

the world to try to reduce the advance of nuclear arms and the threat of nuclear war. Her nomination is based on the fact that she is an experienced diplomat with talent and skills that are desperately needed in this very involved, difficult, and important negotiation. She has already served with distinction in several high-profile positions with the Foreign Service. She was the Ambassador to Turkmenistan, the Deputy Chief of Mission to the United Nations, and the Deputy Commandant at the National War College.

She was reported out of the Senate Foreign Relations Committee 2 months ago. What is holding her up? Yesterday, the majority leader asked that Laura Kennedy, the nominee to be the Representative to the Conference on Disarmament, be approved by the Senate, and the Senator from Alabama, Mr. SHELBY, said: I object. Well, I think Senator SHELBY owes it to all of us to come and tell us why. What is it he objects to about Laura Kennedy? Does he feel she is not qualified? If he does, let's hear why, and then let's bring it to a vote of the Senate. Is that not fair?

Then there is Caryn Wagner, the nominee for Under Secretary for Intelligence and Analysis of the Department of Homeland Security. Do we need someone to deal with intelligence in this time of the threat of terrorism? Do we need someone like that at the Department of Homeland Security? We need them yesterday; we do not need them tomorrow. The Under Secretary for Intelligence and Analysis is considered the chief intelligence officer of the Department of Homeland Security. The Under Secretary has to bring together all of these different agencies and branches of government to make sure they coordinate their efforts.

We know what happened last Christmas. There was not enough done. It was not done in a timely way to deal with this man who threatened the lives of those who were on that airline destined for Detroit.

Caryn Wagner is highly qualified to meet the demands of this position. She was the senior Defense Intelligence Agency representative to the U.S. European Command and to NATO. She is an instructor at the Intelligence and Security Academy. She retired from the House Permanent Select Committee on Intelligence in October of 2008, where she served as budget director and cyber-security coordinator. Before that, she served as Assistant Deputy Director of National Intelligence. Her experience also includes serving as a signals intelligence and electronic warfare officer in the U.S. Army. That is a pretty strong resume, isn't it. She is a person you would want in this job immediately. Why in the world would we risk an attack on the United States by withholding critical personnel and critical leadership when it comes to gathering intelligence in the Department of Homeland Security?

Yesterday, the majority leader asked for consent to have the Senate move

her nomination forward. The Senator from Alabama, Mr. SHELBY, objected. I would like to ask the Senator, what does he know about Caryn Wagner that would lead him to object to her serving the United States of America and trying to keep us safe? If he knows something, the next half hour on the floor of the Senate is available to the Republican side. I invite him or the leadership to come forward and tell us what is wrong with this nominee. Why are you holding up this nominee?

Then, of course, there is Phillip Goldberg, the nominee for Assistant Secretary of State for Intelligence and Research. This man has served as our Ambassador to Bolivia, Chief of Mission in Kosovo, and Deputy Chief of Mission in Chile, under Republican and Democratic Presidents as well. He is the coordinator of the U.N. Security Council resolution monitoring the implementation of resolutions on North Korea.

He would be head of the Bureau of Intelligence Research at the Department of State. A big part of their responsibility is to make sure our foreign policy is based on good intelligence gathering around the world to keep America safe and secure. For over 60 years, this branch of our government has led the State Department review of sensitive counterintelligence and law enforcement activities. In 2004, the Senate Select Committee on Intelligence revealed that this agency was one of the few dissenting votes 2 years earlier when the CIA and other intelligence shops overstated the threat of Saddam Hussein in Iraq. This agency got it right. Although its primary customer is the State Department, this agency serves many other branches of government. The confirmation of Philip Goldberg would provide essential leadership.

Yesterday, the majority leader came to the floor and asked unanimous consent for Phillip Goldberg to serve in the Department of State to gather intelligence to keep America safe. He asked consent that we move to his nomination, a nomination with no controversy. The Senator from Alabama, Mr. SHELBY, objected. Please, I ask my colleagues on the Republican side of the aisle, come to the floor and explain to us what is wrong with Philip Goldberg. What disqualifies him for this position in this administration? Make your best case, if you have one, against him or any one of these nominees, and then, out of a sense of fairness and at least a sense of giving this country and this President the people he needs on a team he needs to keep us safe, let's come to a vote immediately on these four nominees.

I do not hold out a lot of hope that any Republican will come to the floor with objections against any one of those people because, you see, these objections are sometimes based on some grudge, some project, something else. I do not assign that to the Senator from Alabama. I have no idea why he objected. But if he has a substantive ob-

jection to any or all of these four people, he should come forward and tell us. He owes it to the Senate. He owes it to the American people. In fairness, he owes it to these four people who have served our country well and want to continue to do so. They should not be left in this uncertainty.

FAIR ELECTIONS NOW ACT

Mr. DURBIN. Mr. President, when I leave the Chamber, I will be headed to the Senate Rules Committee on which I serve for a hearing to discuss the Supreme Court case that was decided a few days back that is going to make a dramatic difference in the way political campaigns are waged.

For 100 years, since the days of Teddy Roosevelt, we have agreed to keep major businesses, big corporations out of our American political scene. They get involved, make no mistake. We saw that on health care reform. The major forces for and against it in the private sector bought ads. But when it comes to candidates, actual people running for Federal office, we have said: No corporate contributions to these candidates; individuals, yes, who work for the corporations, but not the corporations themselves that have millions of dollars they can funnel into campaigns. That was the law for 100 years.

Then the Supreme Court took up this case and, as a result, it is all going to change. When I saw the final decision, I noticed that Chief Justice Roberts and Justice Alito had joined with Justice Kennedy and Justice Thomas and Justice Scalia for the five-vote majority on the Court. I couldn't help but remember not that long ago when Chief Justice Roberts appeared before the Judiciary Committee. I was there. He was asked: What is your role on the Supreme Court going to be as Chief Justice? He said: I am just there to call the balls and strikes. That is it. I am not there to make up the rules of the game. That is for somebody else.

For 100 years, it was pretty clear that when major corporations wanted to participate in supporting directly the candidacies of Federal candidates, the ball went right down the middle, and it was clearly a strike. We said: You are out. But not this Supreme Court, not under this Chief Justice. This is clear judicial activism.

I challenge any of Chief Justice Roberts' supporters on the other side of the aisle who preach to us over and over again about their loathing for judicial activism to explain what happened in this case, when this Supreme Court overturned that prohibition against corporations being directly involved in candidates' campaigns.

Most people who haven't been in this world are probably scratching their heads and asking: What difference does it make? You folks spend millions of dollars anyway. What is a couple million more going to do?

What it basically means is that when corporation X comes to the office of a

Senator and says: We have an important tax matter coming up here and for our corporation; we would appreciate if you would vote against this new tax on our business. Now Senators can take a look at it and say: Well, I may vote for it; I may vote against it. I know perhaps the officers at the corporation, maybe its employees, may be upset if I vote for the tax. I have to make up my mind.

Now there is a new element. Because of this Supreme Court decision, corporation X can say: We would appreciate if you would vote against that tax. And you will know in the back of your mind they can literally spend \$1 million to defeat you in the next election, thanks to the Supreme Court.

How do we fix this? This morning the Rules Committee will talk about disclosure, making sure that corporations are well known when they buy these ads so at least the American people know who is paying for them, and some other aspects to regulate the Supreme Court decision within the bounds of what the Supreme Court said we can do. But I think it goes to a larger question.

Some of my colleagues in the Senate have said all along that what I am about to describe is too far in the future, not within our grasp. I think it is time for us to seriously consider public financing of campaigns. I think we ought to start drawing a bright line between those who will accept public financing and limited contributions from individuals and those who are ready to go out into this wild west of corporate politics, special-interest politics, big-money politics.

I introduced a bill a few years back, the Fair Elections Now Act. As a matter of fact, the current President, when he was then Senator Obama, was a cosponsor. What we are basically trying to do is to follow the lead of major States that have voted for campaign finance reform. When States such as Arizona took this issue to the voters of their State and asked: Do you want to clean up elections; do you want to have fair elections, public-financed elections, the voters said: Yes. Get the lobbyists and special interests out of this mess. Let's try to make this directly candidates to the voters and take the special interest groups out.

This bill would do that. What it basically says is that to qualify for public financing, you go out and raise small contributions, \$100 maximum contributions, and put those together in a sufficient amount to show you are a viable candidate, and then you qualify for public financing—in the primary, then again in the general—based on the population of your State. Will you have as much money as a big corporation? No. But here is my theory. My theory is, if a candidate goes for public financing, they will have enough money to get out their message, introduce themselves to the voters, make the issues, and clarify if some major corporation is going to come in and try to steam-

roll them. That is the best we can hope for, but it may be all we need.

My State of Illinois is, with one possible exception, notoriously suspect of big-money candidates who come in and spend millions to get elected. They waste a lot of their personal wealth and they don't win, with one possible exception. I think there is a skepticism to big money.

Public financing is a way to clean up our political campaigns, to have candidates in the constituent business rather than the campaign financing business. If you could sit down with Members of the Senate and say a few words to them, they will know instantly what you are talking about: Power hour, dialing for dollars, weekends on the road. We all know what it is about. It is about the incessant money chase that is necessary to raise money to finance campaigns under the current system.

It is time away from our States, away from our families. It is time away from meeting voters who don't happen to be rich, who deserve representation and a voice in the process. That is unfortunate. It should change. What we are trying to do now is to bring in public financing with the Fair Elections Now Act.

How would we pay for it? We would impose a tax on corporations doing business with the Federal Government. It wouldn't be onerous, but it would be enough to fund public financing of all campaigns for the House and the Senate. I don't think that is unreasonable.

We would also provide discounts on time that candidates would buy on television and radio so they wouldn't have to pay as much as the most expensive time that is sold.

What do people think of this idea? It turns out it is one of the few things people agree with on a bipartisan basis: 69 percent of Democrats, 72 percent of Republicans, and 60 percent of Independents support this proposal when we describe it to them. It is supported by a lot of government groups, many former Members of Congress, some business leaders, and even some lobbyists. Recently a letter was sent to the Senate, a general letter from major corporations across America saying: Please, leave us alone. We are sick and tired of being asked to find excuses to give you money. Do it some other way. Clean up this mess in Washington.

The Fair Elections Now bill I have introduced will do that. I encourage my colleagues to take a look at it and to try to imagine a world where we didn't have to go scrambling looking for money. Imagine a world where you walked down the streets of your hometown and when you are in an election cycle, people don't rush to the other side of the street for fear you will ask for another check. Think about what life would be like if we were talking about small contributions creating the base of grassroots support for candidates, both challengers and incumbents. That is a reality of our future, if

we have the courage to step up and do it.

This decision by the Supreme Court should be the reason, should be the catalyst for making this reform decision now. I urge my colleagues to consider cosponsorship of Fair Elections Now. We are anxious to get as many Senators on board as possible. We hope it can be moved in this session of the Senate.

How much time remains on this side? The ACTING PRESIDENT pro tempore. There is 9 minutes 45 seconds.

Mr. DURBIN. I reserve the remainder of my time and suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

Mr. UDALL of New Mexico. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HARKIN). Without objection, it is so ordered.

Mr. UDALL of New Mexico. Mr. President, I ask unanimous consent that I be allowed to speak for as much time as I may consume in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator is recognized to speak as in morning business.

CITIZENS UNITED V. FEDERAL ELECTION COMMISSION

Mr. UDALL of New Mexico. Mr. President, Chairman SCHUMER started hearings this morning in the Rules Committee on the Supreme Court decision, *Citizens United v. FEC*. This Supreme Court decision completely changes the campaign finance landscape.

Fifty years ago when my father Stewart Udall and my Uncle Mo were in office, money had minimal impact on the electoral and political system. It was about connecting with people and the marketplace of ideas. Right now it is just as much about the biggest checkbooks, if not more so, than it is about the best ideas.

Unfortunately, we are about to see a lot more big checkbooks in the election process. Last month's Supreme Court decision in *Citizens United v. FEC* was a victory for the special interests at the expense of the average American. We have seen firsthand the impact special interests such as big oil and big banks and health insurance companies have had on the legislative process. Now, with this decision, already powerful corporations and labor unions will be able to further open their bank accounts, further drowning out the voices of everyday Americans in the political process.

Members of both Chambers and the administration are working on legislation to address the *Citizens United* decision. I commend their efforts, but I