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Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable CARTE P. GOODWIN, a Senator from the State of West Virginia.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Lord, this is the day that You have made, and we will rejoice and be glad in it. Thank You for the beauty of the Earth and the glory of the skies. Thank You for the love which from our birth over and around us lies.

Be near today to our Senators. Infuse them with reverence for You. May their lives be adorned with civility, integrity, humility, and faithfulness. May a spirit of respect and forbearance characterize all they do and say, as they hunger for Your truth and thirst for Your righteousness. Lord, distill upon them the dews of quietness and confidence that in simple trust and deeper reverence they may be found steadfast and abounding in Your power.

We pray in Your sovereign Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable CARTE P. GOODWIN led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 22, 2010.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby

appoint the Honorable CARTE P. GOODWIN, a Senator from the State of West Virginia, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mr. GOODWIN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

MEASURES PLACED ON THE CALENDAR—S. 3813, S. 3815, AND S. 3816

Mr. REID. Mr. President, there are three bills at the desk due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will report the bills by title for the second time.

The assistant legislative clerk read as follows:

A bill (S. 3813) to amend the Public Utility Regulatory Policies Act of 1978 to establish a Federal renewable electricity standard, and for other purposes.

A bill (S. 3815) to amend the Internal Revenue Code of 1986 to reduce oil consumption and improve energy security, and for other purposes.

A bill (S. 3816) to amend the Internal Revenue Code of 1986 to create American jobs and to prevent offshoring of such jobs overseas.

Mr. REID. Mr. President, on these bills, would it be in order now to ask unanimous consent that on S. 3815, Senators HATCH and MENENDEZ be added as original cosponsors?

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Mr. President, I object to any further proceedings with respect to these bills en bloc.

The ACTING PRESIDENT pro tempore. Objection having been heard, the bills will be placed on the calendar.

SCHEDULE

Mr. REID. Mr. President, following any leader remarks, there will be a period of morning business until 4 p.m. today, with the time until 10 a.m. equally divided and controlled between the two leaders or their designees. The time from 10 a.m. to 4 p.m. will be controlled in alternating 30-minute blocks of time, with the majority controlling the first block and the Republicans controlling the next. Following morning business, the Senate will resume consideration of the motion to proceed to S. 3454, the Defense authorization bill.

THE DISCLOSE ACT

Mr. REID. Mr. President, the debate this morning will be related to the Citizens United case. That is the case where the Supreme Court changed more than 100 years of precedent in the United States, which in the past had totally prevented corporations from being involved in Federal elections. The Supreme Court stood that rule on its head and denied stare decisis, which certainly surprised nearly everyone. They became involved, it appears, in the political process by a 5-to-4 majority, now allowing corporations, including corporations that have foreign interests, to become involved in our process. They really have opened the door. We have these nameless, faceless individuals spending huge amounts of money—corporate money and other money—where there is certainly no transparency whatsoever. These ads are being run on television and radio around the country. No one knows where the money comes from, how much it is. In fact, I repeat, there is no transparency. That is what the debate is about today. We have had a vote on this once before. I have the right to call it up again, and I will do so at the appropriate time, but it is important that the American people know how

● This “bullet” symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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outrageous the Supreme Court's decision was.

Would the Chair now announce morning business.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period of morning business until 4 p.m., with Senators permitted to speak therein for up to 10 minutes each, with the time until 10 a.m. equally divided and controlled between the two leaders or their designees and the time from 10 a.m. to 4 p.m. controlled in alternating blocks of time, with the majority controlling the first block and the Republicans controlling the next.

The ACTING PRESIDENT pro tempore. The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, I ask unanimous consent to speak as in morning business.

The ACTING PRESIDENT pro tempore. The Senate is in morning business, and the Senator is recognized.

THE DISCLOSE ACT

Mr. DURBIN. Mr. President, when I reflect on the current state of frustration most Americans feel about our political system, I know there are many reasons, not the least of which is the state of our economy. When people are uncertain about their economic future, they are certainly unhappy with political leaders because that is whom they look to first and foremost for some assurance that our economy is moving forward and creating opportunity for them in the future. Where there is uncertainty, it is understandable that it translates into frustration with politicians and our political process.

But I would tell you that as I reflect on the many years I have been involved in public life, there is one aspect of this which really needs to be addressed, honestly and openly discussed, and that is how we finance our political campaigns in America. I think this is at the heart of the current weakness of our political system and a real challenge to its future.

I can tell you that most every individual who sits down to make the decision about entering public life has that sobering moment when they reflect on the fact that this isn't just a matter of how hard you work or how good you are or what your ideas might be. It has a lot to do with how much money you can raise. And if you can't raise enough money to deliver your message through radio or TV or social networking and all the different varieties of reaching the voters, even the very best candidates don't stand a chance.

I came to the Senate succeeding my mentor and great friend Paul Simon, who was a Senator from Illinois. Paul Simon would have run successfully if he had tried for another term in the Senate, but Paul announced that he just didn't want to go through that arduous battle of raising money—literally sitting on the telephone hour after weary hour trying to get through to people to beg for money. That is the plight of most people who decide to be political candidates. So those who do engage in that process and accept that challenge know it is going to consume at least half of their waking moments as a candidate—raising money so that you will be on television in the important close of the campaign. You know as well that you are going to be calling a number of people, some of whom are very gracious and giving without any demand for return and some who just want to call you back at a later time when something important to them comes up. That item of importance may be at the highest level of principle, but it may not be as well. It may be something very personal to them about their business or their family that brings them to ask a favor. That is the nature of the political process.

Now insert into that process the new decision by the Supreme Court, which has decided that not only individuals have the power under our Constitution and Bill of Rights to express themselves through the expenditure of money but that now corporations do as well. This Citizens United decision by the Supreme Court—a Court which many had praised as being a conservative Court bound by precedent—broke precedent, established new standards, and basically allows corporations and special interests across America to spend unlimited amounts of money in political campaigns. Now the hardest working candidate of either political party, working night and day to raise money, can be overwhelmed and eclipsed overnight by a special interest group or corporation that decides to spend millions of dollars to tell their side of the story. And trust me, these corporations won't get up and say: We had a narrow amendment in our self-interest to try to maximize our profits, and the incumbent Senator voted against it. That isn't how they will tell the story. They will tell the story about how this politician had basically turned his back on the people who elected him or takes a position they do not appreciate. How does the average person—the average candidate—overcome that kind of attack? The Citizens United decision by this Supreme Court has turned our political system upside down.

Here is a quote that accurately describes what we are trying to achieve with the DISCLOSE Act, which we are going to call up for a vote. The DISCLOSE Act addresses the Citizens United decision by the Supreme Court. We are going to be voting on this for the second time. The first time we

voted on it, not a single Republican would join us in an effort for disclosure—disclosure by these special interest groups and corporate groups that are buying these political ads. Let me quote from a Member of the Senate. This Member of the Senate said:

What we ought to have is disclosure. I think groups should have the right to run those ads, but they ought to be disclosed and they ought to be accurate.

Who said that? The Senator from Kentucky, who has just come to the floor. The minority leader said that in the context of the McCain-Feingold campaign finance bill in 2002.

The Senator from Kentucky, the Republican minority leader, is not the only Republican who would seem to support the principle behind the DISCLOSE Act. The Senator from Alabama, Mr. SESSIONS, the ranking member of the Senate Judiciary Committee, said earlier this year:

I don't like it when a large source of money is out there funding ads and is not accountable. To the extent we can, I tend to favor disclosure.

The Senator from Texas, Mr. CORNYN, chairman of the Senate's Republican campaign committee, apparently agrees with that sentiment. Here is what he said earlier this year:

I think the system needs more transparency so people can more easily reach their own conclusions.

I agree. I agree with these statements by Senator MCCONNELL, Senator SESSIONS, and Senator CORNYN, and I think the statements they have made give them good reason to vote for the DISCLOSE Act, which they initially opposed and I hope, in reconsideration, might favor.

The DISCLOSE Act would bring greater transparency to the source of campaign ads flooding the airwaves before an election so that voters can make good decisions for themselves as to whether the ads are truthful.

As a voter, I would want to know who paid for the political ad, and I do not want foreign companies trying to buy our elections. Shouldn't we know if some foreign corporation is buying ads to defeat an American politician? Shouldn't we have that disclosure? That is what the DISCLOSE Act says, and those who oppose it oppose that kind of disclosure.

As a taxpayer, I don't want big companies with more than \$10 million in Federal contracts to be able to buy ads to curry favor with those Congressmen and Senators who happen to want to help them without disclosing who they are. Is it too much to ask that someone who has a vested interest in government contracts and buys ads to influence the outcome of an election to elect a Senator or Congressman who will vote their way at a minimum disclose who they are?

As a shareholder of a company, I want to know what political activities the management of that company is spending my company's money on. If the board of directors or one member