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 I ask unanimous consent that the order for the quorum call be rescinded.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

the commitment which those two Justices made in their confirmation hearings not too many years before.

The best approach in dealing with this issue is to have the public understand what is going on in the Court. It is my view and the view of many other Senators that we are long past the time when the Court ought to be televised so the public would understand what has been going on. On repeated occasions, the Judiciary Committee has voted out legislation requiring the Supreme Court to be televised. It is an appropriate legislative function to impose that requirement. It is up to the Congress to decide administrative matters. For example, the Congress decides when the Supreme Court will convene. It is on the first Monday of October in each year. The Congress decides how many Justices it takes to have a quorum—six—to transact the business of the Court. It is the Congress which decides how many Justices there will be on the Court, and the Congress has set the number at nine. It is recalled that an effort was made during the Roosevelt administration to so-called pack the Court by raising the number to 15. The Congress could have done that. It would have been unwise, but the Congress has the power. The Congress decides what cases the Court will hear. For example, mandating that McCain-Feingold be reviewed by the Supreme Court so the Court's customary discretionary decision on granting certiorari or not can be overcome by the Congress. I suggest it is time that transparency and understanding by the public should come into operation. Justice Brandeis was an eloquent spokesman for sunlight being the best disinfectant. It has been said repeatedly that the Supreme Court follows the election returns. The Supreme Court follows the values of our society in a changing country, which has eliminated segregation, changed the rules with respect to sexual preferences, changed the rules many times.

The best way to accomplish that would be to take up this issue, which we could take up in this session—this session before the end of the year—something I have discussed with the majority leader, something I have discussed with the leadership of the House, and we could handle this in relatively short order.

There is another matter which I suggest we ought to take up and conclude, and that is the issue of the START Treaty. President Reagan set the standard of ''trust but verify,'' but since the end of 2009, when the last treaty expired, we have been unable to verify what the Russians are doing.

The START Treaty also provides for beyond verification, provides for arms reduction, which is something which ought to be done. There is no reason to have these vast arsenals. They can be reduced and it would be much less expensive in an era when we are very much concerned about governmental costs.

The 1992 START Treaty, negotiated by President Reagan and by President George H. W. Bush, passed the Senate 93 to 6. The 2003 Moscow Treaty on arms control, negotiated by President George W. Bush, passed 95 to 0. So that is a subject which ought to be taken up and ought to be acted upon, notwithstanding the objection of a small number of individuals. We ought to take that up on the merits and vote it up or down. I am sure it would be ratified.

The issue of don't ask, don't tell is another matter which ought to be concluded before the end of the year. We know what has resulted from the study ordered by the Department of Defense. Some say we ought to know more than we know at the present time. Well, we have considered don't ask, don't tell for more than a decade, and I think it is palpably plain that the time for the current standards has long since run and it ought to come to a vote. To tie up the Department of Defense authorization bill on that subject—a bill which has been passed year after year after year, going back decades—it is something which ought to be enacted by this Congress.

I suggest further that we ought to take up unemployment compensation very promptly. We have millions who are unemployed and an unemployment rate of 9.5 percent nationally. There are people who are actively seeking jobs who cannot find them. That ought to be a priority item, certainly to be accomplished during this session.

There is one other item which I think we ought to act on; that is, to authorize Federal funding for research on embryonic stem cells. That legislation has twice been passed, first under the name Specter-Harkin and later, when the majority changed, to Harkin-Specter. We should have enacted it earlier. We have relied upon an Executive order promulgated by President Obama to authorize Federal funding, and then in a surprise decision the United States District Court for the District of Columbia ruled that the Executive order violated the existing statute.

Well, it is not a constitutional issue. The Congress can change that. The order has been appealed to the Court of Appeals for the District of Columbia Circuit, and the order has been stayed, which means at the present time research can proceed with Federal funding. But it is a very uncertain matter. As testified to by Dr. Collins, the Director of the National Institutes of Health, the scientists who are working under NIH grants are very much in doubt as to what is going to happen. There is some $200 million and more than 200 projects which hang in the balance. On embryonic stem cell research we are dealing with a life-and-death situation, and there ought not to be hesitancy or doubt in the minds of those scientists.

The objection has been raised that these embryos could produce life. Well, if there were any chance that would happen I think no one would be in favor of using them for scientific research. But the fact is, there are some 400,000 of these embryos frozen, and they are not being used to produce life.

Back in 2002, when I chaired the Appropriations Subcommittee on Health, I took the lead in Federal funding to assist individuals who wanted to adopt these embryos to have them produce life. Some $9 million has been appropriated in the intervening years, but only 242 of these embryos have been adopted to produce life. Meanwhile, in 2008, the most recent year for which statistics are available, more than a million people died from heart disease and cancer.

We have the capacity, the opportunity, through these embryos, which replace diseased cells, to deal with stroke, to deal with heart disease, perhaps to deal with cancer. We do not know. But there is much that can be done, and Congress has the authority to clarify the situation. It could take years pending in the Court of Appeals for the District of Columbia, with the time for briefing and argument and decision, and possible appeal to the Supreme Court of the United States. But it is a matter that Congress can act on, and twice we have already acted, and both times vetoes were successfully handed down by President George W. Bush.

So there is much we can do during this session of Congress if we make up our minds to do it.

One other lesson which we have seen from the current election is the tremendous power which has been exercised by the extremities of both political parties, and we have seen this in recent years. We have seen an excellent Senator such as Senator JOSEPH LIEBERMAN who cannot win a Democratic primary, and we have seen an excellent Senator such as BOB BENNETT, with a 93-percent conservative rating, who cannot survive the nomination process in Utah. Those are only a couple of cases. Many more could be cited.

But we have also seen that when the voters are informed and the voters are aroused that we are still a country which has a constituency which desires to be governed from the center, not on either extreme, and the primary elections bring out those on one side or the other.

But we have the situation with Senator LISA MURKOWSKI which demonstrates the point that there is still a dominant voice in the center. Senator MURKOWSKI lost her primary election, illustrative of the principle I mentioned a few moments ago about the primaries being dominated by the extremes. But then, in a spectacular write-in campaign, it now appears Senator MURKOWSKI will be reelected—the first time that has happened since Senator Thurmond won on a write-in campaign in the 1950s, and that is a pretty tough proposition. You have to have the spelling right. ''Murkowski'' is not the easiest name in the world to spell, notwithstanding the fact that it has

been popularized not only in Alaska by her distinguished father—elected at the same time I and others were elected to this body—and it is not certain but it looks pretty likely that Senator MURKOWSKI will be remaining in the U.S. Senate.

So when the electorate understands what the issue is—and there was so much publicity that the electorate did—and when they are aroused and motivated to action, I think it is very strong evidence that America, illustrated by Alaska, wants to be governed from the center. So I think that is something that ought to be noted by this Congress in the last 45 days of this year as we look over a tremendous number of very important issues.

I have not covered the entire range of issues which we ought to consider, but I think I have covered some which ought to be handled by this session of the Congress and that the duck ought to spread its wings, show it is not lame, and get something done to operate in the interests of the American people.

I thank the Acting President pro tempore and yield the floor.

EXHIBIT 1

[From the Philadelphia Inquirer, Oct. 31, 2010]

THE AMERICAN DEBATE: SECRET DONORS VS. DEMOCRACY

(By Dick Polman)

Can we all agree that secret money in politics is a bad thing?

OK, you're with me. So far, so good.

And can we all agree that the Republicans have been hypocrites on this issue—having long declared that they were against secret money, only to flip-flop in 2010 and declare that they were for it?

OK, now I've probably lost half of you. But bear with me.

Thanks to a number of factors—a historic Supreme Court decision that has inspired wealthy donors to pony up, a tax code riddled with loopholes, and toothless federal watchdogs—a record amount of secret money, topping $250 million, is flooding the Senate and House races. We have no idea who these donors are, yet we've all seen their handiwork in TV ads. From the shadows, they create front groups with vacuously pleasing names—something like Concerned Citizens for the Betterment of Mankind, or Americans for Puppies, Apple Pie, and the Fourth of July.

By the way, even though it's true that the Republicans have trumped the Democrats in the secret-money race by more than 2–1, I don't mean to imply that the GOP is poised to win big Tuesday night simply because its anonymous donors wrote big checks. Nancy Pelosi may think so—the House speaker recently said, ''Everything was going great, and all of a sudden secret money from God knows where, because they won't disclose it, is pouring in''—but she is wrong. Long before the GOP's richest fans ever got involved, hardly anything was ''going great'' for the Democrats.

But the secrecy, in itself, is an affront to democracy and the principle of transparency. People give big money for a reason; we may never know what they got in return. We have essentially legalized the practice of backstage bribery, and 2010 is a mere tune-up for the presidential race in 2012.

Last winter, after the U.S. Supreme Court freed up corporations, unions, and other special interests to spend campaign money more easily, rich people felt more emboldened to finance the GOP's efforts. But they didn't want the public to know who they were. So, a few intrepid Republican strategists, including Karl Rove, came up with a clever fix. They created nonprofit groups under a section of the tax code reserved for ''social welfare organizations'' that allows donors to fork over unlimited money without being publicly named. And the secret money has flowed unabated ever since.

So you might be wondering, ''Doesn't the public have a right to know who these donors are? How come Congress hasn't done something about this?'' Well, guess what? Congress has tried. In the spring and summer, the ruling Democrats sought to pass the Democracy Is Strengthened by Casting Light on Spending in Elections Act (which proves that Democrats will never work on Madison Avenue). Known commonly by its acronym, the DISCLOSE Act, it would essentially force these donors into the open. It passed in the House—with virtually all Republicans voting no. It went to the Senate, where it lingers today because Republicans won't let it come up for a vote.

I warned you that I would bring up the Republicans' hypocrisy, defined here as the chasm between what they once professed to believe and what they now practice.

Back in the days when Republicans were strongly opposed to campaign-finance reform (this was a decade ago, when John McCain was mavericky in his efforts to curb big money in politics), they insisted that full disclosure was the best solution, that as long as the voters could see who's giving the big money, voting decisions could be made on that basis and democracy would be alive and well.

So said George W. Bush, for instance, when he first ran for president in 2000. But let's go down the list.

Here was Sen. Mitch McConnell, the chamber's current GOP leader, during a 2000 appearance on Meet the Press: ''Republicans are in favor of disclosure.'' That year, he also said that ''the major political players in America'' should be subject to disclosure; in his words, ''Why would a little disclosure be better than a lot of disclosure?'

Here was Lamar Alexander, now a Tennessee senator but speaking as a presidential candidate in 1999: ''I support . . . 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.''

Here was Texas Sen. John Cornyn's philosophical stance just six months ago: ''I think the system needs more transparency, so people can reach their own conclusions.''

Here was Alabama Sen. Jeff Sessions, just six months ago: ''I don't like it when a large source of money is out there funding ads and is unaccountable . . . I tend to favor disclosure.''

Al four have been blocking the DISCLOSE Act. Meanwhile, on the House side, GOP leader John Boehner said in 2007, ''We ought to have full disclosure, full disclosure of all of the money that we raise and how it is spent. And I think that sunlight is the best disinfectant.'' But when the DISCLOSE Act came up in the House this year, Boehner voted for darkness.

Actually, Rove's group, American Crossroads, has engineered the best flip-flop. It was launched this year as a full-disclosure enterprise; one of its board members, ex-GOP national chairman Mike Duncan, said in May, ''I'm a proponent of lots of money in politics and full disclosure in politics''—the traditional GOP position. He voiced his support for ''full accountability.'' But when the potential big donors voiced their distaste for sunlight, the Crossroads gang deep-sixed its disclosure talk and created an offshoot in the aforementioned secrecy section of the tax code. That got the bucks flowing.

And don't expect the feds to police this behavior. Under the tax code, these social-welfare organizations are supposedly barred from spending more than half their money on politics. But the Federal Elections Commission has a well-deserved reputation for allowing political operatives to play fast and loose with the rules. Indeed, the FEC is set up for stalemate; even if its three Democratic commissioners wanted to move against secret money, its three Republican counterparts would likely block the move.

All told, if sunlight is indeed the best disinfectant (as Boehner once believed, when he borrowed the phrase from Justice Louis Brandeis), then I suppose we must now gird ourselves indefinitely for the toxins that flourish in the dark.

[From the New York Times, Nov. 4, 2010]

CAMPAIGN MONEY TO BURN

After Tuesday's vote, there is no limit to the ambitions of stealth political groups bankrolled by anonymous check writers. Two of the flushest pro-Republican operations, American Crossroads and Crossroads GPS, plan to extend their campaigning into the lame-duck session of Congress with waves of misinformation about tax and immigration issues.

The moment could not be more pressing far lame-duck senators to revisit—and pass—the ''Disclose Act.'' It has been approved by the House and would mandate that the public at least be told which deep-pocketed corporate and union donors are politicking from the underbrush. The measure failed by one vote in a September filibuster by Republicans.

The Democratic majority needs just a few Republicans to break party lock step and stand up for politicking in the sunshine. Republicans who once made disclosure their mantra (as an alternative to robust limits on contributions) are predictably backing away.

One Republican newcomer, Senator-elect Mark Kirk of Illinois, did offer a ringing endorsement of disclosure in the campaign. Asked in a debate about the $1.1 million in advertising support that he received from Karl Rove's Crossroads GPS, Mr. Kirk firmly insisted special-interest groups writing campaign checks ''should reveal their donors and be fully transparent.''

And after winning a special election for President Obama's former Senate seat, he will be eligible in the lame-duck session. He can deliver for his voters, and make his mark early, by supporting the Disclose Act.

The so-called Republican moderates—Olympia Snowe and Susan Collins of Maine and Scott Brown of Massachusetts—have been critical of what seem to be peripheral details. If it takes a stripped-down version to win enactment of true disclosure, that is worth pursuing.

The Democratic majority leader, Harry Reid, back from the brink of defeat in an election rife with murky check writers, needs to push hard and be ready to deal. The lame-duck session offers the last realistic chance for a donor disclosure law before secretive organizations up the ante and mayhem for the 2012 presidential campaign.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota.

START TREATY

Mr. DORGAN. Mr. President, as I walked in the door to the Chamber I heard the Senator from Pennsylvania talk about the START Treaty. Let me