

Ms. Warren: Mr. President, I came to the floor last week to ask a simple question: Who does this government work for? Does it work only for the billionaires and the biggest corporations or does it work for all of us? And I asked that question last week as Congress considered the government funding bill, a bill that included a completely unrelated provision literally written by Citigroup lobbyists that increased the risk of future taxpayer bailouts, just so the biggest banks in this country could rake in more profits.

Now, sadly, that bill was just the latest example of how the government works just fine for those who've already made it. In the past few years, federal agencies have entered into a number of major settlement agreements with big banks and other large corporations after those companies have broken the law. These agencies have touted these settlements as being worth millions or in some cases billions of dollars.

Now, that sounds like a great deal for the taxpayer, but often that sticker price is much higher than the actual value of the settlement. Agencies have often permitted corporations to deduct the cost of the settlement from their taxes, which can cut the actual value of the payment by more than 30%. And instead of requiring corporations to actually pay the full settlement amount, agencies often give corporations credits toward the settlement amount for taking certain actions, actions that the corporations would have taken even if the settlement had never existed. By structuring the settlement this way, agencies can get credit for being tough on corporate wrongdoers, even when the actual deal paints a much different picture.

In January, I introduced a bill with Senator Coburn to shed more light on this kind of backroom deal making. This bipartisan bill, the Truth in Settlements Act, is pretty simple. It just requires federal agencies to publicly disclose certain basic information about the major settlements they enter into with corporations, information like whether a settlement is going to be tax-deductible or whether it lets companies claim credit for things they're already doing. That's just pretty much it. The idea behind the bill is straightforward: if government is going to cut deals on behalf of the American people, the American people are entitled to know what kind of a deal they're getting. That's the only way that the public can hold agencies accountable.

The Homeland Security and Governmental Affairs Committee approved the Truth in Settlements Act in July without any objections from any Democrats or any Republicans. The CBO found that the bill wouldn't cost taxpayers a single dime. This is a nonpartisan, commonsense measure that simply brings more transparency to critical actions that the government takes on behalf of the public.

Accordingly, I ask unanimous consent that the Senate proceed to consideration of calendar number 566, S. 1898, that the committee-reported substitute amendment be agreed to, the bill, as amended, be read a third time and passed, the motions to reconsider be considered made and laid upon the table, with no intervening action or debate.

The Presiding Officer: Is there objection?

Mr. Toomey: Mr. President.

The Presiding Officer: The Senator from Pennsylvania.

Mr. Toomey: Mr. President, on behalf of Senator Cornyn, I object.

The Presiding Officer: Objection is heard.

Ms. Warren: Mr. President, I am disappointed but not surprised that there is an objection to this request, because although there is bipartisan support for this bill and only one outside group has raised concerns, that group is the United States Chamber of Commerce, a powerful lobbying organization that represents the interests of large corporations.

The Chamber's concern about this bill demonstrates just how much the interests of these giant corporations that break the law conflict with public interests. In its letter opposing the bill, the Chamber wrote, and I am quoting here, "that the bill would remove the incentive for investigation targets to settle and force the government to expend more resources to prove its assertions in court."

Think about that for a second. The Chamber's position is that agencies shouldn't disclose basic facts about settlement agreements to the public because if the public was aware of those facts, they would demand more accountability for corporate wrongdoers. The Chamber's position boils down to this: let's keep the details of these agreements hidden from view so that corporate wrongdoers don't have to worry about any real accountability for their illegal actions. That sounds great if you are a big company that breaks the law, but I don't think it sounds great to the American people.

I think that the American people are tired of seeing large corporations break the law and then negotiate sweetheart deals behind closed doors. While we will not be able to pass the Truth in Settlements Act this congress, I will be reintroducing it in the next Congress, and I will continue to fight for the public to get access to the details of these agreements. Because we weren't sent here to work for the big companies and to protect them from accountability when they break the law. We were sent here to stand up for everyone.

Thank you, Mr. President. And I yield.