

for democracy and human rights. They detain and harass journalists to try and prevent the truth from getting out. Foreigners and journalists working and traveling in Communist China do so at their own risk.

Just last week, Communist China began threatening to take Americans as hostages. The national security threat of Communist China cannot be taken lightly. The censorship of these human rights abuses cannot be ignored.

General Secretary Xi doesn't want us to know about the oppression occurring under his regime. For years, the Communist Government in China has tried to push its propaganda in America through state-owned media outlets while refusing to treat American journalists in China fairly. We saw this firsthand earlier this year. Chinese-backed propaganda outlets peddled China's lies about the coronavirus and endangered the lives of Americans.

In March, the Chinese Communist Party expelled more than a dozen U.S. journalists and required other outlets to submit written reports of their staff, finances, operations, and real estate in China. We cannot allow this mistreatment to continue, and we have to take action.

I am proud to sponsor the Chinese-Backed Media Accountability Act to create accountability for Communist China's censorship of free speech and failure to treat American journalists fairly. My bill prevents new visas to Chinese-backed journalists until we know exactly how many Chinese propaganda journalists are operating in the United States, and it creates reciprocity by making sure the number of Chinese-backed journalists in the United States is equal to the amount of independent American journalists allowed in China.

We have to stand up and say that this behavior by Communist China is unacceptable, and I look forward to all of my colleagues' supporting this proposal.

Mr. President, as in legislative session, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. 4797 and the Senate proceed to its immediate consideration; further, that the bill be considered read a third time and passed and the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

The Senator from Connecticut.

Mr. BLUMENTHAL. Mr. President, reserving the right to object, Senator SCOTT has sought unanimous consent for a bill that would restrict the issuance of nonimmigrant visas to Chinese journalists and a number of other steps that, frankly, are already within the President's power to do.

The bill, in many ways, is an attempt to codify authorities that the State Department already has. In that sense,

there is no reason to take legislative action. If the President wants to use this power, he can.

But I want to emphasize the point that we share the goals that are behind this measure. No. 1, the goal of increasing transparency around the pandemic has to be done so that the Chinese and other authorities around the world—states that suffer from the pandemic—make the facts known to this country and the world health authority.

We share the goal of condemning China's absolutely despicable human rights abuses, its deplorable record of subjugating human liberty, including the Uighurs, at least 1 million of whom are being held in Chinese Government-run detention centers that the President of the United States has completely ignored.

But this legislation would really do nothing to address these incredibly oppressing issues. It uses the pandemic and China's human rights abuses as a pretense for deflecting blame for the President's shameful mishandling of the COVID-19 crisis. The President's ineptitude and incompetence are widely known to the American people.

We share the goals of stopping Chinese human rights abuses, of making them more honest and accurate in what they disclose, and other goals, but to this measure, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Florida.

Mr. SCOTT of Florida. Mr. President, I am disappointed my Democratic colleague doesn't want to focus on the global impact of General Secretary Xi's censorship. I clearly don't understand why my Democratic colleagues refuse to stand up to Communist China. They have stopped every attempt to protect Americans from this threat.

Again and again, the Democrats block efforts to hold Communist China accountable and never try to work with us to come up with solutions.

They blocked my resolution to move the 2022 Olympics out of Communist China. They blocked my bill to prevent Communist China from stealing or sabotaging American COVID-19 vaccine research, even as American lives depend on the rapid development of this vaccine.

Now they are turning a blind eye to the censorship of American journalists in China. Chinese state-backed journalists in America push the propaganda of the Chinese Communist Party. It is time to wake up and understand that the oppression at the hand of General Secretary Xi and the Chinese Government Party will not stop.

This is about the safety of Americans and about freedom around the world. This is about standing up for human rights.

We must act, and passing the Chinese-Backed Media Accountability Act takes real steps to hold Communist China accountable for their failure to treat American journalists fairly.

I am not going to stop working to make sure there is reciprocity between our nations and that we understand how many Chinese propaganda journalists are operating in the United States. We must, together, do everything in our power to fight for freedom and hold Communist China and General Secretary Xi accountable, and I hope, at some point, my Democratic colleagues will join me in this fight.

I yield the floor.

The PRESIDING OFFICER (Mr. SCOTT of Florida).

The Senator from North Dakota.

NOMINATION OF AMY CONEY BARRETT

Mr. CRAMER. Mr. President, 2 years ago, I was a candidate running for this job, running against a Democratic incumbent. The top issues of the race throughout the summer were things like the sanctity of human life, and most important in the minds of the voters—at least based on our polls—were law and order. The idea that a sanctuary city, much less several of them, could exist to protect violent criminals as long as they were here illegally was an absurd notion to Dakotans. They were good issues for me as a candidate.

That all changed just a little over 2 years ago, when Senate Democrats waged an attack on President Trump's nominee to fill the vacancy that occurred by the retirement of Supreme Court Justice Kennedy. By "attack," I don't mean engage in a vigorous debate about Brett Kavanaugh's political and judicial philosophy or his background. Rather, they waged an attack on Brett Kavanaugh himself, on his character, his reputation, and his family—and not with facts but with fabrications.

My opponent, North Dakota's junior Senator, joined the smear campaign and changed the priorities of our campaign quickly from sanctuary cities to, suddenly, the Supreme Court of the United States. That happened just 2 years and a couple of weeks ago. As much as anything—as much as any reason, as much as any issue—the Supreme Court is why I am here today. I do not mean just today. I mean it is why I am a U.S. Senator.

So, when President Trump nominated Judge Amy Coney Barrett to fill the vacancy created by the death of Justice Bader Ginsburg, I knew there could be no amount of political harassment that would cause me to shrink from this obligation. The suggestion that I or my colleagues would squander this—the right and the responsibility under the Constitution—and consider waiting until after an election that may create an opportunity for someone with whom my constituents don't agree to be nominated to the Court would be a dereliction of my duty and would rightly enrage the people who sent me here for exactly this moment. I refuse to shrink.

So let's talk about the nominee, Judge Amy Coney Barrett. By all accounts, she is a brilliant jurist. I don't think anybody has really questioned

her scholarship, her intellect. Certainly, you couldn't argue as to her demeanor. She has, on national display, demonstrated a demeanor that we should probably all aspire to but, certainly, for somebody who aspires to be on the highest Court in the land. Oh, by the way, I love the fact that she was educated in middle America. With all due respect to my conservative jurist friends and acquaintances and even those I don't know from someplace other than middle America, it is awfully nice to see one get to the top.

My conversations with Judge Barrett were like, I think, everybody's. They were pleasant, and they were serious. In some cases, they were, maybe, even a little bit intense, but my conversation didn't focus on hardly any of the things I have been hearing about with relation to her nomination—in fact, none of them have I heard about in this Chamber today, and we have heard about lots of them. Mine didn't even really focus on the hot-button issues of the day. My discussions focused on my inquiry of her—about her sense and her philosophy and her thoughts on federalism. What is the appropriate role of States in this cooperative federalism—this wonderful experiment that is the United States of America? This is a system designed by the States. The Federal Government was created by the States. The Federal Government didn't create the States. No, the States created the Federal Government. It is foundational.

I, of course, like the Presiding Officer, was a State-elected official. I was never the Governor, but I was probably, in many respects, qualified in a way, today, that never occurred to me at the time, which was that I was a regulator. I was a State regulator who had been elected by the people of my State to regulate things like rates of gas and electrical utilities, to cite things like pipelines and transmission lines and powerplants and wind farms, and to oversee the Federal Communications Act and its application in North Dakota. From that perch as a State regulator for nearly 10 years, by far, the greatest problems and the greatest obstacles to doing my job were the mandates coming from Washington, DC, and its trying to impose its mediocrity on North Dakota's excellence.

So, when I came to Washington, I set out to change some of that. I wanted to try to change our bureaucracy a little bit and find somebody in this place who understood and respected the role of the States in this cooperative federalism, because what I saw and what I continue to see is a big bureaucracy that is trying to run right over—roll right over—the States of this country. I think that the overriding issue of the role of States and of federalism gets to the heart of lots of these other smaller issues, of lots of these more granular issues.

Now, whether it is the waters of the United States and what is a navigable

water—that is one of the big ones, right? The Clean Power Plan and its imposition on local and State regulation is another, and how the Federal Energy Regulatory Commission deals with grid reliability. Maybe it is something even more granular like cross-State emissions. Who knows? There are lots of them—lots and lots of them—in areas where it has really been the courts themselves. Whether it is the Supreme Court or the appellate court or the district court, it has really been the courts—the judiciary—that have been the only thing standing between an overbearing Federal Government and the rights of States.

So my discussions with Judge Barrett centered around her views on federalism. I gave her some examples, some North Dakota examples. I even laid the blame on Congress, and we deserve a lot of it, for sure. We have passed broad authorizations for the bureaucracy and then let them fill in the blanks. We have to stop doing that. We need to be more proscriptive. In the meantime, I want to be sure that we have a Supreme Court that understands the sovereignty of States.

I mean, right now, North Dakota is engaged in several pieces of litigation with our own Federal Government, and this is under Trump's Department of Justice. I just wish the lawyers at the Department of Justice would take on the bad actors in the political class with the same zeal with which they take on my State. By the way, there are much bigger things they could be taking on when they take on the political class, if they would just do it, than the little things, where they should be negotiating settlements with the State of North Dakota. I just wish they had the same zeal for that. That would be much more worthy of the title of "justice."

Yes, I am very pleased with Judge Amy Coney Barrett's philosophy and demeanor, but I was really grateful for her answers on the issue of the role of States in a cooperative Federalist system like ours. Yet, at the end of the day, judicial philosophy, intellect, and where one went to college is all just shored up by the fact that she is a person of incredible virtue—yes, a virtue that is grounded in faith. That is, after all, where most virtue comes from. In fact, I suspect that some of those virtues that used to be more universal in our country are part of why the left despises her so much.

As for me, I am just glad that she is willing to do it. I am glad that her family is willing to stand with her and do it. I am glad that she has the virtues of faith that underpin the intellect and the experience and the demeanor. In fact, perhaps, it is why she has all of those other things. For those reasons and several others, it is going to be a pleasure—it is even going to be an honor—to stay the night tomorrow night, if that is what we have to do, to cast the vote for Judge Amy Coney Barrett to become the next Associate

Justice on the Supreme Court of the United States. I urge my colleagues to do the same.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. DAINES. Mr. President, I am here to talk about my support for confirming Judge Amy Coney Barrett to the United States Supreme Court.

Judge Barrett's qualifications and her character are indisputable. I had the honor of meeting with Judge Barrett earlier this month when she said her guiding principles as a judge were in the mold of a great Justice—the late Justice Antonin Scalia. In fact, during our meeting and over the course of her hearing before the Senate Judiciary Committee, Judge Barrett demonstrated her understanding of the purpose of the U.S. Supreme Court and the proper role of a judge.

Judge Barrett believes that judges shouldn't legislate from the bench. Keep in mind that she is currently a sitting judge on the Seventh Circuit Court. She won't misuse her power as a judge to impose her policy preferences, and she won't twist the original and the true meaning of the Constitution to advance a political agenda of any kind. Judge Barrett will uphold our cherished constitutional rights, including the Second Amendment.

I have an A-plus rating from the National Rifle Association and the Montana Shooting Sports Association. I firmly believe that a correct understanding—a profound understanding—of the Second Amendment is essential. In the discussions I had with Judge Barrett, she confirmed she has that understanding. Judge Barrett's strong support of the Second Amendment can give every law-abiding Montanan who owns a firearm the full confidence that she will never allow the government to take away our guns. She understands what "shall not infringe" truly means.

I believe Judge Barrett will stop Congress in its tracks when it exceeds its limited constitutional powers. For decades, Congress has imposed policies that this body has had no authority in creating in the first place. Judge Barrett will ensure that Congress stays within its limited constitutional powers while returning powers to the States and back to the people. She will defend the Constitution. She will protect our Montana way of life, including our Montana jobs. Judge Barrett will not bend to the radical fringe groups that are looking to kill Montana timber and coal jobs. She will be a fair-minded Justice whom Montanans will be proud of.

Yet some on the far left not only oppose Amy Coney Barrett's confirmation but have also said they are open to packing the Supreme Court with liberal judges. Let me just define what "packing" means. That means increasing the number of Justices on the Supreme Court from 9, which has been the case for 151 years, to 11 or 13 or more, perhaps. That will be an attack on our

Montana way of life. I stand with Montanans in strongly opposing this dangerous power-grab proposal. With Judge Barrett on the Supreme Court, the age of activist Justices rewriting the laws to accomplish their own policy agendas will be gone.

She is a mother of seven children—five biologically and two adopted Haitian children. We will have a Supreme Court Justice whom we can also call a minivan mom. Judge Barrett is an inspiration to professional women, to working moms, and to school-aged girls across Montana who can feel certain there is no American dream that women cannot achieve.

Just last week, I met with several northwest Montana businesswomen leaders in Kalispell to talk about their support for Judge Barrett's confirmation. These Montana businesswomen shared their views of Judge Barrett as a mentor, a role model, a wife, a mother, a brilliant jurist, and a great leader.

I would also like to take a moment to congratulate and thank President Trump for nominating such outstanding and well-qualified individuals to the U.S. Supreme Court. With Judge Barrett's confirmation, we will take another major step toward restoring the Founding Fathers' vision for the Supreme Court and the separation of powers they brilliantly created.

As a U.S. Senator from Montana, supporting Judge Barrett's confirmation to the Supreme Court is an easy call. She is someone whom Montanans can be proud of and whom Montanans can look up to on the Court.

I urge all of my colleagues on both sides of the aisle to support Judge Amy Coney Barrett's confirmation to the U.S. Supreme Court.

UNANIMOUS CONSENT REQUEST—S. RES. 758

Mr. President, I rise today to speak about an effort that, frankly, I never envisioned I would have to, something that is so beyond radical, and that is packing the U.S. Supreme Court.

This plan, hatched by a Democratic President in 1937, was so radical then that it was soundly defeated here in the U.S. Senate—a Senate, I might add, in which 76 of the 96 Members were Democrats.

This was a plan that was so hostile to institutional principles that the Senate Judiciary Committee in 1937 said that it was “a measure which should be so emphatically rejected that its parallel will never again be presented to the free representatives of the free people of America.”

In fact, as recently as 2019, the brilliant late Justice Ruth Bader Ginsburg stated: “I think it was a bad idea when President Franklin Roosevelt tried to pack the court . . . and if anything would make the court look partisan, it would be that.”

Well, today we find ourselves in the same spot, and the reason why is simple: The Democratic Party still does not accept the legitimacy of President Trump or his highly qualified judicial nominees.

Don't forget it was just earlier this year that the Democratic leader, Senator SCHUMER, stood in front of the Supreme Court and openly threatened President Trump's two Supreme Court picks if they didn't vote the way he wanted by saying, “I want to tell you, Gorsuch, I want to tell you, Kavanaugh: You have released the whirlwind and you will pay the price. You won't know what hit you if you go forward with these awful decisions.” That is disturbing—disturbing, indeed.

Let's be clear. This is nothing more than an attempt at a partisan power grab by Democrats. You see, packing the Supreme Court by moving from the current 9 Justices to 11 or 13 would essentially eliminate the Supreme Court from being a check and a balance on Congress and the executive branch, paving the way for a radical, far-left agenda put forth by CHUCK SCHUMER and the Democrats if they get the majority.

Packing the Supreme Court is a direct attack on our Montana way of life. Packing the Supreme Court with activist, liberal Justices will help the far-left radicals strip away our Second Amendment rights, destroy good-paying energy and natural resource jobs, and cripple the Montana and American economy by blocking forest management and energy projects.

For us in Montana, we know exactly what it means to have an activist, liberal judge on the bench. Look no further than Judge Brian Morris of Montana. Judge Morris has done everything in his power to try to kill Montana's energy jobs. In fact, he specifically blocked the Keystone XL Pipeline. This project would create thousands of jobs and generate tens of millions of tax dollars every year for Montana schools and Montana communities.

Packing the Supreme Court will also erode a major principle of our Constitution; that is, the separation of powers into three coequal branches of government. Packing the Supreme Court would simply make the Court an extension of the legislative branch. It is the independence of the judiciary that is essential to check and balance both the executive and legislative branches. Packing the Court would simply turn the U.S. Supreme Court into an extension of whatever political party happens to control the White House and the Senate.

Here is how it would work: Whichever President is in power, if they have the same party in power in the Senate, they could keep escalating the number of Justices. It would go from 11 to 13 to 15 to 17. It would absolutely spin out of control, and our Founding Fathers would be rolling over in their graves. The packed Court would simply turn the Supreme Court into an extension of whichever political party happens to control the White House and the Senate.

So I am here today to call out the shameful partisan attack on our judi-

ary, and I hope the rest of my colleagues will join me in passing this resolution that calls for the Supreme Court to simply remain as it has been for 151 years at nine Justices. That is all it says—we are going to keep the Supreme Court at nine Justices.

As if in legislative session, I ask unanimous consent that the Senate proceed to consideration of S. Res. 758, submitted earlier today. Further, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. WHITEHOUSE. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Reserving the right to object, I would open with the observation that—well, let me start by saying that in one of the great plays in our language, the opening began with the observation that “something is rotten in the state of Denmark.”

There is increasing evidence that something is rotten across that lawn and across First Street at the U.S. Supreme Court. What is the evidence of that? Well, the first thing I would suggest is the amount of anonymous dark money influencers swirling around the Court.

I have spent a good deal of my professional life around appellate courts. I have never seen—nor does the history of the Supreme Court evidence—anything like what is taking place right now with dark money influencers swirling like eels around that Court.

How do they do it? Well, they are involved in the selection process through a group called the Federalist Society, which takes large, anonymous, dark-money contributions and controls the selection of judges. How do we know it controls the selection of judges? Donald Trump has said so.

The Wall Street Journal has said this was a subcontracting operation—a subcontracting operation—and it worked. It is not a good thing when the selection of our Supreme Court is subcontracted out to a private group that then takes multimillion-dollar anonymous donations. It shouldn't be hard for Members to understand that is a dangerous set of facts.

Then you go on to the campaigns for those selected nominees, and you see more anonymous donors writing checks for as much as \$17 million. I can't write a check for \$17 million. I don't know anybody here who can. The number of donors who can write a check for \$17 million is very small, and the number who would want to is even smaller. That is another avenue of influence.

Last, you have law groups appearing before the U.S. Supreme Court, also anonymously funded. Some have gone out to find a plaintiff of convenience to

bring strategic litigation before the Court. Some appear as what they call amici curiae, friends of the Court. Some swap back and forth in the same series of cases; they exchange positions as the litigant group and a friend of the Court. But what they share is that they are funded by the same groups, and they don't disclose that to the Court in their filings. So it raises the proposition that this isn't just dark-money eels swirling around the Court, but these are, in fact, tentacles of a common operation.

It is particularly surprising that the Senator from Montana would not have concern about this because the State of Montana has been so strongly concerned about dark-money influence for so long. Indeed, it was a State of Montana case that went to the Supreme Court under, I guess, Attorney General Bullock at the time, where Senator McCain and I wrote a bipartisan brief warning of the dangers of all of this money.

So that is the first thing—dark-money influencers swirling around the Court in a way that is unprecedented, in my view, in judicial history.

The second is a pattern of decisions that has emerged out of that Court. Under Chief Justice Roberts, there have been 80 decisions that had these characteristics: One, they were decided 5 to 4—a bare majority. Courts usually strive to build stronger majorities because that strengthens the institution. Eighty cases, bare 5-to-4 majorities—by the way, bare partisan 5-to-4 majorities—and in every case, an identifiable Republican donor interest at stake that won—a pattern of 80 to 0.

Last, you have the behavior taking place politically around these nominations and how peculiar that behavior is.

Here is Senator DAINES talking about the effort to appoint Judge Garland to the Supreme Court. He said, "I don't think it's right." The Senator put it in terms of right and wrong. And he said, "I don't think it's right to bring a nominee forward in an election year." He said, "The American people have already begun voting . . . and their voice should be reflected in what we do going forward."

The very next occasion, the very next election in which the same set of circumstances presented itself, he and virtually everyone on the Republican side completely reversed their position about what is right in this matter. When you see reversals of position like that, that is a signal to me that there is something more going on.

So whether it is all the dark money, whether it is the peculiar pattern of decisions, or whether it is the unexplainable behavior of Members, it sends a pretty strong signal that something is, in fact, rotten in and around that Court.

I believe that every one of us should agree that we are entitled as Americans to a court that is not a pantomime court that goes through the rou-

tine, the ritual of adjudication, while making sure that a small group of special interests actually wins the case at the end of the day. Nobody should be interested in a court that operates that way.

We don't know how bad the situation is because it is dark money, because it is still hidden, and until we figure it out, under the rule that it is premature to rule out remedies until you have a complete diagnosis, I will object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Montana.

Mr. DAINES. I appreciate the Senator from Rhode Island bringing up dark money spent in our elections.

We all agree that dark-money spending has gotten out of control; however, the Senator from Rhode Island gives me an opportunity to point out the blatant hypocrisy from those in the Democratic Party on this very issue.

I know I speak for probably every Montanan, if not most, when I say that we are tired of being bombarded with never-ending television, digital, radio, mail pieces, and most of it is from dark-money organizations. And where do you think much of this dark money is coming from? It is from groups aligned with the minority leader and the Democrats. In fact, according to a September 2020 report by OpenSecrets, which tracks political spending, two dark-money groups aligned with the Democratic Senate leadership have spent more than \$44 million on political TV ads—more than any other outside group on television ads during the 2020 election cycle.

Let me say that again. These are two dark money groups aligned with Democratic Senate leadership that have spent more than any other outside group on television ads during the 2020 election cycle. Yet neither group has reported any spending to the FEC at all—zero.

You may ask yourself why the minority leader and his dark money allies are dumping so much money into races across our country, including Montana. The reason for that is the minority leader wants to be the majority leader and take control of the U.S. Senate. He wants to change the rules, destroy 151 years of precedent, and pack the Supreme Court with activist, liberal judges who will strip away our rights and our freedom.

Packing the Court is a direct attack on our Montana way of life. That is why, more than ever, my Court packing resolution is so important. It just says: Let's keep it at nine.

It is not that complicated. We cannot let this Court packing occur.

So while the Democrats continue to decry dark money—until it benefits their campaigns, of course—we must all take a stand in ensuring that our Montana way of life is protected.

For those reasons, I object.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. I just want to make sure that the record of the Sen-

ate is clear here. Democrats don't just decry dark money spending; Democrats have, over and over again, sought to end it. I know this because I was the floor leader on the DISCLOSE Act when we brought it right here in the Senate, and we came within one vote of getting rid of dark money. Every Democrat voted for that measure. Every Democrat voted to get rid of this scourge of dark money. Every Republican voted to protect it.

So, yes, do Democrats use dark money? We are playing by your rules. We are playing by Republican rules. We could have brought up the DISCLOSE Act again because it was the first order of business the House passed in H.R. 1, but the Senate majority leader didn't want that bill to get a vote.

So it is a little bit rich to hear a litany of woes about dark money from the party that is responsible for dark money happening. We could have gotten rid of it if we had passed my DISCLOSE Act. We could have gotten rid of it if we had passed H.R. 1. We did none of the above.

So if I may, I would like to ask that a resolution be passed.

UNANIMOUS CONSENT REQUEST—S. RES. 59

Mr. President, as in legislative session, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 59, submitted earlier today; further, that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

If I may, just briefly, before the Presiding Officer calls for objections, just describe the resolution, which expresses the sense of the Senate that dark money undermines the integrity of the judicial system and damages the perception that all people receive equal justice under law; that dark money organizations funded by anonymous donors are now playing an outsized role in the selection of judges and Justices of the Supreme Court of the United States and have spent millions of anonymous dollars on advertising campaigns supporting those selections; that the people of the United States have no idea who is funding these campaigns and what business those funders might have before the Court; that the Federalist Society and the Judicial Crisis Network and other groups have been a part of this and they are heavily dark money funded in this role; that then-Candidate Trump said of his judicial selections that they would "be hand-picked by the Federalist Society"; that his White House counsel boasted that the Federalist Society had been "in-sourced"; that the Washington Post reported that Leonard Leo, then of the Federalist Society, helped raise \$250 million from mostly anonymous donors into this effort—and I will leave the rest of the details to interested readers who want to pursue it.

But I would say to Senator DAINES' umbrage about dark money in Montana campaigns, if there is anything worse

than dark money in political campaigns, it is dark money around courts, and that is the problem we face right now, and that is what requires looking into.

The PRESIDING OFFICER. Is there objection?

The Senator from Montana.

Mr. DAINES. Mr. President, reserving the right to object, I have already made my remarks about the hypocrisy on this issue of dark money.

I think it is also worth pointing out that it was a very different situation in 2016, when Merrick Garland was nominated by President Obama. In every White House controlled by one party and the U.S. Senate by another, the President of the Senate, going back to 1888—in an election year when both the Senate and the Presidency are controlled by the same party, you move forward; when not, you don't.

That is exactly what we did. We had an election in 2016. President Trump won, and here we are in 2020 with Republicans controlling the Senate, and the White House began to move forward.

So with that, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, I would just add, that was not what Senator DAINES or anybody else on the Republican side said at the time. I was here at the time, and what was said at the time, particularly by Senator DAINES is "I don't think it's right to bring a nominee forward in an election year"—not when the party's control is split in one way or another. "I don't think it's right to bring a nominee forward in an election year" because the American people should have their voice "reflected."

That has not changed. This new emphasis on the party difference is fundamentally the rule of "because we can." If that is going to be the rule, if that is the rule that Republicans are prepared to adopt here—that what matters around here isn't precedent, isn't principle, isn't what is right, but is just because we can—then please don't feign surprise in the months and years ahead if we on the Democratic side follow that same rule that you are saying is the way to proceed today.

In the same way that it is at least ironic for Republicans to stand here complaining about dark money when it was the Republican Party that protected dark money here on the Senate floor, it will be equally ironic if the party should turn around later on and Democrats seek to use the measure of "because we can," and you raise objections. You are basically here on the Senate floor forfeiting your right to make those objections in the way you are behaving on this nomination.

With that, I will yield the floor to Senator SCOTT.

The PRESIDING OFFICER (Mr. DAINES). The Senator from Florida.

Mr. SCOTT of Florida. Mr. President, I yield back.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, given the time, I will reserve the other unanimous consents I have. I understand that we are going to close, and we are close to that time. So I appreciate Senator SCOTT's coming to the floor to respond to those, but I yield back.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, I will shortly ask to have a quorum call by noting the absence of a quorum, but before I do that, I wanted to point out just one issue of vocabulary, if you will, which is that the definition of "court packing" has actually two operative definitions on the Senate floor: One is to expand the number of judges; the other is to take advantage of existing vacancies and try to use them to change the balance of the courts and to put in judges who are predisposed to certain rulings.

That is, in fact, the meaning that Senator MCCONNELL gave to that term when he said that President Obama was seeking "to pack the D.C. Circuit with appointees" when he was filling vacancies; that Senator CORNYN used when he said President Obama wanted to "pack the D.C. Circuit"; what Senator GRASSLEY used when he announced President Obama's "efforts to pack" the D.C. Circuit; and when Senator LEE of Utah accused President Obama of trying to "pack the D.C. Circuit with unneeded judges simply in order to advance a partisan agenda."

So when we describe all that has taken place across the last three nominations—all the procedural abnormalities, all the peculiarities of funding, all the odd political behavior on the other side, the 180-degree, tire-squealing reversals, all of that, we are actually following the vocabulary that you all used about the D.C. Circuit, just to be clear on that point.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

MORNING BUSINESS

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DAINES:

S. Res. 758. A resolution expressing the sense of the Senate that the number of justices of the Supreme Court of the United States should remain at 9; to the Committee on the Judiciary.

By Mr. WHITEHOUSE:

S. Res. 759. A resolution expressing the sense of the Senate that dark money under-

mines the integrity of the judicial system and damages the perception that all people receive equal justice under law; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 3103

At the request of Mr. DURBIN, the name of the Senator from South Dakota (Mr. ROUNDS) was added as a cosponsor of S. 3103, a bill to amend title XVIII of the Social Security Act to restore State authority to waive for certain facilities the 35-mile rule for designating critical access hospitals under the Medicare program.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 758—EXPRESSING THE SENSE OF THE SENATE THAT THE NUMBER OF JUSTICES OF THE SUPREME COURT OF THE UNITED STATES SHOULD REMAIN AT 9

Mr. DAINES submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 758

Whereas the Act entitled An Act to amend the judicial system of the United States, approved April 10, 1869 (commonly known as the "Judiciary Act of 1869") (16 Stat. 44; chapter 22), states that "the Supreme Court of the United States shall hereafter consist of the Chief Justice of the United States and eight associate justices";

Where the Supreme Court of the United States has consisted of a Chief Justice and 8 associate Justices for 151 years;

Whereas previous attempts to increase the number of justices on the Supreme Court of the United States have been rejected and widely condemned by individuals of both political parties;

Whereas, in 1937, when former President Franklin Delano Roosevelt proposed the Judicial Procedures Reform Bill of 1937, a bill that sought to expand the number of justices on the Supreme Court of the United States from 9 justices to 15 Justices, he was harshly criticized by both parties and his own Vice President, John Nance Garner;

Whereas, the 1937 Senate Judiciary Committee report, in response to the Court-packing plan by President Roosevelt, decried the plan as "a needless, futile, and utterly dangerous abandonment of constitutional principle", that "[i]ts ultimate operation would be to make this government one of men rather than one of law" and that it was "a measure, which should be so emphatically rejected that its parallel will never again be presented to the free representatives of the free people of America";

Whereas, during the Trump Administration, Democrats have refused to recognize the legitimacy of nominations made by President Trump to the Supreme Court of the United States and have advocated for packing the Court with additional justices appointed by a future Democrat president;

Whereas, in 1983 during a Senate Judiciary Committee hearing, then-Senator Joe Biden noted that Court packing was a "bonehead idea" and "a terrible, terrible mistake" that "put in question for an entire decade the independence of the most significant body—including the Congress, in my view—the most significant body in this country, the