

superior court judge in the County of Cobb. He then founded his own law firm and ran it for a number of years until he became a justice of the Supreme Court of the State of Georgia. After leaving there, he went with the storied firm of Alston & Bird and became probably the Nation's most recognized arbitrator and mediator of any attorney in the country. And not to finish and not to quit, for the last 12 years he has been a senior special superior court judge in Cobb County, GA, serving all the time the citizens of our State.

But his greatest service is the example he shows. He has been selected our Community Citizen of the Year. He received excellence awards for the legacy he has left not just for his work on the bench, not just his work as a lawyer, but his work for the betterment of the community, whether it is the Boys Club or the Girls Club, whether it is his church, or whether it is his neighborhood.

But for me, there is one special thing to say about Judge Conley Ingram: He is a man who takes time for everybody. He is a man who is willing to help. He is a man who would rather find common ground in the interest of both parties than have a winner-take-all philosophy of life.

Probably the greatest blessing of Conley Ingram's life is his wife Sylvia, whom my wife Dianne and I cherish as a dear friend.

So this week in which our community will celebrate the many accomplishments of the 59 years of the practice of law of Judge Conley Ingram and his life in general, I am proud to stand on the floor of the Senate and say: Conley, thank you, not just for what you have done for me but what you have done for so many people in our great State and for this great country, the United States of America.

I suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

Mr. MERKLEY. I ask unanimous consent that the order for the quorum call be rescinded.

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

#### THE DISCLOSE ACT

Mr. MERKLEY. Mr. President, I rise to speak about an issue of critical importance to the future of our democracy. I have in my hand the majority opinion titled "Citizens United."

This Supreme Court decision, decided on the narrowest of grounds, is of profound importance to our Nation and how the voices of citizens get heard or get drowned out. This decision, Citizens United, is a dagger poised at the heart of American democracy.

Our Nation is unique in world history in that it was founded not on nationality of royal bloodlines but on a simple idea, a simple yet revolutionary

idea that the country's people are in charge.

As was so often the case, Abraham Lincoln said it better than most. He said, the United States is a "government of the people, by the people, for the people." What that means is that we elected officials work for the people. They elect us. They are in charge.

But this formula, government by and for the people, cannot survive if our elections are not open, free, and fair, and Citizens United ends open, free, and fair elections in America. This decision says that unlimited secret and foreign funds can be spent on elections in the United States of America. Let me restate that. This decision, Citizens United, says unlimited secret funds can be spent on elections in the United States of America.

This is not just some hypothetical. Reports estimate that over the last few weeks, \$24 million has been spent in secret spending, with no ability to trace who put it into campaigns. The results are negative attack ads barraging candidates in State after State after State, under, I am sure, pleasant-sounding names such as Citizens for a Strong America or Citizens for Blue Skies or Citizens for a Better Nation, front groups that are using this secret money, allowed by this decision, to drown out the voice of the American citizen in elections across this land.

Government is not by and for the people if corporations and even foreign corporations and giant government contractors are able to hijack our electoral process to run millions of dollars of attack ads against any candidate or legislator who dares put the public interest ahead of the company's bottom line.

Our Constitution, through the first amendment, puts the highest protection on political speech, recognizing how important it is that citizens be able to debate the merits of candidates and ideas. But the essence of the first amendment is that competing voices should be heard in the marketplace of ideas. The Citizens United decision gave the largest corporations a stadium sound system to drown out the voices of our citizens.

Let me give you some sense of this. Take a single corporation in 2008, Exxon Corporation. Exxon Corporation made a lot of money in 2008. If it had spent just 3 percent of the total net revenue it had that year, that would exceed all the spending by Presidential candidates for the 2008 election. Three percent of a single corporation's net revenues would drown out all the dollars spent by citizens in the Presidential race in the 2008 election. That is the stadium sound system I am talking about.

Think about the scale. My Senate race was far and away the most expensive election in Oregon history. Two candidates together spent about \$20 million. To translate that back to a single corporation, Exxon, that would be the amount of money in net profits

they made every 10 hours. You get some sense, then, of the challenge.

If you like negative ads, you will love the impact of Citizens United. Imagine what corporations will do to put favored candidates in office. The sheer volume of money could allow corporations to handpick their candidates, providing unlimited support to their campaigns, and take out anyone who dares to stand for the public interest.

The DISCLOSE Act we are debating is not a perfect solution to this attack on American democracy. But it does change one critical feature; that is, secret spending becomes publicly disclosed spending.

My colleagues on both sides of the aisle have spoken time and time again about the importance of public disclosure and democracy. One of my colleagues from Texas said:

I think the system needs more transparency so people can reach their own conclusions. In other words, people should know who is funding that campaign ad.

One of my colleagues from Tennessee:

To me, campaign finance reform means individual contributions, free speech, and full disclosure. In other words, any individual can give whatever they want as long as it is disclosed every day on the Internet. Otherwise you restrict free speech and favor super rich candidates, candidates with famous names, the media and special interest groups, all of whom can spend unlimited money.

That is a strong statement by my friend and colleague from Tennessee in support of disclosure. The Republican floor leader, speaking in 1997:

Public dealerships of campaign contributions and spending and spending should be expedited so voters can judge for themselves what is inappropriate.

How can a voter judge the content of the ad if they do not know what money is behind it? So disclosure is something that has been a bipartisan concept. Folks have referred to it as sunshine is the best disinfectant. So this bill brings transparency. The DISCLOSE Act makes the CEO of a company stand by its words. The CEO would have to say, at the end of the ad, that they approved this message, just like political candidates have to do right now.

It is common sense. If a company is willing to spend millions working against a candidate, voters, our citizens, have a right to know who is involved instead of allowing them to hide behind shadowy front groups. Similarly, this bill would require 527 groups, which exist solely to influence elections, to be transparent about who is funding them. Voters have a right to know where ads and campaign dollars come from.

A second issue this act takes on is the pay-to-play issue; that is, the concept that groups that are competing for government contracts and winning those contracts have a particular conflict of interest when it comes to spending large volumes on campaigns. So this gets rid of that conflict of interest. It says it bars government contractors from running campaign ads or

paying for other campaign activities on behalf of a Federal candidate.

We understand this conflict of interest. We have the Hatch Act. We understand Federal employees have a conflict of interest. We also understand government contractors have a conflict of interest. This bill also takes on the issue of foreign-owned corporations. It says that if a company is 20 percent foreign owned, it is not eligible to allow these massive expenditures on behalf of particular political candidates or causes.

Do we want to leave the door open to foreign corporations spending unlimited sums here in America to change the course of our Nation? I do not think so. I do not think any red-blooded American wants foreign corporations dictating the future of the United States of America. That is what this act is about.

Essentially, what the Citizens United decision did, it created a “supercitizen” who can operate in secret with unlimited funds to influence American elections. A few years ago, I was with my son on the first floor of the Lincoln Memorial, down under the stairs. I saw a quote that had been posted on the wall. It said something to the effect of: The greatest threat to the success of our Republic is that the citizens have an equal voice.

I said that is an interesting quote coming from a President in wartime, in a civil war, dealing with slavery. So I asked the ranger: Say, do you know the background of that quote? Because I was surprised President Lincoln did not say the biggest threat was the war or slavery or reuniting the sides or preserving the Constitution. But he said: the citizens’ voice, preserving the citizens’ voice.

The ranger lit up and said: Yes, actually, I do know the background to that. He said: During the civil war, President Lincoln was very concerned that the military contracts that were being let by the government were resulting in numerous representatives of companies coming to DC and lobbying intensely to get those contracts. He was concerned that voice would drown out the voice of the people.

It is no wonder. It fits right with a President who understood the heart of the genius of American democracy, that we are talking about government by and for the people.

Well, Lincoln’s concern about that conflict of interest is one that should be magnified many times today in the context of Citizens United. Citizens United, that allows unlimited secret donations and foreign donations to influence the course of American elections.

President Lincoln reminds us the essence of our Nation, the cause that brought a generation of patriots to challenge the greatest military power of the 18th century, the idea that has inspired people to leave everything to come to our shores is a government of people, by the people, for the people.

So let’s say no to secret spending. Let’s say no to foreign corporations. Let’s say no to the conflict of interest of government contractors using their profits from their contracts to weigh in and try to influence and getting favoritism with candidates. Let’s say yes to government by and for the people.

We need some profiles in courage today to preserve the heart of our democracy, government by and for the people.

I yield the floor.

The PRESIDING OFFICER (Mr. PRYOR.) The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, I come to the floor in an effort to try to get my colleagues on the other side of the aisle to join us in preserving our democracy. I heard the Republican leader’s remarks that we should be focused on jobs, and we have been, notwithstanding the constant obstruction of our colleagues on the other side of the aisle by using the filibuster countless times in terms of us being able to move forward on jobs.

But this legislation is about jobs. Some people might ask: Well, what does the disclosure of campaign finance have to do with jobs? It has everything to do with it because the murky special interests that are out there spending unlimited amounts of corporate money are not spending it because they just want to participate in our electoral process without a purpose. They are participating because they have a purpose.

The purpose is to elect those individuals who ultimately will respond to their agenda, which is an agenda that, in many cases, works against the interests of working men and women in this country; works against some of the very essence of legislation we have passed and signed into law such as equal pay for equal work; works against the very interests of what we are trying to accomplish on food safety so none of our families will ever get ill because of a product that should have never made it to their table in the first place; works against the interests of those in this country who want to work and give a hard day’s work for a fair day’s wage and at the same time work in conditions that ensure their safety is preserved and they can go home at the end of a long day to their loved ones and come home safe and secure—those and so many other interests. So when we talk about jobs, knowing who is out there spending money for what purpose, particularly for what corporate purpose, is incredibly important to how we create jobs, what do we do in terms of working conditions, what do we do in terms of wages, what do we do in terms of equity. This is about jobs. It is also about our democracy.

Since the Supreme Court made its decision allowing corporate interests and labor interests to spend money unlimitedly—and, by the way, in doing so also allow the possibility of foreign corporations, many of which are not just private foreign entities, they are

foreign entities controlled by a government—the money is flowing. Don’t believe me, even though we have seen since August 15 to last night \$21 million already spent on the Republican side of the aisle in independent expenditures, unknown money, no person, no face, no name. That is why I guess we can’t seem to get a vote. But don’t listen to me. Listen to Michael Toner, former Republican Federal Election Commission Commissioner. He said:

I can tell you from personal experience, the money’s flowing.

For what purpose? Corporations just spending their money for something other than the pursuit of the bottom line? When have we known a corporation to spend its money recklessly without pursuing an interest in the bottom line? I haven’t seen too many of those. They may have made bad mistakes, but they have never purposely spent money for the purposes of anything other than to improve their bottom line. So if they are spending money in elections, they are spending to make sure they can improve their bottom line. This undermines the very essence of our democracy where we want individual citizens and voters to determine the outcome of the elections, not the monied interests.

In this process, this was a bipartisan effort originally when Congress said: We don’t want corporate or labor money to be spent unlimitedly in Federal elections. We have had continuous comments since then. Here is the Republican leader, Senator MCCONNELL:

Public disclosure of campaign contributions and spending should be expedited so voters can judge for themselves what is appropriate.

We have changed that view because all we are trying to do is say: OK, Supreme Court, you are going to allow the money to flow from the corporations. Let us know who is spending it and on whom they are spending it and for what purpose. Then the voters can judge for themselves what is appropriate.

We have had others as well who are in the midst of this election process, such as my counterpart Senator CORNYN, saying:

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

What do we have? Less transparency. So an individual who gives their money to a candidate, they get fully disclosed. A corporation or a special interest or a foreign interest gives money, they can hide behind these shadowy groups. They have great names—Americans for this, Americans for that. The problem is, we don’t even know if one of those groups that call themselves Americans for X, Y, or Z is actually an American corporation. With the loophole created by virtue of allowing foreign corporations to now spend in our elections, it is the ultimate erosion of our democracy.

If Members don’t think they will, let me cite a few examples of why they

might. Imagine if BP could go ahead and influence the elections of a whole host of Senators because they want to determine what our energy and drilling policy is by electing those who ultimately share their views. After what they have done in the Gulf of Mexico, after what they refused to do in testifying before a hearing that I will hold next week about the release of the Pan Am 103 bomber and what role they played in lobbying for the release of that terrorist that killed Americans they can't even send a witness to our hearing, do my colleagues think they would not be interested in spending millions to determine who can be supportive of what they want?

Do Members believe the Chinese wouldn't ultimately make investments in candidates who continue to espouse a philosophy that allows jobs to be offshored? Talk about jobs to be offshored to countries such as China where manufacturing is dirt cheap and rights are nonexistent and working conditions virtually don't exist and the environment is not a question. Do Members think it is impossible for that to happen?

Do Members think it is impossible for Hugo Chavez not to be spending money here through Citgo and saying: Let me support those who support the type of views I hold and who will engage in an energy policy that is much different than I can influence with Venezuelan oil?

Do my colleagues think there are those in the corporate sector who have been fighting food safety—not all but some—who wouldn't elect those individuals who will ensure that we can't have the food safety procedures to come into the 21st century so that we can ultimately ensure that our food is safe? No, they would rather have the ability to do what they do and not have to worry about the consequences of safety to improve the bottom line.

I could go on and on with examples of why foreign interests spend well in our elections to dictate policies that ultimately would inure to the detriment of the American people and to the benefit of their interests. That is what we are fighting against. That is what we are trying to undo in terms of the legislation we are considering, to disclose. What a terrible thing, to disclose. We are not even stopping the contributions because the Supreme Court said the contributions can be made by corporations, but at least let's know who is giving them and who they are giving it to and for what ostensible purpose.

I see a continuing erosion of our democracy through the present circumstances. I see why we can't get a vote on the other side of the aisle because, overwhelmingly, they are receiving the benefits of this undisclosed, shadowy money that no one knows where it comes from, no one knows who is giving, for what purposes. Is that really the American way? Is that what the average voter wants to see in terms of their democracy? I don't think so.

I urge my colleagues to follow the essence of McCain-Feingold. Senator MCCAIN and Senator FEINGOLD authored legislation. All of those who made comments about disclosure, it is time to at least simply disclose. It is time to allow the American people to know who is engaged in this election, who is spending millions. They are talking about raising and spending nearly \$300 million. There are 41 days to the election. We would not know where it came from, who is giving it, for what purpose. That is the ultimate corruption of our system.

I hope my colleagues will vote to proceed. Let's have the debate and, more importantly, let's cast a final vote.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I believe the eloquence of Senator MENENDEZ marks a high point in the debate. I don't know that anyone could have expressed what is at stake as well as he did. I will make a humble attempt to build on what he said. Before he leaves the Chamber, in a country of, by, and for the people—our country—the people have a right to know who is supporting their Senators, who is opposing their Senators, who is supporting their Members of Congress, who is opposing them. That is all we are asking. It is simple. It is the American way. We do things in the light. It makes us different than other countries. The DISCLOSE Act is essential. I thank my colleague for his leadership.

The DISCLOSE Act is a much needed response to a Supreme Court decision in Citizens United which essentially allows big money to drown out the voices of our people. I have always thought and believed—and still believe—that what makes us great is that we try to have laws that level the playing field so people who are extremely wealthy don't have more to say than those of modest means. How do we do that in everyday life? We try to have a public school system so we ensure that all children get an education. I personally am a product of public schools, kindergarten through college. Were it not for that, my family couldn't afford to send me to private schools. How could I have ever made it to a decent job, let alone to the Senate? In all of the things we try to do to try to have a safety net for people who are unemployed, everything we do, it seems to me has been to ensure we have a thriving middle class, that the American dream is there for people who work hard for it.

We don't want to get to a situation where simply because a corporation has, frankly, billions of dollars they can spend on campaigns, they can simply do it in secret and there is an ad run against a sitting Senator on either side of the aisle, and we don't have any clue who has put that money down. As Senator MENENDEZ says, they pick great names: Americans for Justice, Americans for a Better Tomorrow.

They name great names. But who is behind it?

Frankly, we could have a foreign country behind that ad if they had a subsidiary in America they control. That foreign country could very well be playing in our elections as we speak with the millions of dollars we see coming into the Senate races.

In the Citizens United case, the majority of the Court reversed a 100-year-old law and overruled decades of legal precedent when they decided that corporations and labor unions cannot be restricted from spending unlimited amounts in Federal elections because they equated any limits with violating free speech. I ask the question in this great country of ours, where we all have the privilege of living and we all have the privilege and responsibility of voting: Why is it that a nameless, faceless entity has more speech than any one of our citizens? Why? Because these corporations are worth trillions of dollars. The average person obviously has nowhere near it. The average income in our country is about \$50,000 for a family now, maybe a little less. How would that person compete with a \$1 trillion corporation? The Court doesn't seem to care about that, the majority, a slim majority, when they equate spending limits with speech.

What they actually said is that a corporation worth trillions gets to have much more speech than any one of my constituents in California or any one person in the whole United States of America. The decision was astounding.

It defies common sense to conclude that corporations or labor unions are citizens in the eyes of the law.

I said to my staff: Have you ever called a corporation and asked the corporation to go to lunch with you? Corporations are not people. They are entities. How the Court could equate corporations with people is amazing.

Mr. President, I ask unanimous consent for 2 additional minutes, and then I will finish up. And add that—

Mr. BOND. Mr. President, I do not object. Whatever time she needs I hope will be added on to the time that has previously been allotted. I do not want to cut short the comments of my friend from California.

Mrs. BOXER. That is extremely kind of my colleague.

Mr. President, I ask unanimous consent to take 5 minutes and to add that on to Senator BOND's time.

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

Mrs. BOXER. So the decision was astounding to equate people with corporations and unions, on its face. As Justice Stevens wrote in his dissent:

Corporations have no consciences, no beliefs, no feelings, no thoughts, no desires . . . they are not themselves members of "We the People" by whom and for whom our Constitution was established.

We all know corporations are important in our lives and they make enormous contributions to society, but

they are not people, and their profit motive keeps them going. That is our system, and that is fine. But all we are saying in this debate over the DISCLOSE Act is, if a corporation or a union is going to take out an ad against a Senator or for a Senator, or against a challenger or for a challenger, that they simply stand up and say—that is, the CEO of the corporation: I am Mr. Smith, and I approved this message.

When I make a commercial or any of my colleagues or any of our challengers, they need to do that. You will see that on every commercial: I am so and so, and I approved this message.

So all we are saying is, level the playing field—at least that. We need to do a lot more to fix this Supreme Court decision, but at minimum let's have disclosure. The Fortune 100 companies had combined revenues of \$13.1 trillion during the 2007–2008 election cycle. They had those revenues. If they devoted just 1 percent of that—1 percent of that—it would double the federally reported disbursements of all American political parties and PACs combined. I think we cannot allow our electoral process to be dominated by the special interests.

So all we are saying in the DISCLOSE Act is, stand up and be counted. Let us know who you are. We have to know who you are. Do not hide behind some shadowy name of a group. Again, these names are all very nice: Americans for this and Americans for that. Let us know who you are. That is all we are saying.

This is a government of, by, and for the people. The people have a right to know who is contributing to us, to our opponents, and it is very simple.

There could be foreign influence here, again I would say. In our bill, we basically say no foreign influence. If you are a domestic corporation who is controlled by a foreign country or a foreign corporation—say if China, say in Venezuela, say anywhere; pick your country—you cannot take an ad. This is America. We ought to know who is contributing these huge, enormous sums. We ought to know who they are. Our voters ought to know who they are. The American people deserve nothing less.

So I would hope when we take up this vote again, there will be no more filibusters over this issue. I have never seen so many filibusters. I have been here a while. Let's go to this legislation. Let's hear the other side defend why they think foreign countries or foreign corporations should be able to play in our elections. Let them defend it if they want to. That is fine. That is fair. I am sure they will come up with reasons.

But yesterday we could not go to the military bill. It has a pay raise for our soldiers. That is put on hold because people did not want to vote on the DREAM Act. They did not want to debate don't ask, don't tell. I do not understand it. Now we have a situation

where they are filibustering us being able to go to this very commonsense bill, the DISCLOSE Act, which many of my colleagues on the other side have supported in the past—simple disclosure, transparency. I could read you chapter and verse of my colleagues on the other side who were filibustering the DISCLOSE Act in the past saying: We want transparency.

So I think this is a pretty open and shut case. The American people have a right to know who is influencing their elections. Just have these corporate executives, these union executives stand up and say: I am so and so, and I support this message, and I paid for it.

With that, I am happy to yield the floor with great thanks to my colleague for allowing me the opportunity to complete my remarks.

Thank you very much. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Missouri.

#### TAX INCREASES

Mr. BOND. Mr. President, this morning, all across America families are struggling to make ends meet. Their incomes are stagnant, but the cost of living keeps rising and the tax burden they face at the Federal, State, and local level keeps getting worse—and they are threatening to go higher.

Just as troubling, today's ongoing economic uncertainty is crippling job creation and hurting small businesses—the real engines of growth in our country. Some of our small businesses have told me it is not uncertainty, it is the certainty that they know what the Federal Government has already done in the health care bill this body, unfortunately, passed.

But what is the answer from Washington to this situation? More job-killing taxes.

Let me be very clear: The last thing we should be doing in this difficult economy is raising taxes on American families and small businesses. It is a recipe for disaster. I do not think anyone believes raising taxes on somebody in a recession is a good idea, particularly on the very small businesses we need to hire more workers and get the economy back on track. But unless Congress acts before the end of this year, that is exactly what will happen.

This is not a Republican or Democratic issue, which is why 31 House Democrats have recently written the Speaker of the House urging her to act now to stop the tax increases on the American people. As these 31 Democrats said, defying their leadership, raising taxes now could “negatively impact economic growth.” Obviously, that would affect jobs.

Instead of listening to the American people, and even those members of his own party, President Obama is trying to convince our Nation that the largest tax increase in history will not hurt them.

Whether it is justifying their failed trillion-dollar stimulus bill or govern-

ment takeover of health care, which will cost even more, and now their historic tax increases, the administration is guilty of using some very fuzzy math.

Last week, the President took to the airwaves and claimed he “opposes tax cuts for millionaires”—a statement he repeated in Ohio as well. But the President's plan to increase taxes is on any individual earning \$200,000 or more or any couple earning \$250,000 or more. I do not know who the President is talking to, but I do not know any Missouri families with two working people making \$250,000 a year who consider themselves millionaires. In fact, these Missouri families would be surprised that the President lumps them in the same category as George Soros, Warren Buffett, and Bill Gates.

In fact, the tax on these “rich” people, as the President calls them, is a tax increase on small businesses. Under the President's tax increase plan, half of all small business income would be affected, and the President's tax increase plan would affect up to 25 percent of all American workers. They are employed by those small businesses, and they certainly will be affected.

According to the Wall Street Journal's September 9 article entitled “The Small Business Tax Hike and the 3 percent Fallacy,” IRS data shows that 48 percent of the net income of sole proprietorships, partnerships, and S corporations reported on tax returns went to households with incomes over \$200,000 a year in 2007.

It is very clear we are talking about small businesses that have a much broader impact than just 3 percent of all taxpayers, as the spin we hear from the White House puts it.

This plan to increase taxes defies common sense. At a time when we need small businesses to expand and to create jobs, President Obama plans on raising their taxes. Imagine that. When jobs should be our top priority, with unemployment near 10 percent, this Congress and the President are proposing a historic job-killing tax increase.

Bear in mind, according to the Small Business Administration, small businesses employ half of all private sector employees. They generated 65 percent or 9.8 million of the 15 million net new jobs produced over the past 17 years. They produce 13 times more patents per employee than large patenting firms.

The President has actually been very clear about his intentions for additional revenue raised by tax increases. As a matter of fact, on September 8, in Parma, OH, the President repeatedly said:

I've got a whole bunch of better ways to spend the money.

Well, Mr. President, I strongly disagree. As Milton Friedman once famously said:

Nobody spends somebody else's money as wisely as they spend their own.

I think we have all seen proof of this over the past 21 months, and it is not