with another massive spending bill. Then they had the gall to publicly celebrate last week on the south lawn of the White House—the very day the stock market went into a spiral after the CPI came in showing the highest inflation rate in nearly 40 years.

What is more, Sunday night on “60 Minutes,” the President said inflation was up “just an inch, hardly at all.”

Are you kidding me? I can't imagine an administration more out of touch, more apathetic to the pain of the people who elected him than this one. An 8.3 percent increase in inflation over last year is not just an inch. This kind of minimization infuriates everyone. I have heard it at every one of my 100 townhall meetings.

Let's not forget, since Joe Biden took his oath, inflation has increased over 13 percent. When you live paycheck to paycheck, 13 percent is not just an inch. Americans are much smarter than you think.

Inflation is going to be Joe Biden's legacy to the American people. In our history books, the texts my grandchildren—two of whom are sitting in the Gallery today—will study, they will see a graphic like the one behind me.

If anyone was hoping that the Federal Reserve would be able to slow down interest hikes, you can think again. This month's numbers made it clear to the Fed that their job is far from done, forcing them to raise interest rates by another 75 basis points.

Interest is only going to keep increasing unless they reverse their policies.

Look, life will continue to get more expensive under Joe Biden. Why? Because this President will not reverse his woke inflationary policies. Even now, President Biden and the Democrats want to continue to tax and spend us further into recession.

Make no mistake about it. After almost a year and a half of financial anxiety and paychecks that are not going as far, Americans have had enough of the failing economic agenda of Joe Biden and this Democratic majority in Congress.

November can't come soon enough. Come January, the tax-and-spend agenda will come to an immediate end. We will not allow this administration to further damage this country with their failed economic agenda.

Before COVID, we had the greatest economy in generations. We accomplished this by slashing taxes and getting out of the way of industry and letting American producers produce. This is what the American people want. This is what the American people deserve. This is what will lead America back to prosperity.

I yield the floor.

The PRESIDING OFFICER. The senior Senator from Minnesota.

#### NOMINATION OF ROBIN MEREDITH COHN HUTCHESON

Ms. KLOBUCHAR. I rise today in support of the nomination of Robin Hutcheson to be Administrator of the Federal Motor Carrier Safety Administration.

As the Presiding Officer knows, her experience as Deputy Administrator and, currently, as Acting Administrator will serve her well. I am proud to say that she used to call Minnesota home, where she served as Director of Public Works for the City of Minneapolis for many years.

Ms. Hutcheson brings much experience with her to this job. She has served in three roles at the U.S. Department of Transportation: Deputy Assistant Secretary for Safety Policy, FMCSA Deputy Administrator, and currently, as Acting Administrator. She has a strong track record on safety.

As the Deputy Assistant Secretary for Safety Policy for U.S. DOT, she was instrumental in developing the National Roadway Safety Strategy and the new Safe Streets and Roads for All program.

She also has local experience managing transportation systems in three States across the country: Minnesota, as we discussed, Utah, and Montana. In

her role as Director of Public Works for the City of Minneapolis, she oversaw a 1,100-person team across nine divisions, including all transportation functions.

During a time when our supply chains are being tested to their limits, I believe that her public and private experience, as well as her experience at both the local and Federal level, will bring a unique perspective to the role and improve the safety of our transportation networks.

I will address her unanimous consent proposal in a minute.

#### DISCLOSE ACT

Ms. KLOBUCHAR. Madam President, I am now going to turn to the next item on my agenda before we all adjourn, and that is a speech in support of the DISCLOSE Act and the need to take action to get secret money out of our elections.

I want to thank Senator WHITEHOUSE for his leadership on this legislation and testimony at the Committee on Rules and Administration hearing I held on it this summer.

Senator WHITEHOUSE has championed this bill since 2012, and I have been proud to support it alongside him in every Congress.

I also want to thank Leader SCHUMER for holding a vote to advance this bill today. While the vote was ultimately unsuccessful, it is important that the people of this country understand that Senate Democrats—and only Senate Democrats, it appears—remain committed to addressing secret money in our election.

This vote could not have come at a more important time, as we are seeing an unprecedented flood of money into our elections. Over \$14 billion was spent during the 2020 election, the most expensive in our country's history.

As we approach the general election in November with 48 days left, this is already—and we still have 48 days left—the most expensive midterm election ever. One estimate expects that nearly \$10 billion will be spent just on political advertising this election cycle, more than double the \$4 billion in the 2018 midterm elections.

As spending on elections increases, the sources of the spending are less accountable than ever before. One investigation found that more than \$1 billion was spent on the 2020 elections by groups that do not disclose their donors at all.

I want people to think about this. One billion was spent on the 2020 election, one billion—not million—\$1 billion, by groups that do not disclose their donors at all. No one likes that; I don't care if you are Democrat, Republican, or Independent, you at least want to know what money is being spent and who is paying for these negative ads that you see all over TV.

As spending on election increases, the sources of that spending are less accountable than ever before. Americans know there is way too much