

CITIZENS UNITED DECISION

Mr. WHITEHOUSE. Madam President, I wish to take a few minutes now to speak about my amendment No. 1693, which responds to the very unfortunate Citizens United decision. January 2015 was that decision's fifth anniversary, and it has had a pretty nefarious effect on our democracy.

The premise of the decision was that unlimited corporate expenditures would not corrupt or exert improper influence in our American democratic process because there would be a regime of—to quote the decision—“effective disclosure” that would “provide shareholders and citizens with the information needed to hold corporations and elected officials accountable for their positions and supporters.”

Well, here we are. Everybody in this room knows that there has been no effective disclosure whatsoever. We live in a world of dark money in which special interests spend tens and even hundreds of millions of dollars in elections to buy influence and to try to make sure that people get their way. There is neither public knowledge nor accountability about that dark money spending.

The Louisville Courier-Journal, in an editorial in June 2012, described the problem very well:

Money. Buckets of it. Tidal waves that one pundit has dubbed the “tsunami of slime.”

Well, we who are in this political world have experienced firsthand that tsunami of slime that the Citizens United decision unleashed. In the 2014 midterm elections, the Washington Post has reported that at least 31 percent of all independent spending in those elections was spent by groups that don't disclose who their donors are. You don't know who is behind their money.

You know the candidates know who is behind the money. For sure they are going to be told, but the public doesn't know who is behind that money.

And that 31 percent doesn't even count what are called issue ads, where somebody says the Presiding Officer, for instance, has a terrible position on this issue and you need to call her and tell her that her position is terrible, anti-American, wicked, no good, and that she is awful—and on and on they go. That is an issue ad, and so it doesn't even count. So that whole extra bit—also dark—is not even part of the 31 percent.

And the big, obvious thing that the Citizens United decision completely overlooked is that if you give big corporations and hugely wealthy special interests the ability to spend on elections, guess what else you give them. You give them the ability to threaten to spend or to promise to spend, and you know that those threats and promises are never going to be in any regime of effective disclosure. That is the ultimate private exercise of political influence. We have no idea how big the effect is of those silent threats and

promises—silent, at least, to the public.

The American people are pretty fed up. The New York Times this week reported on a poll, and I will just quote a little bit from the story:

The findings reveal deep support among Republicans and Democrats alike for new measures to restrict the influence of wealthy givers, including limiting the amount of money that can be spent by “super PACs” and forcing more public disclosure on organizations now permitted to intervene in elections without disclosing the names of their donors.

And the story continues:

And by a significant margin, they reject the argument that underpins close to four decades of Supreme Court jurisprudence on campaign finance: that political money is a form of speech protected by the First Amendment.

Clearly, money facilitates speech, but it also facilitates bribery. It also facilitates simply bludgeoning political actors and political parties with pressure.

Now, the results here:

More than four in five Americans [more than 80 percent of Americans] say money plays too great a role in political campaigns . . . while two-thirds say that the wealthy have more of a chance to influence the elections process than other Americans.

That is not healthy when 80 percent of Americans think that money plays too great a part and two-thirds of Americans think that they don't have an equal shot in elections compared to the wealthy.

And it is not only Democrats and independents who feel this way. I will continue to read:

Those concerns—and the divide between Washington elites and the rest of the country—extend to Republicans. Three-quarters of self-identified Republicans support requiring more disclosure by outside spending organizations. . . . Republicans in the poll were almost as likely as Democrats to favor further restrictions on campaign donations.

So if three-quarters of self-identified Republicans support requiring more disclosure by outside political spending organizations, I would hope that I could get support for this amendment which would require some disclosure.

It would require any company that contracts with the Department of Defense—and they get big contracts with billions, hundreds of billions of dollars—to disclose all of its campaign spending over \$10,000. It is a requirement that would apply to all the corporate officers, the board members, and to anyone who owns 5 percent or more of the company.

When there is that much money sloshing around in the defense budget, and when political actors are making the decisions about where that goes, we ought to be able to connect the dots between those corporations and whom they are giving big money to.

So this is a very simple disclosure provision. Again, 75 percent of Republicans support increased disclosure, and, in fact, a considerable number of Republicans in the Senate used to sup-

port disclosure. Over and over, you see Members who are still here, including the majority leader, who were ardent supporters of disclosure—ardent supporters of disclosure, that is, until it turned out that after Citizens United, the big, dark money tended to come in on behalf of—guess what—Republicans.

So the disclosure principle evaporated, but I think it has to come back. The public is sick of it. It is time we cleaned up the political process from all this dark money. It is totally consistent with the premise of the Citizens United decision.

So when the time comes for me to call up this amendment and get it pending, I will do so with the hope that we can find some Republican support for the American people being allowed to know who is spending big bucks to influence elections. We are entitled to know that.

AMENDMENT NO. 1521

Mr. WHITEHOUSE. Madam President, one other thing I wish to speak in favor of is the amendment of Senator REED, my senior Senator—Senator JACK REED of Rhode Island—to cut the so-called OCO budget gimmick from the Defense bill.

I am on the Budget Committee, and I have heard very passionate protestations from my colleagues on the Budget Committee about the importance of reducing the deficit, not dealing with the national debt, reducing borrowing, deficit spending, and all of that. Well, when it comes to this particular bill, suddenly all of those concerns have gone completely out the window. They are funding a significant portion of this Defense authorization with imaginary money, with an account that is not intended to support ongoing, continuing, baseline defense expenditures, and that is reserved for overseas contingencies and that, therefore, doesn't have to be paid for. So it would be a clear increase to the debt and the deficit to go down this road, and we would very much prefer that instead of using the so-called OCO gimmick to fund this authorization with deficit spending, we sit down and have a mature and consequential discussion between the White House and the Senate and the House on where our spending is going to go and with what accounts we are going to be able to do it. Before we start going account by account through the appropriations process, we have a plan in mind so that we don't find that certain favored accounts get dealt with first and then the rug gets pulled out from under the others.

I think that is a reasonable way, and I support Senator REED's amendment and his notion that we should have a bipartisan plan to replace the arbitrary sequester cuts with a balanced deficit-reduction strategy that includes, among other things, closing some wasteful tax loopholes.

With that, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. CASIDY). Without objection, it is so ordered.

OIL EXPORTS

Ms. MURKOWSKI. Mr. President, when we talk about national security issues and the vulnerabilities we have as a nation, I can think of no other area where we face such challenges and yet such opportunities when it comes to our energy assets and how we can utilize our energy policies at their intersection points with our national security policies.

The inability of the United States to export oil is a vulnerability to our nation. At a time when we have risen to be the world's top producer of oil, our outdated 1970s-era ban on oil exports is causing us to miss out on a significant economic- and security-related benefits.

The good news is we can change this. It is within our power to change this, and that is why I have come to the floor this afternoon.

Here is a fact: The United States is the only advanced Nation that prohibits crude oil exports. We are the only one. Countries such as Australia, Denmark, Norway, the United Kingdom, Canada, and even New Zealand all allow for both imports and exports, just like the normal trade in any other commodity. It is distinctly weird that we would prohibit our own exports.

We are also in a position where our friends and our trading partners are openly asking us for assistance. They are coming to us and saying: Hey, can you help? We are your friends. We are your allies. You have the resources.

The world has changed dramatically. We have new alliances. We have new threats. We have new hopes. We have new fears. It is my own hope that while the world may have changed, our Nation's role as a global leader has not eroded. This is an area where we have an opportunity to prove it has not eroded.

Our energy renaissance is a new thing, and sometimes it takes time to understand the implications of new things, of changes, but here is where we have been. We have already held about half a dozen hearings on the topic of oil exports in the House and in the Senate since last January. I introduced this subject last January 2014, and I said at that time that 2014 was going to be the year of the report, where we would seek out the experts, we would ask the think tanks to weigh in on this issue, and so they did. The reports that came out were numerous, they were considered, they were thoughtful, and they were all very helpful. Reports came out of the

Brookings Institution, Columbia University, the Center for a New American Security—too many to even list here. The individual experts who are in favor of allowing oil exports are also quite impressive. These are people whom we look to for leadership in a host of different areas.

There was a piece in the Wall Street Journal that I ask unanimous consent be printed in the RECORD, penned by Leon Panetta and Stephen Hadley, the Defense Secretary in the Obama administration and the National Security Advisor in the Bush administration. They wrote a piece that was entitled "The Oil-Export Ban Harms National Security." It is well-founded, well-written, and to the point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal (Opinion)
May 19, 2015]

THE OIL-EXPORT BAN HARMS NATIONAL SECURITY

THE U.S. IS WILLFULLY DENYING ITSELF A TOOL THAT COULD PROVE VITAL IN DEALING WITH THREATS FROM RUSSIA, IRAN AND OTHERS

(By Leon E. Panetta and Stephen J. Hadley)

The United States faces a startling array of global security threats, demanding national resolve and the resolve of our closest allies in Europe and Asia. Iran's moves to become a regional hegemon, Russia's aggression in Ukraine, and conflicts driven by Islamic terrorism throughout the Middle East and North Africa are a few of the challenges calling for steadfast commitment to American democratic principles and military readiness. The pathway to achieving U.S. goals also can be economic—as simple as ensuring that allies and friends have access to secure supplies of energy.

Blocking access to these supplies is the ban on exporting U.S. crude oil that was enacted, along with domestic price controls, after the 1973 Arab oil embargo. The price controls ended in 1981 but the export ban lives on, though America is awash in oil.

The U.S. has broken free of its dependence on energy from unstable sources. Only 27% of the petroleum consumed here last year was imported, the lowest level in 30 years. Nearly half of those imports came from Canada and Mexico. But our friends and allies, particularly in Europe, do not enjoy the same degree of independence. The moment has come for the U.S. to deploy its oil and gas in support of its security interests around the world.

Consider Iran. Multilateral sanctions, including a cap on its oil exports, brought Tehran to the negotiating table. Those sanctions would have proved hollow without the surge in domestic U.S. crude oil production that displaced imports. Much of that foreign oil in turn found a home in European countries, which then reduced their imports of Iranian oil to zero.

The prospect of a nuclear agreement with Iran does not permit the U.S. to stand still. Once world economic growth increases the demand for oil, Iran is poised to ramp up its exports rapidly to nations whose reduced Iranian imports were critical to the sanctions' success, including Japan, South Korea, Taiwan, Turkey, India and China. U.S. exports would help those countries diversify their sources and avoid returning to their former level of dependence on Iran.

More critically, if negotiations fail, or if Tehran fails to comply with its commitments, the sanctions should snap back into

place, with an even tighter embargo on Iranian oil exports. It will be much harder to insist that other countries limit Iranian imports if the U.S. refuses to sell them its oil.

There are other threats arising from global oil suppliers that the U.S. cannot afford to ignore. Libya is racked by civil war and attacks by the Islamic State. Venezuela's mismanaged economy is near collapse.

Most ominous is Russia's energy stranglehold on Europe. Fourteen NATO countries buy 15% or more of their oil from Russia, with several countries in Eastern and Central Europe exceeding 50%. Russia is the sole or predominant source of natural gas for several European countries including Finland, Slovakia, Bulgaria and the Baltic states. Europe as a whole relies on Russia for more than a quarter of its natural gas.

This situation leaves Europe vulnerable to Kremlin coercion. In January 2009, Russia cut off natural gas to Ukraine, and several European countries completely lost their gas supply. A recent EU "stress test" showed that a prolonged Russian supply disruption would result in several countries losing 60% of their gas supplies.

Further, revenue from sales to Europe provides Russia with considerable financial resources to fund its aggression in Ukraine. That conflict could conceivably spread through Central Europe toward the Baltic states. So far, the trans-Atlantic alliance has held firm, but the trajectory of this conflict is unpredictable. The U.S. can provide friends and allies with a stable alternative to threats of supply disruption. This is a strategic imperative as well as a matter of economic self-interest.

The domestic shale energy boom has supported an estimated 2.1 million U.S. jobs, according to a 2013 IHS study, but the recent downturn in oil prices has led to massive cuts in capital spending for exploration and production. Layoffs in the oil patch have spread outward, notably to the steel industry. Lifting the export ban would put some of these workers back on the job and boost the U.S. economy.

Why, then, does the ban endure? Habit and myth have something to do with it. U.S. energy policy remains rooted in the scarcity mentality that took hold in the 1970s. Even now, public perception has yet to catch up to the reality that America has surpassed both Russia and Saudi Arabia as the world's largest producer of liquid petroleum (exceeding 11 million barrels a day). The U.S. became the largest natural gas producer in 2010, and the federal government will now license exports of liquefied natural gas.

The fear that exporting U.S. oil would cause domestic gasoline prices to rise is misplaced. The U.S. already exports refined petroleum, including 875,000 barrels a day of gasoline in December 2014. The result is that U.S. gasoline prices approximate the world price. Several recent studies, including by the Brookings Institution, Resources for the Future and Rice University's Center for Energy Studies, demonstrate that crude oil exports would actually put downward pressure on U.S. gasoline prices, as more oil supply hits the global market and lowers global prices.

Too often foreign-policy debates in America focus on issues such as how much military power should be deployed to the Middle East, whether the U.S. should provide arms to the Ukrainians, or what tougher economic sanctions should be imposed on Iran. Ignored is a powerful, nonlethal tool: America's abundance of oil and natural gas. The U.S. remains the great arsenal of democracy. It should also be the great arsenal of energy.

Ms. MURKOWSKI. It said directly: We keep this ban in place, this decades-