

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

believe a comprehensive overhaul of the campaign finance system is necessary in order to restore public faith in our elections. What we are seeing here today is large special interests supplanting the voices of everyday Americans in the political process.

The Supreme Court has shown its willingness to rule broadly and ignore longstanding precedent when it is reviewing the constitutionality of campaign finance laws. The best long-term solution is a constitutional amendment that would prevent the Court from overturning sensible campaign finance regulations. I would welcome the opportunity to join my colleagues in introducing such an amendment.

While I believe a constitutional amendment is the ideal solution, I also think comprehensive reform legislation is a step in the right direction. As a Member of the House for 10 years, I joined Representative DAVE OBEY as an original cosponsor of the Let the People Decide Clean Campaign Act, a bill that would fundamentally change how House elections are conducted. Mr. OBEY reintroduced this bill in this Congress, and I intend to introduce a companion bill in the Senate in the coming weeks. The act does not attempt to fine-tune the existing congressional campaign finance system or tweak around the edges; rather, it makes fundamental, wholesale changes to fundraising by candidates, regulations of outside groups, and the role of political parties. It contains a finding that America's faith in the election system has been fundamentally corrupted by big money from outside interest groups. It establishes a system of voluntary contributions to provide public financing in campaigns for House candidates in general elections. It provides more funds than the current system for the vast majority of challengers to mount their campaigns. And it empowers voters with the knowledge that their vote affects the outcome of the current election and also affects the amount of funds distributed to nominees in future elections. It bans all independent expenditures so that only the candidate is responsible for his or her message. It provides for expedited consideration of a constitutional amendment allowing these changes if the Supreme Court rejects the plan, and it provides a process by which third-party candidates can also participate in the system.

Money can have a corrosive effect on the political process. We have seen evidence of that in campaigns at all levels of government. We have long needed substantive campaign finance reform, and it is my hope that the High Court's disappointing decision will provide the push we need to put elections back in the hands of average Americans and not the special interests who can use their unlimited bank accounts to railroad the process to their preferred conclusion.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. UDALL of New Mexico). Without objection, it is so ordered.

Mr. HARKIN. Mr. President, I ask the Parliamentarian, what is the business before the Senate at this time?

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

NOMINATION OF M. PATRICIA SMITH TO BE SOLICITOR FOR THE DEPARTMENT OF LABOR

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

The assistant legislative clerk read the nomination of M. Patricia Smith, of New York, to be Solicitor for the Department of Labor.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. HARKIN. Mr. President, for the benefit of those who are tuned in on C-SPAN in their offices, what we are now in is what is called postcloture on the nomination of Patricia Smith to serve as Solicitor of Labor. This is a nominee who came before our committee almost a year ago, in April. It has been held up and held up.

Yesterday, the Senate voted cloture because it was being filibustered—yet another filibuster by our Republican friends. So we had a vote last night, and cloture was invoked by 60 votes. Now we are in the period of what they call postcloture, 30 hours of postcloture. We will have a final vote up or down for Patricia Smith to be Solicitor of Labor. If she got 60 votes last night on cloture, it is obvious she certainly has more than 51 votes to take the position as Solicitor of Labor.

That is where we are. We are in this 30 hours. Again, it raises the question in my mind, why are we chewing up 30 hours? We know the votes are there. We voted on cloture last night. Yet our colleagues on the Republican side are insisting that we just chew up time. For what purpose? We have the lights going, the heat is on, all our staffs are here, and no one else is on the floor. So why do we run this 30 hours and waste taxpayers' money and waste all this time when we know what the vote is going to be?

We have been through all this. Patricia Smith has had her hearings. I thought we had a pretty good debate yesterday. Republicans laid out their

side, we laid out our side, we had the vote, and now it is time to move ahead, have the final vote, and get this person to work down at the Department of Labor.

Again, I say for the benefit of those watching, here we are in another one of these filibusters. We stopped the filibuster, and now we are in this 30 hours afterward which we do not really need. Everything to say about Patricia Smith has basically been said. The record has been made. She appeared before the committee. She answered questions. The record is there. There is nothing you can do. It is going to come out. Everything is there, and all of our Senators know that.

But the rules are the rules, and the Republicans have the right to invoke the rules. Evidently, they have invoked the rule to chew up 30 hours. It is a shame we have to waste our time like this. As long as we are chewing up the time and Republicans are insisting that we keep the lights on and the heat on and keep everybody around for 30 hours, I would like to make some more remarks on behalf of Patricia Smith and where we find ourselves.

As I said, I am very grateful to our colleagues for the vote last night to end debate and invoke cloture. We have devoted very ample time to our deliberations on Patricia Smith. It is now time to act.

There is no question, when you look at the record and the facts, that Patricia Smith is abundantly qualified to serve as Solicitor of Labor. She has an impressive background in labor law and a demonstrated record of achievement in the State of New York. More important, she clearly has a deep and passionate commitment to help American workers. I can think of no better qualification for this critical position.

There is also no question that Commissioner Smith—and I use the words "Commissioner Smith" because she is presently the commissioner of labor for the State of New York—there is no question that Commissioner Smith has undergone a very thorough vetting process. As I said, the nomination has been before us since last April. She has testified in open hearing. She has answered more than 50 written questions. She has met with any Senator who wanted to meet her. Her nomination was debated extensively in our committee, frankly. It has now been debated on the Senate floor—a step that in previous Congresses was often reserved for judges who get lifetime appointments or for Cabinet-level nominees, not for someone who is going to be Solicitor in the Department of Labor. It is time to bring the discussion to an end and let Commissioner Smith get to the Department of Labor and start doing her job.

I listened very carefully to the arguments raised by my Republican colleagues yesterday against Commissioner Smith's nomination. While I think we could spend quite a while debating about which e-mails she was