

and generous aid for our friends. It is now up to the President to use them.

The ACTING PRESIDENT pro tempore. The majority whip.

#### CRYPTOCURRENCY

Mr. DURBIN. Mr. President, I come to the floor very briefly to make a note of an article that appeared this morning in the Chicago Sun-Times. The article relates to an opportunity that Terrence Duffy, who is currently the chairman of the Chicago-based CME Group, the Chicago Mercantile Exchange—Mr. Duffy, in his testimony before Congress and the Senate, has commented on the situation with the cryptocurrency exchange known as FTX and its former head, Sam Bankman-Fried.

We are all aware of what happened here. This is a situation wherein an individual capitalized on the cryptocurrency craze and became a billionaire. He was a young man who struck a different pose than most financiers. He spent his time wearing T-shirts and playing video games when he wasn't making millions of dollars with his crypto investment.

Many people were unfortunately drawn into his portrayal of what cryptocurrency could result in and lost their shirts. Mr. Bankman-Fried went from billionaire to bankrupt in a matter of 72 hours.

The question is, Should America have seen this coming? Should we have done more? That raises serious questions.

The purpose of entering this article into the RECORD is to make note of the fact that Terrence Duffy, with the Chicago Mercantile Exchange, forewarned us of this possibility.

The Chicago Mercantile Exchange is a major part of the economy of Chicago, of Illinois, and of the Midwest. It is an industry that has been established over decades, and it is a regulated industry. One might get the impression that regulation and success in business are antithetical, but in this circumstance, the Federal regulation of the Chicago Mercantile Exchange not only gives assurance of its integrity, it also enhances its reputation around the world—a lesson that the cryptocurrency world might learn.

If we are going to lead the world when it comes to financial investment, we have to assure the world that it is on the square, and the Commodity Futures Trading Commission, for one, which has the regulatory authority over the Chicago Mercantile Exchange, has set out on that mission successfully for decades.

I wanted to note the fact that when he appeared before the U.S. House Agriculture Committee in May, Mr. Duffy warned us about the dangers that were inherent to the FTX enterprise. He said at one point that he believed the proposal that Mr. Bankman-Fried was making to create his business model was fraught with dangers. Mr. Duffy called it at the time in May a "risk management light" that could destabi-

lize financial markets involved in cryptocurrency.

I am a member of the Agriculture Committee, and we may have some element of jurisdiction over this cryptocurrency industry as it relates to commodities. We have had one hearing wherein the chairman of the Commodity Futures Trading Commission came before us and made a presentation as to why he believed we had an opportunity and an obligation to regulate. I agree with him. If this cryptocurrency world is to continue with any credibility, it needs adequate authorization and regulation to make sure that the people who are investing in it are protected.

I have written two separate letters to Fidelity—a major financial house in Massachusetts—and raised questions as to their assertions that people should be allowed to include cryptocurrency in their retirement accounts. I am skeptical of an account, when you should be making conservative investments for your future, that enters into this high-flying cryptocurrency world, which, as we see from the experience of FTX, is fraught with danger.

There is a great effort underway by the cryptocurrency world to become major players in American politics. I discovered, much to my surprise, weeks after I had raised questions about the future of cryptocurrency, that FTX and Mr. Bankman-Fried had, in fact, contributed to me.

I was asked by a reporter: Have you received any contributions from this enterprise or industry?

I said: Of course not.

Then I looked to find I had. They had sent money unsolicited by me and unknown to me until 2 weeks ago. That money, of course, is going to be redirected to charitable enterprises and not to a political purpose for me or any of my staff.

It is an indication, though, that they have more money than friends in the cryptocurrency world and that they are trying to make sure they have plenty of friends in Congress and on Capitol Hill. It is the nature of our political campaigns that a massive amount of money is invested and spent. Oftentimes, candidates can't keep up with the blur of contributions and expenditures. Well, that happened to me when it came to FTX and Sam Bankman-Fried, and I think it might have happened to others.

So let's take care. If we are going to do our duty for the American people, we have to regulate this industry in a way to protect them from the disastrous results which we recently saw with FTX.

Mr. President, I ask unanimous consent that the Chicago Sun-Times article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Chicago Sun-Times]

CME GROUP'S BOSS SPOTTED EARLY TROUBLE AT CRYPTO EXCHANGE FTX RUN BY SAM BANKMAN-FRIED

(By David Roeder)

Sam Bankman-Fried, who sold himself as a T-shirt-wearing, video-gaming whiz kid disrupting all things financial, has been arrested in the collapse of his FTX cryptocurrency exchange.

It's shaping up as the biggest scandal roaring through the markets since Bernie Madoff's Ponzi scheme and, irrespective of Bankman-Fried's guilt or innocence, it's making a lot of supposed sharpies look very bad.

They include funders such as Chicago-based private equity firm Thoma Bravo, the Ontario Teachers Pension Fund and Sequoia Capital. Sequoia published a glowing profile of Bankman-Fried weeks before it wrote off the value of its investment with him. It described how he Played League of Legends while on a call with the firm, taking that as a good thing. By some accounts, federal regulators were quite late on the case.

Many FTX backers issued statements after its Nov. 11 bankruptcy about the rigor of their vetting processes. It's puzzling how so many people with advanced degrees and powerful computer programs missed what John Ray III, the executive brought in to clean up the mess, called "just old-fashioned embezzlement. This is just taking money from customers and using it for your own purpose." Ray told Congress customers may have lost \$8 billion.

Clearly, none of the backers listened to early warnings from a Chicago business executive who knows something about risk management.

Terrence Duffy is the chairman of CME Group, the largest futures exchange in the U.S. It's the amalgam of the Chicago Mercantile Exchange, the Chicago Board of Trade, the New York Mercantile Exchange and other assets. He sounded alarms about possible problems with FTX early on and said in March he called Bankman-Fried a fraud to his face.

A week after the FTX implosion, Duffy went on the On the Tape podcast to elaborate on the conversation. It started with talk of a business deal but quickly turned sour when Duffy said it was clear FTX had no plan to isolate risk in crypto trading. "I said, 'Your model is crap. Why would I deploy a model that's going to introduce risk to the system?'" Duffy said on the podcast.

At the time, Bankman-Fried was said to be worth \$26 billion. As Duffy recounted it, "I said, 'My net worth doesn't start with any b's. I'll give you a 3 to 1 that I have more money than you.' I said, 'I'll tell you what, I'll give you a 4 to 1 I got more money in my right pocket than your net worth.' I said, 'You're a fraud, and I'm going to make sure that we get this out there.' And that was it. So we went to Congress."

It sounds like a South Side guy talking. Duffy is among the longest-serving chairmen in Chicago business, having gotten there without a wealthy background or an MBA. He grew up in Mount Greenwood, where his parents had a floral shop. He tended bar, including at She-nannigan's on Division Street, thinking of becoming a cop or firefighter.

His parents mortgaged their house so he could lease his first membership at the old Merc in 1981. He once said he paid them back in two years. On the trading floor, he made connections and earned people's trust. After serving on the exchange's board, he was named Merc chairman in 2002 and has led it through its absorption of the Board of Trade and transformative growth.

He testified before the U.S. House Agriculture Committee in May about FTX's dangers with Bankman-Fried sitting next to him. Both were clearly uncomfortable.

Duffy's written testimony was jargon but carefully laid out what he saw as deficiencies in FTX's operation compared with futures markets, which has several levels of protections against trading defaults. CME Group calls the protections its "default waterfall" on its website.

Duffy said futures trading firms hold \$173 billion to cover trading risks. FTX was proposing an algorithm that would in stages liquidate accounts depending on how prices fluctuated. "The proposal as put forth is fraught with dangers," Duffy said. He called it "risk management light" that would destabilize financial markets beyond crypto.

Since that hearing, the FTX story has gotten worse. Federal prosecutors have charged Bankman-Fried with running a brazen scheme to apply customer funds toward real estate purchases and political contributions and to cover losses at Alameda Research, a crypto hedge fund he founded. Bankman-Fried has admitted his operations lacked basic financial controls but denied an intent to defraud.

Ray, who worked on the Enron case, described the alleged fraud as years in the making.

Why do people fall for this stuff? Chalk it up to ego, lazy due diligence and that bane of money managers, the fear of missing out.

Investors and regulators should have taken to heart Duffy's clear-eyed Chicago view. Tending bar and making your mark on the old trading floors can qualify you to spot trouble ahead.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Mr. DURBIN. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. PETERS. Mr. President, I ask unanimous consent that at a time to be determined by the majority leader, in consultation with the Republican leader, the Senate proceed to executive session to consider Calendar No. 1194, Robert Harley Shriver III, of Virginia, to be Deputy Director of the Office of Personnel Management; that there be 10 minutes for debate, equally divided in the usual form, on the nomination; that upon the use or yielding back of time, the Senate vote on the nomination without intervening action or debate; that if confirmed, the motion to reconsider be considered made and laid upon the table; that the President be immediately notified of the Senate's action; and that the Senate resume legislative session.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

The Senator from Michigan.

NOMINATION OF RICHARD L. REVEZS

Mr. PETERS. Mr. President, shortly, I will ask unanimous consent to confirm Richard L. Revesz to be the Administrator of the Office of Information and Regulatory Affairs, or OIRA, within the Office of Management and Budget.

While OIRA is a small, relatively unknown office in the Federal Govern-

ment, it manages Federal rules and regulations that have very real impacts on Americans' daily lives. The decisions OIRA makes can affect everything from repairing roads and bridges to funding K-12 schools and protecting our air and drinking water.

Mr. Revesz is a nationally recognized expert in environmental and regulatory policy and is well qualified to lead OIRA. He currently serves as the AnBryce professor of law and dean emeritus at the New York University School of Law, and his scholarship has focused on regulatory policy, modernizing the regulatory process, improving cost-benefit analysis, and ensuring greater transparency and participation in the rulemaking process.

As Administrator, Mr. Revesz will be responsible for ensuring the Office provides transparency into regulatory decisions and promoting public participation in the rulemaking process.

Mr. Revesz received bipartisan support in committee and has the support of former OIRA Administrators who served under Presidents of both parties.

I urge my colleagues to join me in confirming Mr. Revesz to this important role today.

UNANIMOUS CONSENT REQUEST—EXECUTIVE CALENDAR

Mr. President, I ask unanimous consent that the Senate consider the following nomination: Calendar No. 1195, Richard L. Revesz to be Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget; that the Senate vote on the nomination without intervening action or debate; that if confirmed, the motion to reconsider be considered made and laid upon the table; and that the President be immediately notified of the Senate's action.

The ACTING PRESIDENT pro tempore. Is there objection?

The Senator from West Virginia.

Mrs. CAPITO. Mr. President, in reserving the right to object, I rise today to speak on the nomination of Richard L. Revesz to serve as Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget.

Mr. Revesz has repeatedly voiced support for the Clean Power Plan developed by the Obama administration. The Environmental Protection Agency designed that overreaching regulation to shut down the coal industry by shifting power generation away from reliable energy sources. The regulation was part of the Obama administration's War on Coal. That war devastated many communities in my State of West Virginia.

This year, the Supreme Court held it was unlawful in the landmark case of West Virginia v. EPA. Mr. Revesz submitted an amicus brief in that case to oppose West Virginia's position and argue against the interpretation of the major questions doctrine that the Supreme Court ultimately adopted.

Mr. Revesz's well-documented approach to regulation, including his sup-

port for the Clean Power Plan, demonstrates he is not the right person to get the administration's policies on a reasonable track; therefore, I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

The Senator from Michigan.

ORDER OF BUSINESS

Mr. PETERS. Mr. President, I ask unanimous consent that the Senate vote on confirmation of the Rumbaugh nomination at 12:15 p.m. today; that if confirmed, the motion to reconsider be considered made and laid upon the table; that the President be immediately notified of the Senate's action; finally, that following the vote, the Senate recess until 2:15 p.m.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

Mr. PETERS. Mr. President, for the information of Senators, in addition to the 12:15 p.m. vote, we expect a rollcall vote on going to the omnibus message at approximately 2:30 p.m. today.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Republican whip.

CONGRATULATING THE SOUTH DAKOTA STATE UNIVERSITY FOOTBALL TEAM

Mr. THUNE. Mr. President, I want to begin this morning by congratulating the South Dakota State University football team on an incredible win Saturday in Brookings, SD. I happened to be on hand for this great event.

Thanks to their great performance in Saturday's game, which included five scores in their first five possessions, the Jackrabbits are headed to the FCS National Championship for the second time in three seasons.

Saturday's win is the latest in a banner season for the Jacks, who have gone 13 and 1 and won the Missouri Valley Conference to become the No. 1 seed in the FCS playoffs.

Of course, Saturday's game would not have been possible without the men and women who worked to clear the roads around Brookings, and the volunteers and staff who cleared the field and seats after a major snowstorm last week.

When the game got underway, temperatures were in the single digits, not including the windchill. When you add in the windchill, it was well below zero.

I am grateful for the hard work of all the staff who made it possible, which allowed, by the way, literally thousands of people—thousands of Jacks fans, like me—to be there to cheer on our team. Remarkably, in spite of the conditions, there was a great crowd on hand to see this historic win.

I am looking forward to rooting for the Jacks next month when they take on the North Dakota State University Bison in the championship game in Frisco, TX, where, hopefully, it will be a little warmer than 9 degrees.

FIFTH ANNIVERSARY OF THE TAX CUTS AND JOBS ACT

Mr. President, December 22 will mark the fifth anniversary of the signing of the Tax Cuts and Jobs Act. It has been