

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

NATIONAL ASSOCIATION
OF BROADCASTERS,
Washington, DC, July 11, 2007.

DEAR SENATOR: I write today to express our strong opposition to a reinstatement of the so-called "Fairness Doctrine."

This discredited regulation, which stemmed from the 1940s and was eliminated two decades ago, required television and radio broadcasters to present contrasting points of view when covering controversial issues of public importance. In the Federal Communications Commission's 1985 Fairness Report, the FCC asserted that the doctrine no longer produced its desired effect and instead caused a "chilling effect" on news coverage that may also be in violation of the First Amendment.

I write to you today urging you to oppose any attempt to resurrect this long-discarded regulation. Free speech must be just that—free from government influence, interference and censorship.

The so-called Fairness Doctrine would stifle the growth of diverse views and, in effect, make free speech less free. Newsgathers, media outlets and reporters will be less willing to present ideas that might be controversial. In fact, FCC officials found that the doctrine "had the net effect of reducing, rather than enhancing, the discussion of controversial issues of public importance," and therefore was in violation of constitutional principles. ("FCC Ends Enforcement of Fairness Doctrine," Federal Communications Commission News, Report No. MM-263, August 4, 1987.)

In the 20 years since elimination of the Fairness Doctrine, there has been a veritable explosion in alternative media outlets. Today, there are over 13,000 radio stations, more than 1,700 TV stations, nine broadcast TV networks, hundreds of cable and satellite channels, scores of mobile media devices and an infinite number of Internet sites that cater to every political persuasion and ideology. The Internet now enables consumers to obtain, and communicate to the world, virtually unlimited content.

Bringing back the Fairness Doctrine is unnecessary, unwarranted, and unconstitutional.

Sincerely,

DAVID K. REHR.

Mr. INHOFE. Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from South Carolina.

Mr. DEMINT. Mr. President, I ask unanimous consent that I be allowed to speak for 15 minutes in morning business.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. WHITEHOUSE. Mr. President, if the Senator will amend his consent request so that both sides have equal additional time in morning business, there will be no objection.

The ACTING PRESIDENT pro tempore. Does the Senator modify his request?

Mr. DEMINT. Mr. President, I modify my request that I have 15 minutes and my colleague have 15 minutes as well.

Mr. WHITEHOUSE. No objection. I thank the Senator.

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

Mr. DEMINT. Thank you, Mr. President. I thank my colleague for yielding.

EARMARK REFORM

Mr. DEMINT. Mr. President, I first thank my colleague from Oklahoma for bringing to the floor this important issue of free speech in America, and the bill that would help to keep the FCC from imposing gag rules on talk radio and other media. But that is not the purpose of my trip to the floor today.

Mr. President, I rise today to speak about the ongoing effort in the Senate to block earmark reform. It has now been 175 days—over 6 months—since we passed our earmark transparency rules. Yet they still have not been enacted.

As my colleagues know, we passed two important earmark transparency rules back in January that, first, require public disclosure of earmarks and, second, prohibit Congress from adding secret earmarks behind closed doors in conference committees where they cannot be openly debated or voted on. Both of these rules were unanimously supported by the Senate. But now—over 6 months later—Democrats are insisting that we change or drop these rules behind closed doors.

I asked the majority leader before July 4 if we could agree to protect these earmark reforms in conference, but he said no. I am not asking for an ironclad agreement. He said they would change in conference. I asked him what changes he wanted to make to these important earmark rules that had passed unanimously, but so far we do not have a response.

In fact, in CongressDailyAM, they put it quite clearly when they said:

[Democrats] could not guarantee that DeMint's earmark language would survive negotiations with the House.

I would only correct one thing about that quote. This was actually NANCY PELOSI's language, modified slightly by Senator DURBIN, and voted on unanimously in the Senate. They are hardly my earmark requirements.

Well, there you have it. After stalling and blocking the enactment of these important ethics reforms for over 6 months, and after coming up with every excuse in the book to put them off, the Democrat leadership is now beginning to admit they plan to kill earmark reform.

It is now day 175 of business as usual in the Senate, and the party that said it would clean up the culture of corruption in Washington is already embracing it.

The majority leader and the majority whip made several statements on this issue on the Senate floor the other night, and I want to address them.

First, the majority leader said that my efforts to protect earmark reform were a "ploy," a "diversion," and a "smokescreen" to stop the ethics bill.

This accusation is completely false, and these two Senators are probably the only two people in America who be-

lieve it. I voted for the lobbying and ethics bill, and I even supported going to conference. In fact, I came to the floor on Monday and asked for consent to adopt the earmark transparency rules and to go to conference with the House on the ethics bill. But the other side objected because they only want to move forward on the ethics bill if they can gut the earmark reforms in secret.

The truth is, the only thing stopping the lobbying and ethics bill from moving forward is the Democratic leadership and their desire to kill meaningful earmark reform behind closed doors. They may want to hide their opposition to transparency by accusing me of having a secret plan to kill the bill, but Americans know the truth. They know folks in Congress love earmarks and will do anything to keep this process secret and easy for Members to designate money to their pet projects. It is clear, the only thing stopping this bill is obstruction to earmark reform.

Next, the majority leader said it was a "fantasy" for anyone to think they would kill earmark reform behind closed doors. Again, I am not sure how these things can be said with a straight face. Several Senators on the other side, including the majority leader himself, have publicly said they intend to change these rules behind closed doors, but they won't say how they are going to change them. If this is all a fantasy, then why won't they tell us what they plan to do with these reforms? This is supposed to be a bill about transparency, but the other side wants to rewrite it in secret.

But setting aside for a moment the fact that they have publicly admitted they plan to change these rules, we need to realize it is earmark reform we are talking about here. The culture of earmarking runs very deep in this town, and it is no fantasy that there are many in this body on both sides of the aisle who want to preserve that culture.

Next, the majority leader said Democrats are already complying with the rule and therefore we should trust them. The truth is the earmark disclosure the Democrats have given us is spotty at best. In fact, the Congressional Research Service says only 4 committees out of 18 have implemented even an informal disclosure rule. Even worse, it says these four informal rules cannot be enforced on the floor of the Senate.

The Defense bill we are debating right now is a perfect example. The committee put out a partial list of the earmark sponsors, but it has failed to make public the letters from these earmark sponsors certifying that they have no financial interest in the projects they have requested. This is a recipe for more Duke Cunninghams. It is a recipe for corruption.

Congressional Quarterly put it quite clearly when it stated:

The earmarks—listed in the defense bill for the first time ever—would not have been

published at all had most Democrats on the Senate Armed Services Committee gotten their way.

But the Democratic leadership wants us to trust them anyway. They want us to trust the people writing the earmarks to follow the rules without any accountability. It won't work, and the Defense bill is a perfect example.

It is also important to note that the Democrats have done nothing to address the practice of adding secret earmarks in closed door conference committees. As my colleagues know, one of our earmark transparency rules prohibits this awful practice. The Democrats in the House have been trying to get away with adding their earmarks in secret without any oversight, and now Senate Democrats are blocking a rule to stop it on our side.

Everyone knows the game around here. Everyone knows if you want a questionable earmark, you wait until the bill gets to conference and then you slip it in where it cannot be seen, where it cannot be debated, and where it cannot be stopped. Nothing has been done to stop this practice. The majority leader may believe Democrats have been transparent enough, but it is clear they have not. That is why we need a rule that will hold us all accountable.

Next, the majority leader said I am preventing the Congress from "restoring the faith" of the American people in their Government. Congress will never restore faith with the American people until it addresses earmarks. As long as Members of Congress can direct Federal tax dollars to the special interest of their choosing with little or no accountability, we will see more bribes, more indictments, more prison sentences, and more Duke Cunninghams. Ethics reform is not complete without earmark reform. Americans know what I am talking about. That is why we need to get this right.

Next, Senator DURBIN said if I would only look at the bills, I would see the Democrats have fully complied with the proposed rules. The truth is if Senator DURBIN would look at the earmark disclosure rule—which he wrote—he would know it requires Senators to certify they have no conflict of interest in the earmark, and that these certifications will be made public on the committee Web site. If he would do some checking and go to the Armed Services Committee Web site, he would see there are no letters there for all the earmarks that were added to the Defense authorization bill we are currently debating. That is one example of how the majority is skirting the rules and it is one example of why they don't want a formal rule that would stop them from pulling these tricks.

But setting aside their failures to be fully transparent, if Senator DURBIN believes they are in full compliance with the earmark rules, then why is he so opposed to enacting them? What is he afraid of? If they are already complying with these rules, why not for-

malize them so they can be actually enforced?

The truth is they are not fully complying with the rules and they have no plan to. They have been earmarking at will for years and they don't want anything that would make them more open or transparent.

The majority leader also said my desire to protect earmark reform is a "guise" to kill the ethics bill. Again, this is completely false. For me, this is about reforming the way we spend American tax dollars. That is my motive. I am one who believes that the culture of earmarks is what drives the culture of corruption, and I know many others agree. The only "guise" here is the guise the Democrats are putting up to hide their opposition to earmark reform. They keep saying they want to go to conference on the ethics bill, but they refuse to tell us what they plan to do with the earmark reform once they get there. Instead, they say "trust us."

Democrats keep saying they want an ethics bill, but the truth is they don't want earmark reform. They have called it a "petty issue" and a "trifle." It is all a guise. We all know what this debate is about—it is about earmarks and whether we are going to have business as usual in the Senate.

The other side wants us to change the way people outside of Congress behave—such as the lobbyists who bring their issues to us—but they completely oppose changing anything on earmarks, because this limits their own ability and it forces them to be accountable. That is the real guise here.

The majority leader appears to be so opposed to meaningful earmark reform that he is willing to cancel the August break in order to pressure me to allow them to gut these reforms in secret. From my perspective, cancelling the August break to debate earmark reform would not be a bad thing. We need to debate this, because there are many here in the Senate who still don't get it. They still don't understand that Americans are sick and tired of business as usual in Washington.

The majority leader also said the other night that he may try to force this down our throats, as he tried to force the immigration bill down our throats by filing a number of cloture motions. The other side says what I am doing to force them to protect earmark reform has never been done before and would set a bad precedent. They actually think people will believe that nobody has ever objected to going to conference, that no one has ever objected to sending a bill to a back room where it can be changed at will.

What I am doing is exactly what Senator REID did for years when he was in the minority. According to the Congressional Research Service, the Senator who has blocked the most attempts to go to conference over the past three Congresses is Senator HARRY REID. On several occasions he has demanded specific guarantees or concessions in exchange for allowing a bill to go to conference.

Senator REID knew then what he seems to have forgotten now: that a conference committee is not an entitlement. A bill is not entitled to go to conference where it can be changed behind closed doors. It is a luxury the majority leadership has used, but he is not entitled to it. There are a number of ways we can reconcile the differences between the two bills. The Senator from Nevada knew this before, but now that he is the majority leader, he seems to have forgotten.

All of this can be easily solved in a bipartisan way. All my friends on the other side need to do is accept these rules which were unanimously supported by the Senate back in January. And if for some reason they believe these rules need technical changes, then they should tell us what they are going to do to change them so we can work it out in the open instead of behind closed doors.

I hope my friends on the other side will change their minds. These are Senate rules that I am talking about, and there is no reason why we need to be negotiating with the House on them. All my friends on the other side have to do is stop blocking earmark reform and stop trying to change the rules in secret, and we can move on.

Americans have seen the ethical problems associated with earmarks. They have watched what happened to Duke Cunningham and they have seen a number of Members of Congress forfeit their seats on appropriations committees due to conflicts of interest. Americans understand that lobbying and ethics reform will not be complete if we don't do anything to shine the light on the process.

Mr. President, could I ask how much time I have remaining?

The PRESIDING OFFICER (Mr. NELSON of Florida). The Senator has 1 minute 10 seconds remaining.

Mr. DEMINT. I am more long-winded than I thought here.

Let me conclude, although we will need to continue this debate.

My goal is to get the lobby and ethics reform bill to conference. But a key part of that bill has always been earmark reform. The House has passed earmark reform as a House rule. We have passed the rule on the Senate side, but we have not adopted it. There is no reason to send a Senate rule that governs how we do business to a conference with the House. I wish to see this body accept this as a rule that has been unanimously voted on so we can move on to conference with lobby and ethics reform.

I am not holding up ethics reform or lobbying reform; I am asking this body to do what we have already voted on, and that is to accept the rule that we will be transparent about earmarks and how we spend American tax dollars.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. WHITEHOUSE. Mr. President, I believe I have 15 minutes to speak in morning business; is that correct?

The PRESIDING OFFICER. The Senator has that time, plus the additional time granted to the Senator from South Carolina.

Mr. WHITEHOUSE. I thank the Chair.

IRAQ

Mr. WHITEHOUSE. Mr. President, the American people have demanded a new direction in Iraq, and the momentum building toward that change is strong. It is not difficult to understand why. More than 3,600 brave American troops have lost their lives. Tens of thousands have returned home gravely injured—gravely injured. The war now costs Americans \$10 billion every month in Iraq, with total spending now exceeding that of the Vietnam war. It has ruined our international standing.

Despite all this, little has changed on the ground. Violence has worsened. Sectarian fighting goes on virtually unabated, with deadly attacks taking a severe and relentless toll. While courageous Americans die, Iraqi politicians argue and stall.

Leaving U.S. troops caught in the morass of Iraq has not made that country more secure and, more important, it does not make our country more secure. To stay President Bush's course will continue to cost our men and women in uniform their lives and their physical and mental health. It will continue to drain our national Treasury and further erode what little good will remains for America around the world. It will leave our military with overstrained troops, overstressed families, and equipment and resources in disrepair. We are breaking our military in Iraq.

It is time for a change. The American people know this. Democrats and, to their credit, many Republicans in this Congress know this. Anyone who is listening or looking with clear eyes knows this. Yet after years of misjudgments, years of misleading slogans, years of misplaced priorities, and years of failure, this President still refuses to do what he must do: Change course in Iraq and bring our courageous American troops home.

Just the other day, the President asserted his intention to stay the course, to continue this war indefinitely, an open-ended commitment, a blank check, with no prospects for redeployment or a new direction. Again, President Bush has failed to listen to the millions of Americans who have called on him and who have called on us to bring the war to an end. Enough is enough. It is time for a change.

Mr. President, a Member of this body recently said this about our Nation's course in Iraq:

In my judgment, the costs and risks of continuing down the current path outweigh the potential benefits that might be achieved. Persisting indefinitely with the surge strategy will delay policy adjustments that have a better chance of protecting our vital interests over the long-term.

I happen to agree with those words spoken by the very distinguished Senator, RICHARD LUGAR of Indiana, but what I like the most about them is the voice of reason and thoughtfulness they impart to this debate. There has been too little of that to date. The questions we face over this war in Iraq are serious questions, and they demand seriousness and reason from those who would grapple with them. Senator LUGAR's statement reflects that thoughtfulness, reflects that reason, in the midst of a debate which has all too often been characterized by a lack of those characteristics.

Look at this administration, which too often communicates not with reason but with slogans and sound bites: "Stay the course." "Global war on terror." "Cut and run." "Precipitous withdrawal." People watching this continuing debate, mark when you hear the phrase "precipitous withdrawal." You are hearing the end of reason, and sloganeering. This is no service to the people of our country, not when serious and difficult problems must be solved. Just look where this slogan leadership has gotten us so far. It is a dishonor roll of failure: weapons of mass destruction, nonexistent; occupation planning, incompetence; reconstruction efforts, failed; the strain on our troops and their families, disabling; the treatment of our wounded troops, disgraceful; expenditures, massive; fraud, rampant; the confidence of the American people, forfeited after cascades of false optimism and phony good news.

It is time, as Senator LUGAR's words exemplify, to pursue intelligent, thoughtful, and realistic decisions about our course in Iraq, decisions that will protect our national interest. It is time to put the slogans away and thoughtfully extricate ourselves from a disastrous mess.

I hope we can take these steps forward in the Senate together. I am encouraged that several Republican friends have stated clearly that they cannot support the President's failed course in Iraq and are seeking real change.

As I have said many times in this Chamber, our strategy to effect change in Iraq requires the rapid and responsible redeployment of our troops. As I told the President directly when I met with him several months ago, I see the prospect of U.S. redeployment as the most powerful force at our disposal in this conflict now. That prospect of redeployment of American troops will eliminate the insurgents' argument that America is an occupying army, taking away from them a powerful recruiting tool for militant extremists. It will spur Iraq's political leaders to step forward, to quit slow-walking us through their own civil war and take responsibility for the security and governance of their own country. It will confront neighboring nations with a real impetus to assume more positive roles in assuring the region's stability.

It will help restore the faith of the world in the leadership, the integrity, the good judgment, and the good will of our great country.

The President's surge plan is not the new direction Americans are calling for. It is a tactic—a tactic that can only be effective as part of a larger coherent strategy. And strategy, in turn, largely depends on whether the overarching dynamic works in America's favor. In this regard, America is presently on the worst possible footing.

A redeployment of our troops creates the potential to change this overarching dynamic for the better, freeing us to focus on more effective strategies to counter al-Qaida and to stabilize the region. Iraqi leaders will have to reach compromises with each other because their vision for their country's future will no longer be drawn with a major U.S. military presence in it. In the time it will take to bring our massive deployment of troops home, we can send a clear signal to Iraqi leaders and to Iraq's neighbors that America is standing down and it is time for them to stand up. We can help them do that.

This is a critical step, and thoughtful, reasoned, political, and diplomatic leadership will be essential to take advantage of the new dynamic a redeployment offers. I will confess that I am deeply troubled that this administration may not have the credibility it needs to accomplish this difficult task, even if it were of a mind to try.

This Congress can help set favorable conditions for executive action. We cannot legislate diligence, we cannot legislate thoughtfulness, we cannot legislate competence, and it is not clear that this administration is viewed as capable of those qualities any longer. It may take new faces and new voices to represent our country credibly in this process. Fortunately, there are many talented and accomplished people in this country whose perspectives and experience can help build America's credibility and prestige around the world. It will be a significant diplomatic challenge, but it presents a significant—perhaps historic—diplomatic opportunity.

That executive responsibility—the need to put ourselves in that diplomatic arena—does not relieve us in the Senate of our duty to continue to press forcefully on behalf of the millions of Americans who demanded a change in Iraq, to apply reason, thought, and our best care and judgment to a problem that has not yielded to sloganeering. We will keep the pressure on this President and his administration, whose inability to admit failure is leading our precious Nation deeper and deeper into disaster in Iraq.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Mr. President, first, what a remarkable ally the junior Senator from Rhode Island has been these few months he has been in the Senate. For his eloquence and help on many