

I will work with my caucus and with Senator MCCONNELL who will, of course, work with his caucus. We will see what we can get done before the start of the 112th Congress in January.

The American voters sent us a message two Tuesdays ago. That message is they want us to deliver. They want us to work together. Voters did not elect only Republicans; they did not elect only Democrats; and they did not want either party to govern, stubbornly demanding their way or the highway. When the heat of the campaign season cools, our constituents are more interested in us getting things done. They would rather we work with each other than talk past each other. Despite the changes, our charge remains the same. Our No. 1 priority is still getting people back to work, and the most important change we can make is in working more productively as a unified body to help our economy regain its strength.

I welcome back my counterpart, the esteemed Republican leader. We have had, of course, conversations since the elections. I look forward to our continued work together.

RECOGNITION OF THE MINORITY LEADER

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

Mr. MCCONNELL. Mr. President, I thank my friend, the majority leader, and congratulate him on his reelection and look forward to working together to wrap up the business of this current Congress and working with him again in the next Congress.

EARMARKS MORATORIUM

Mr. MCCONNELL. Mr. President, I have seen a lot of elections in my life, but I have never seen an election like the one we had earlier this month. The 2010 midterm election was a "change" election, the likes of which I have never seen, and the change that people want, above all, is right here in Washington.

Most Americans are deeply unhappy with their government, more so than at any other time in decades. And after the way lawmakers have done business up here over the last couple of years, it is easy to see why. But it is not enough to point out the faults of the party in power. Americans want change, not mere criticism. And that means that all of us in Washington need to get serious about changing the way we do business, even on things we have defended in the past, perhaps for good reason.

If the voters express themselves clearly and unequivocally on an issue, it is not enough to persist in doing the opposite on the grounds that "that's the way we've always done it." That is what elections are all about, after all. And if this election has shown us anything, it is that Americans know the

difference between talking about change, and actually delivering on it.

Bringing about real change is hard work. It requires elected officials, whether they are in their first week or their 50th year in office, to challenge others and, above all, to challenge themselves to do things differently from time to time, to question, and then to actually shake up the status quo in pursuit of a goal or a vision that the voters have set for the good of our country.

I have thought about these things long and hard over the past few weeks. I have talked with my Members. I have listened to them. Above all, I have listened to my constituents. And what I have concluded is that on the issue of congressional earmarks, as the leader of my party in the Senate, I have to lead first by example. Nearly every day that the Senate's been in session for the past 2 years, I have come down to this spot and said that Democrats are ignoring the wishes of the American people. When it comes to earmarks, I will not be guilty of the same thing.

Make no mistake. I know the good that has come from the projects I have helped support throughout my State. I don't apologize for them. But there is simply no doubt that the abuse of this practice has caused Americans to view it as a symbol of the waste and the out-of-control spending that every Republican in Washington is determined to fight. And unless people like me show the American people that we are willing to follow through on small or even symbolic things, we risk losing them on our broader efforts to cut spending and rein in government.

That is why today I am announcing that I will join the Republican leadership in the House in support of a moratorium on earmarks in the 112th Congress.

Over the years, I have seen Presidents of both parties seek to acquire total discretion over appropriations. And I have seen Presidents of both parties waste more taxpayer dollars on meritless projects, commissions, and programs than every congressional earmark put together. Look no further than the stimulus, which Congress passed without any earmarks, only to have the current administration load it up with earmarks for everything from turtle tunnels to tennis courts.

Contrast this with truly vital projects I have supported back home in Kentucky, such as the work we have done in relation to the Paducah Gaseous Diffusion Plant in western Kentucky.

Here was a facility at which workers, for years, were unaware of the dangers that the uranium at the plant posed to their health or how to safely dispose of the hazardous materials that were used there. Thanks to an expose about the plant in the nineties by the Washington Post, the danger was made known and I set about forcing the government to put a cleanup plan in place and to treat the people who had worked

there. Through the earmark process, we were able to force reluctant administrations of both parties to do what was needed to clean up this site and to screen the people who had worked there for cancer. These screenings saved lives, and they would not have happened if Congress had not directed the funds to pay for them.

Another success story is the Bluegrass Army Depot, which houses some of the deadliest materials and chemical weapons on Earth. As a Nation we had decided that we would not use the kind of weapons that were stored at this site; and yet the Federal Government was slow to follow through on safely dismantling and removing them, even after we had signed an international treaty that required it. But thanks to congressional appropriations we are on the way to destroying the chemical weapons at this site safely and thus protect the community that surrounds it.

Administrations of both parties have failed to see the full merit in either of these projects, which is one of the reasons I have been reluctant to cede responsibility for continuing the good work that is being done on them and on others to the executive branch.

So I am not wild about turning over more spending authority to the executive branch, but I have come to share the view of most Americans that our Nation is at a crossroads; that we will not be able to secure the kind of future we want for our children and grandchildren unless we act, and act quickly; and that the only way we will be able to turn the corner and save our future is if elected leaders like me make the kinds of difficult decisions voters are clearly asking us to make.

Republicans in and out of Washington have argued strenuously for 2 years that spending and debt are at crisis levels. And we have demonstrated our seriousness about cutting spending and reigning in government. Every Republican on the Senate Appropriations Committee, for instance, voted against every appropriations bill in committee this year because they simply cost too much. Most included funding for projects in our home States. We voted against them anyway.

Banning earmarks is another small but important symbolic step we can take to show that we are serious, another step on the way to serious and sustained cuts in spending and to the debt.

Earlier this month voters across the country said they are counting on Republicans to make tough decisions. They gave us a second chance. With this decision, I am telling them that they were right to put their trust in us. And it is my fervent hope that it will help demonstrate to the American people in some way just how serious Republicans are about not letting them down.

Republican leaders in the House and Senate are now united on this issue, united in hearing what the voters have

been telling us for 2 years, and acting on it.

This is no small thing. Old habits are not easy to break, but sometimes they must be. And now is such a time. With a \$14 trillion debt and an administration that talks about cost-cutting but then sends over a budget that triples the national debt in 10 years and creates a massive new entitlement program, it is time for some of us in Washington to show in every way possible that we mean what we say about spending.

With Republican leaders in Congress united, the attention now turns to the President. We have said we are willing to give up discretion; now we will see how he handles spending decisions.

And if the President ends up with total discretion over spending, we will see even more clearly where his priorities lie. We already saw the administration's priorities in a stimulus bill that has become synonymous with wasteful spending, that borrowed nearly \$1 trillion for administration earmarks like turtle tunnels, a sidewalk that lead to a ditch, and research on voter perceptions of the bill.

Congressional Republicans uncovered much of this waste. Through congressional oversight, we will continue to monitor how the money taxpayers send to the administration is actually spent. It is now up to the President and his party leaders in Congress to show their own seriousness on this issue, to say whether they will join Republican leaders in this effort and then, after that, in significantly reducing the size and cost and reach of government. The people have spoken. They have said as clearly as they can that this is what they want us to do.

They will be watching.

I yield the floor.

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. There will now be a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

Mr. SPECTER. I suggest the absence of a quorum.

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

The bill clerk proceeded to call the roll.

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

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

Mr. SPECTER. I ask unanimous consent to speak for up to 15 minutes.

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

LAMEDUCK SESSION

Mr. SPECTER. Mr. President, I have sought recognition to discuss the activities of the so-called lameduck session we are about to enter. I begin by suggesting that our session does not necessarily have to be a lameduck. We have the capacity to respond to the many pressing problems of the country as we choose. We can spread our wings and we can fly. One could say at many points during the course of the 111th Congress, the session could be called a turkey. It has not been very active in many respects. This body, not atypical, has been expert at avoiding tough votes. Well, if there is any time where it is easiest to avoid tough votes, it is a long distance from the next election, and we can't get any further from the next election than today, since the last election was only 13 days ago.

It is my suggestion that this would be a good time to undertake some significant action. The country is in a tremendous state of turmoil politically, I think more so than at any time in the country's history, certainly more than at any time during my tenure in the Senate; I think beyond that, at any time in the history of the country with the exception of the Civil War period. We have seen candidates run on a platform of "I won't compromise."

This is a political body. The art of politics is compromise and accommodation. I suggest there are some real lessons we all learned 13 days ago from the election which we ought to put into effect now and take some action and some decisive action. I suggest a good place to start would be the enactment of the so-called DISCLOSE Act. That is the legislation which would, at a minimum, require the identity of contributors be known to the public so their motivations can be evaluated.

Campaign finance reform followed the massive cash contributions going back to the 1972 elections, and the Congress passed reform legislation in 1974. Then, in a landmark decision, *Buckley v. Valeo*, in 1976, key parts of that legislation were declared unconstitutional. Freedom of speech under the first amendment was equated with money. I agree with Justice Stevens that that was a classic mistake; that the principle of one person one vote is vitiated by allowing the powerful, the rich to have such a large megaphone that it drowns out virtually everybody else.

There have been a series of legislative enactments to try to overcome the restrictions of *Buckley v. Valeo* and a corresponding series of Supreme Court decisions broadening the field of freedom of speech, until we got to the case of *Citizens United*. Then, upsetting 100 years of precedent, the Supreme Court decided corporations and unions could advertise in political campaigns and, in conjunction with other loopholes in the campaign law, it was possible those contributions could be made secretly. When the bill was called for a motion to proceed, as we all know, it fell short

of the 60 votes necessary to cut off debate or to impose cloture. Fifty-nine Senators voted aye that we wanted to proceed, 57 Democrats and 2 Independents and all 41 Republicans voted no.

I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks an article by Richard Polman in the Philadelphia Enquirer and an editorial from the New York Times on the DISCLOSE Act.

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

(See exhibit 1.)

Mr. SPECTER. The Polman article recites a number of Senators who voted no against proceeding with the DISCLOSE Act, having made in the past very forceful affirmative statements in favor of disclosure. It may be that by reminding those 4 Senators, perhaps 1 of them or 2 of them—we only need 1, if the 59 votes hold—they could be persuaded to vote aye and proceed to consider the bill. Then we have the advocates of McCain-Feingold. If we compare the rollcall vote on McCain-Feingold, we find there are a number of Senators who voted no against taking up the DISCLOSE Act, Senators who previously had spoken out forcefully in favor of finance limitations and in favor of transparency. Perhaps at least one of those or perhaps even more could be persuaded to vote to proceed with the so-called DISCLOSE Act.

There has been a plethora of political commentary about the dangers to our political system by having anonymous campaign contributions. The last election was inundated with money, and the forecasts are that the next election will be even more decisively controlled by these large contributions and by these anonymous contributions. So to preserve our democracy and to preserve the power of the individual contrasted with the power of the wealthy, I believe that ought to be very high on our agenda.

There is a corollary to the need for some change, some reform as a result of what happened in *Citizens United*. In that case, we had two votes, and they were decisive. To make the five-person majority, two votes totally reversed the positions which those Justices had taken not too long ago during their confirmation proceedings. Chief Justice Roberts was emphatic in his confirmation proceeding that he was not going to jolt the system, that he would have respect for stare decisis, and that he would have respect for congressional findings. So was Justice Alito on both those accounts. In their confirmation hearings, the testimony of both was explicit in the statement that it was a legislative function to find the facts, and it was not a judicial function to find the facts. When *Citizens United* came down, as the dissenting opinion by Justice Stevens pointed out, a voluminous factual record showing the dangers and the potential dangers of excessive contributions was on the record.

All that was ignored in the decision in *Citizens United* and was ignored by