

one of the first to use the public financing system, which he had helped craft 2 years prior when he ran for the Democratic nomination in 1976. My father was a big believer in running for office on behalf of his constituents instead of on behalf of big money. I believe strongly that ethos ought to apply to today's elected officials more than ever.

The public financing system funded candidates for 30 years and has enriched the political discourse for the country by ensuring that the American people have more say than connected insiders, special interests, or wealthy donors. Unfortunately, the current system's ability to keep up with the enormous spending required in Presidential campaigns has rendered it less effective. Thanks to Citizens United, public financing is no longer a viable option to compete against unlimited special interest dollars.

My legislation would strengthen the public financing system and incentivize candidates to obtain support from actual citizens, not special interest super PACs or secret financiers. It would ensure that our proven public financing system will be available for future elections, and that corporate and special-interest money doesn't drown out genuine ideas and debates in our Presidential elections.

For those of us who are committed to fixing our campaign finance system in the wake of Citizens United, there is a lot of challenging work ahead. I know Coloradans agree with me that reform could be the single most important issue to fix the way our democracy functions. As I have suggested, and as we know, unfortunately Federal elections are increasingly about who can secretly appeal more to wealthy and special interests instead of working to improve the lives of average and hard-working Americans. This sows corruption, dysfunction, and a government that is less responsive to the needs of the people.

Today we have an opportunity to start with a sensible requirement that we should all be able to agree on. Disclosure is nothing to be afraid of. I urge my colleagues to reconsider their vote and to allow the Senate to at least debate the DISCLOSE Act. We cannot afford to let another filibuster stand in the way of fair and open campaigns. Let's pass the DISCLOSE Act and take a big step toward turning the power of our government back over to the American people.

I note that the leader of this important effort, the DISCLOSE Act, Senator WHITEHOUSE of Rhode Island, is on the floor. I thank the Senator for his leadership and his commitment to ensuring that it is the American people who determine our future, not special interests, super PACs, millionaires, billionaires, and financiers who leave no track and no trace of where their money is going and where it is coming from.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, I thank the distinguished Senator from Colorado for his impassioned and eloquent support. I think we recognize that through the course of our country's history, men and women have shed their blood, have laid down their lives in order to protect this experiment in liberty that is the ongoing gift of our country to the rest of the world. When we take that experiment of liberty and turn it over to the special interests, it is a grave occasion.

I yield the floor.

THE PRESIDING OFFICER. The majority leader is recognized.

#### HELPING EXPEDITE AND ADVANCE RESPONSIBLE TRIBAL HOME OWNERSHIP ACT OF 2012

Mr. REID. Mr. President, I ask unanimous consent the Committee on Indian Affairs be discharged from further consideration of H.R. 205, and the Senate proceed to its immediate consideration.

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

The clerk will report the bill by title. The legislative clerk read as follows:

A bill (H.R. 205) to amend the Act titled "An Act to authorize the leasing of restricted Indian lands for public, religious, educational, recreational, residential, business, and other purposes requiring the grant of long-term leases", approved August 9, 1955, to provide for Indian tribes to enter into certain leases without prior express approval from the Secretary of the Interior, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements related to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 205) was ordered to a third reading, was read the third time, and passed.

The PRESIDING OFFICER. The Senator from Rhode Island.

#### DISCLOSE ACT OF 2012—MOTION TO PROCEED—Continued

Mr. WHITEHOUSE. Mr. President, I believe Chairman LEAHY will shortly be joining us to discuss the DISCLOSE Act.

I ask unanimous consent that an op-ed piece authored by former Senator Warren Rudman and former Senator Chuck Hagel—two former Republican Senators who distinguished themselves in this body and have gotten together to write an article about the DISCLOSE Act—be printed in the RECORD.

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

[From the New York Times, July 16, 2012]

#### FOR POLITICAL CLOSURE, WE NEED DISCLOSURE

(By Warren Rudman and Chuck Hagel)

Since the beginning of the current election cycle, extremely wealthy individuals, corporations and trade unions—all of them determined to influence who is in the White House next year—have spent more than \$160 million (excluding party expenditures). That's an incredible amount of money.

To put it in perspective, at this point in 2008, about \$36 million had been spent on independent expenditures (independent meaning independent of a candidate's campaign). In all of 2008, in fact, only \$156 million was spent this way. In other words, we've already surpassed 2008, and it's July.

In the near term, there's nothing we can do to reverse this dramatic increase in independent expenditures.

Yet what really alarms us about this situation is that we can't find out who is behind these blatant attempts to control the outcome of our elections. We are inundated with extraordinarily negative advertising on television every evening and have no way to know who is paying for it and what their agenda might be. In fact, it's conceivable that we have created such a glaring loophole in our election process that foreign interests could directly influence the outcome of our elections. And we might not even know it had happened until after the election, if at all.

This is because unions, corporations, "super PACs" and other organizations are able to make unlimited independent expenditures on our elections without readily and openly disclosing where the money they are spending is coming from. As a result, we are unable to get the information we need to decide who should represent us and take on our country's challenges.

Unlike the unlimited amount of campaign spending, the lack of transparency in campaign spending is something we can fix and fix right now—without opening the door to more scrutiny by the Supreme Court.

A bill being debated this week in the Senate, called the Disclose Act of 2012, is a well-researched, well-conceived solution to this insufferable situation. Unfortunately, on Monday, the Senate voted, mostly along party lines, to block the bill from going forward. But the Disclose Act is not dead. As of now, it is 9 short of the 60 votes it needs.

The bill was introduced by Senator Sheldon Whitehouse, Democrat of Rhode Island, who deserves tremendous credit for crafting such comprehensive legislation, listening to his critics and amending his bill to address their concerns in a bold display of compromise. At its core, Whitehouse's bill would require any "covered organization" which spends \$10,000 or more on a "campaign-related disbursement" to file a disclosure report with the Federal Election Commission within 24 hours of the expenditure, and to file a new report for each additional \$10,000 or more that is spent. The F.E.C. must post the report on its Web site within 24 hours of receiving it.

A "covered organization" includes any corporation, labor organization, section 501(c) organization, super PAC or section 527 organization.

This is a huge improvement over the status quo, where super PACs currently have months to disclose their donors (often withholding this information until after an election) and 501(c) organizations have no requirement to disclose their donors at all.

The report must include the name of the covered organization, the name of the candidate, the election to which the spending pertains, the amount of each disbursement of

more than \$1,000, and a certification by the head of the organization that the disbursement was not coordinated. The report must also reveal the identity of all donors who have given more than \$10,000 to the organization.

We have no doubt that the Disclose Act will be spared any credible constitutional challenges if it were to pass the Senate and the House. In its *Citizens United* decision, the Supreme Court, by an 8-1 majority, upheld the provisions of federal law that require outside spending groups to disclose their expenditures on electioneering communications, including the donors financing those expenditures. Justice Anthony Kennedy, writing for the Court, noted that these provisions “impose no ceiling on campaign-related activities” and “do not prevent anyone from speaking.”

We believe that every senator should embrace the Disclose Act of 2012. This legislation treats trade unions and corporations equally and gives neither party an advantage. It is good for Republicans and it is good for Democrats. Most important, it is good for the American people.

What's more, every senator considering reelection faces the possibility of being blindsided by a well-funded, anonymous campaign challenging his or her record, integrity or both. The act under consideration would prevent this from happening to anyone running for Congress.

Without the transparency offered by the Disclose Act of 2012, we fear long-term consequences that will hurt our democracy profoundly. We're already seeing too many of our former colleagues leaving public office because the partisanship has become stifling and toxic. If campaigning for office continues to be so heavily affected by anonymous out-of-district influences running negative advertising, we fear even more incumbents will decline to run and many of our most capable potential leaders will shy away from elective office.

No thinking person can deny that the current situation is unacceptable and intolerable. We urge all senators to engage in a bipartisan effort to enact this critically needed legislation. The Disclose Act of 2012 is a prudent and important first step in restoring some sanity to our democratic process.

Mr. WHITEHOUSE. I think what I would like to do is actually share some of the thoughts from it.

Here is what Senator Rudman and Senator Hagel, two former Republican Senators, say:

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In the near term, there's nothing we can do to reverse this dramatic increase in independent expenditures.

These two distinguished former Republican Senators wrote:

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vision every evening and have no way to know who is paying for it and what their agenda might be. In fact, it's conceivable that we have created such a glaring loophole in our election process that foreign interests could directly influence the outcome of our elections and we might not even know it had happened until after the election, if at all.

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They then describe the bill and continue:

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Then the article closes by identifying the authors: Former Senator Warren Rudman, Republican of New Hampshire, is a chairman of Americans for Campaign Reform, and former Senator Chuck Hagel, Republican of Nebraska, introduced disclosure legislation in 2001.

While we await my colleagues who are scheduled to come to the floor, let me add that it is not unique or unusual that Senators Rudman and Hagel, former Republican Senators, should be supportive of the DISCLOSE Act and of

disclosure of who is making these massive, now secret, contributions to buy influence in our elections. First of all, it is not surprising because it is so darned obvious. It should be obvious to any thinking person, as Senators Rudman and Hagel said, that when somebody is spending the kind of money that is being spent—a single donor making, for instance, a \$4 million anonymous contribution—they are not doing that out of the goodness of their heart. They are not doing that just for the sheer fun of it. They are doing that because they have a motive. One doesn't spend \$4 million in politics if one doesn't have a motive. If one thinks otherwise, one really needs to wake up and have a cup of coffee.

If we add to that the insistence on the funding being secret, there is only one reasonable conclusion that a thinking person can draw about why somebody who is spending that kind of money with a motive would want their spending and their identity to be secret, and that is because the motive is a crummy motive. It is a lousy motive for the American people. If the American people were excited about the motive, they wouldn't want to keep it secret. It is only because they want to do bad deeds in the dark.

When time permits again, I will go through some of the Republican Senators who have spoken out in favor of disclosure and transparency in the past. We all know from the debate last night that the minority leader has—and I will yield to the chairman of the Judiciary Committee as soon as he is prepared—Senator ALEXANDER has been on record, as well as Senator CHAMBLISS, Senator SESSIONS, Senator CORNYN, Senator MURKOWSKI, Senator COLLINS, Senator BROWN of Massachusetts, Senator COBURN, and, of course, most prominently and most courageously over a long period of time and with great distinction, Senator JOHN MCCAIN.

So at this moment, I will yield to my distinguished chairman and friend, the chairman of the Judiciary Committee. I appreciate him giving his voice to this debate.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I appreciate what the Senator from Rhode Island has done. He has been a champion on this not only in the public forum on this floor of the Senate, but he has been a champion in the cloakrooms, in the committee rooms; everywhere we have been speaking about it, he has been most consistent. The people of Rhode Island are very fortunate to have somebody with such a strong voice.

For the last two and a half years, the American people have seen the devastating effects of the *Citizens United* decision. That decision by five Supreme Court Justices overturned a century of laws—a century of laws that have been supported by Republicans and Democrats alike—designed to protect our elections from corporate

spending. And what these five men did is they unleashed a massive flood of corporate money into our elections.

Now, many of us in the Congress and around the country were worried at the time of the Citizens United decision that it turned on its head the idea of government of, by, and for the people. We worried that the decision created new rights for Wall Street at the expense of people on Main Street. We worried that powerful corporate megaphones could drown out the voices and interests of individual Americans. I wish I didn't have to say this, but two and a half years later, it is clear these worries were supremely valid, and the damage is devastatingly real.

Since the Citizens United decision struck down longstanding prohibitions on corporations from direct spending in political campaigns, hundreds of millions of dollars from undisclosed and unaccountable sources have flooded the airwaves with a barrage of negative advertisements. Nobody who has watched our elections or even tried to watch television since the Citizens United decision can deny the enormous impact that decision has had on our political process. Everywhere I go in Vermont, people say: Who is behind these ads? Many of them find them offensive in Vermont.

They say: Who is behind these ads?

I say: I don't know.

They say: Well, you are a U.S. Senator. What do you mean you don't know?

I say: Because the Supreme Court has allowed people to hide who is paying for them, even though they are doing it to advance their economic interests, often to the exclusion of everybody else's; even though they are wanting to give themselves an advantage that all the rest of the people won't have.

Nobody who has strained to hear the voices of the voters lost among the flood of noise from super PACs can deny that by extending first amendment rights in the political process to corporations, the Supreme Court put at risk the rights of individual Americans to speak to each other and, crucially, to be heard. Yet, just last month, without a hearing—without even allowing Americans' voices to be heard—the same five Justices who in Citizens United ran roughshod over longstanding precedent to strike down key provisions of our bipartisan campaign finance laws doubled down on Citizens United when they summarily struck down a 100-year-old Montana State law barring corporate contributions to political campaigns—a State law that had been enacted by the people of Montana because they had seen the pervasive and sometimes evil effects of these corporate contributions. In doing so, they broke down the last public safeguards preventing corporate megaphones from drowning out the voices of hard-working Americans.

There is no doubt about it. In our State of Vermont, we have a town meeting day. People come in. They can

express any view they want, but you know who is expressing it. You know whether it is John Jones or Mary Smith. You know if it is the head of a local company or somebody speaking for a workers union. You know who is speaking, and you know that you have just as much right and ability to answer as they did in speaking. Now we are saying: No, no; unless you are a wealthy corporation willing to hide who is speaking, you are not going to be heard.

The Supreme Court decisions not only go against longstanding laws and legal precedence but also common sense. Contrary to at least what one candidate has said, corporations are not people. Corporations are not the same as individual Americans. Corporations do not have the same rights, the same morals, or the same interests. Corporations cannot vote in our democracy. We could elect General Eisenhower as President, but General Electric and General Motors cannot serve as the President. But if you go to the logic of these Supreme Court decisions, it virtually says: Let's elect General Electric or General Motors as President. The fact is, these are artificial legal constructs meant to facilitate business. The Founders understood this. The Founders knew we were not going to allow corporations either to vote or to take over our electoral process. Vermonters and Americans across this great country have long understood this. Apparently five members of the Supreme Court did not understand this.

Like most Vermonters, Republicans and Democrats alike, I strongly believe something must be done to address the divisive and corrosive decision of the Supreme Court in Citizens United. That decision was wrong, the damage must be repaired, and the harmful ways it is skewing the democratic process must be fixed. That is why I held the first congressional hearing on that terrible decision in the weeks after it was issued. That is why we have scheduled a hearing next week in the Senate Judiciary Committee's constitution subcommittee, led by the distinguished Senator from Illinois, Mr. DURBIN, to look at proposals for constitutional amendments to address Citizens United.

But today, without waiting the years and years and years that a constitutional amendment might take, the Senate can take action. By passing the DISCLOSE Act, we can restore transparency and accountability to campaign finance laws by ensuring that all Americans know who is paying for campaign ads. It is a crucial step toward restoring the ability of Vermonters and all American voters to be able to speak, be heard and to hear competing voices, and not be drowned out by powerful corporate interests. For any of us who are in an election, we expect our opponent to be able to speak out, and the public expects it. They want to hear from both of us. And

they should. That is why we have debates. That is why we have candidate forums. But it all becomes irrelevant if you have a huge megaphone, paid for by anonymous donors, anonymous corporations.

When I cosponsored the first DISCLOSE Act after the Supreme Court's decision in 2010, I hoped Republicans would join with Democrats to mitigate the impact of the Citizens United decision. From the depths of the Watergate scandal forward, until only recently, the principle of disclosure was a bipartisan value. A clear-cut reform such as the DISCLOSE Act would have easily drawn bipartisan support in those days after Watergate. I hoped that Senate Republicans, like my friend from Arizona, Senator JOHN MCCAIN, who once championed the bipartisan McCain-Feingold campaign finance law, which I supported, would join with us to help ensure that corporations could not abuse their newfound constitutional rights. Regrettably, every single Republican joined to successfully filibuster the DISCLOSE Act in 2010, and despite a majority in the House and a majority in the Senate and the American people voting and being in favor of passing this disclosure law, it fell one vote short from breaking a Republican filibuster in the Senate—one vote, but not a single Republican would stand and help us restore some of the core disclosure aspects of McCain-Feingold.

Senate Republicans are continuing their filibuster of this commonsense legislation. By filibustering it, they deny the American people an open, public, and meaningful debate on the importance of transparency and accountability in our elections. Last night they again filibustered this bill even though a majority in this Senate voted in favor of it. In fact, they refused to even proceed to debate on the bill in the Senate.

Despite the clear impact of waves of unaccountable corporate campaign spending that has led Senator MCCAIN to now concede that super PACs are "disgraceful," a minority in the Senate, consisting exclusively of Republicans, continue to prevent passage of this important law. Why are they against this bill? Why, when so many Senators of both parties used to champion disclosure laws and Senators of both parties used to support knowing who is paying for campaign ads, do they continue to prevent us from having a debate? Why, when the Supreme Court made clear even in the Citizens United decision that disclosure laws are constitutional, does the Senate Republican leadership insist on stalling the reform?

What happened to those Americans who said that our elections should be open? What happened to those Americans who said we ought to know who is involved in these elections? There should be only one thing secret in our elections: your secret vote, your right to vote in secret—one person, one vote. But nothing should say that there

should be a powerful, hidden, secret hand overwhelming the voters of America in telling them how they should vote.

We know disclosure laws can work because they do work for individual Americans donating directly to political campaigns. Mr. President, when you or I give money directly to a political candidate, our donation is not hidden. It is publicly disclosed. And that candidate—people can look at who has supported him or her, and that goes into their thoughts as to whether they will vote for them. Yet those who oppose the DISCLOSE Act are standing up for special rights for corporations and wealthy donors—rights, Mr. President, you and I do not have.

We have seen since Citizens United that the line the Supreme Court imagined existed between individual campaigns and the super PACs is an all but meaningless one, as super PACs have poured more and more money into influencing election campaigns. In reality, super PACs have simply become a way to funnel secret, massive, non-disclosed donations to political campaigns. The Citizens United decision has allowed corporations and large donors to evade the disclosure laws that apply to you and me by giving money to groups that then fund super PACs, as a way of laundering the money and keeping secret the real funders of these campaign ads.

If the average Vermonter wants to contribute to my campaign or my opponent's campaign, that is going to be public. People are going to know, and they will make their decisions. Part of their decision will be based on who supports us. But when you have a secret—a secret—wealthy entity supporting you, nobody knows who it is. And none of these entities use their real names. They are always for good government, for clean air, for motherhood and apple pie, for the sun rising in the east and setting in the west. There is no reason those funding these super PACs should not be bound by the same disclosure rules for giving directly to campaigns. Public disclosure of donations to candidates has never chilled campaign funding, and it has never prevented millions of Americans from participating openly. I follow a rule of releasing every single donor to my campaign, and I think we had one for 85 cents once that got disclosed.

We have seen some on the other side of this debate disgracefully compare the attempt we are making—to ensure that the same disclosure laws that apply to you and me also apply to corporations—to the shameful effort in the 1950s and 1960s to keep African Americans from exercising their right to vote. There the chilling effect often took the form of violence. We all remember the bridge at Selma and the blood that was spilled in the long effort for voting rights that led to the Voting Rights Act. At a time when we are seeing a renewed effort to deny millions of Americans their right to vote through

voter purges and voter ID laws that serve as modern-day poll taxes, the comparison some have made between our effort to bring sunlight and those evil days is as shameful as it is wrong.

When the race is on for secret money and election campaigns are won or lost by who can collect the largest amount of secret donations, it puts at risk government of, by, and for the people. Now, our ballots should be secret but not massive corporate campaign contributions.

I can tell you what I am fighting for. While too many Vermonters and other Americans are still looking for work, we need to continue looking for ways to spur job growth and economic investment in this country. We have to continue our efforts to increase jobs, reduce unemployment, and support hard-working American families struggling to keep food on the table and a roof over their heads. We have to protect Americans' access to clean air and clean water. We have to fight for their economic security by protecting Social Security, Medicare, and Medicaid. We need to work together to move forward with reasonable policies to bolster economic growth and development and by ending the Bush tax cuts for the wealthiest Americans—the tax cuts we cannot afford that contributed to the financial crisis facing us today.

That is what I am fighting for and I will keep on fighting for those things. What are the secret sources of funding for the super PACs fighting for? What do they expect to gain from hundreds of millions in campaign ads? And why are they hiding?

Vermont is a small State. It would not take more than a tiny fraction of the corporate money flooding the airwaves in other States to outspend all of our local candidates combined. I know that the people of Vermont, like all Americans, take seriously their civic duty to choose wisely on election day. That is why more than 60 Vermont towns passed resolutions on Town Meeting Day calling for action to address Citizens United. Like all Vermonters, I cherish the voters' role in the democratic process and am a staunch believer in the first amendment. The rights of Vermonters and all Americans to speak to each other and to be heard should not be undercut by corporate spending.

I hope that Republicans who have seen the impact of waves of unaccountable corporate campaign spending reconsider their filibuster of a debate on this important legislation. I hope Republican Senators will let us vote on the DISCLOSE Act and help us take an important step to ensure the ability of every American to be heard and to be able to meaningfully participate in free and fair elections.

Mr. President, I yield to Senator WHITEHOUSE.

Mr. WHITEHOUSE. Mr. President, I thank Chairman LEAHY.

I ask unanimous consent, in terms of scheduling floor time, that Senator

MANCHIN of West Virginia be recognized now for up to 5 minutes; that Senator MCCAIN, if he is on the floor, be recognized at the conclusion of Senator MANCHIN's 5-minute period; and if Senator MCCAIN is not present on the floor, that I be recognized in his stead.

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

The Senator from West Virginia.

Mr. MANCHIN. Mr. President, I rise today to address the disturbing role that money is playing in our politics, especially when it comes to anonymous groups with deep pockets that are trying to tear people down. There is no question this is a corrosive situation and it is hurting our democracy.

When you have unaccountable outside groups with virtually unlimited pockets, more and more lawmakers—all of us included—have to spend more time dialing for dollars that takes us away from legislating. That is simply backwards, sir. Elected officials should be working on fixing our problems, not having to worry every minute of every day about raising money so you can be protective or fend off people who are attacking you. And the effects are very clear: This Congress has stalled when it comes to tackling our biggest problems as a nation, but we are raising more money in politics than ever before.

Those priorities in my State of West Virginia are totally out of order, and we need to do something to change the system. I am not alone with this concern. In private, I have talked to my fellow Senators on both sides, Democrats and Republicans, who basically say they are spending more time raising money for reelection and that constant fundraising events interfere with the everyday business of governing this great Nation in the time they are spending to do that.

I try to spend time in my great State of West Virginia every weekend. I can tell you the people of West Virginia are also deeply troubled by the increasing role money is playing in our politics. Ever since the Supreme Court decision on the Citizens United campaign finance case, we have seen outside groups unleash an unprecedented flood of money to sway elections, and we have seen it time and again in West Virginia over the past several years.

I was deeply troubled by some statistics about how few Americans are involved in financing elections. This is cited by Professor Lawrence Lessig, a campaign finance expert, in *The Atlantic*.

Let me put this issue in perspective for our viewers and my colleagues. The population of this country is approximately 311 million people. We live in this great United States of America. A tiny number of those Americans—only 806,000 people out of the 311 million—give more than \$200 to a congressional campaign. To break that down even further, only 155,000 out of the 311 million contribute the maximum amount to any congressional candidate.

Then look at the people who participate in a number of elections who give more than \$10,000 in an election cycle—the maximum they can give to a candidate and to other candidates—and of those people in the United States of America out of the 311 million, only 31,000 Americans do that.

Let me break it down to even the super PACs—the money that comes from the super PACs. Just in this Presidential election so far, there are only 196 Americans out of 311 million—only 196 people—who have given hundreds of millions of dollars. They account for 80 percent of the funding so far. That is unheard of.

First of all, let me thank Senator WHITEHOUSE of Rhode Island. He has been truly a champion of common sense, bringing this together and bringing all sides together. Some of my friends would say spending money to influence an election is their first amendment right of freedom of speech. To my friends, I understand and respect their concerns. But I truly believe the DISCLOSE Act will not limit their freedom of speech. Instead, it will prevent the anonymous political campaigning that is undermining our democracy.

The people of West Virginia believe we need openness and transparency to stay informed and keep our democracy strong, and the DISCLOSE Act would do that. The people of this country have a right to know who is spending large amounts of money to influence elections. This bill would make the information available.

I ask unanimous consent for 2 more minutes.

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

Mr. MANCHIN. In fact, the measure is quite simple. Anytime an organization or individual spends \$10,000 or more on a campaign-related expense—that is the issue that is very important, campaign-related expense—they have to file a disclosure report with the Federal Elections Commission within 24 hours. Every one of us who runs for office has to disclose every penny we get. It should be that way. Some States, such as our sister State of Virginia, already have a transparency and disclosure law, and it has not stifled free speech there, nor does this provision affect organizations' regular operations. The disclosure is only required when organizations and individuals spend money on campaigns or try to influence elections.

Instead, this bill makes sure every person and organization plays fairly and by the same rules. Whether those organizations or individuals are in the middle, the left, the right, forward, backward or upside down, they have to play by the same rules.

In fact, I truly believe this provision will take an important step forward to increase transparency and accountability. That seems only right and fair to me. I am proud to cast my vote in favor of the DISCLOSE Act.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, here we are with 41 months of over 8 percent unemployment in America, and the national defense authorization bill is languishing in the shadows while we continue to have this debate and, obviously, there is no doubt in most people's minds that—with the full knowledge of the sponsors of this legislation that it will not pass—it is obviously for certain political purposes.

I oppose cloture on the motion. My reasons for opposing this motion are simple, even though the subject of campaign finance reform is not. In its current form, the DISCLOSE Act is closer to a clever attempt at political gamesmanship than actual reform.

By conveniently setting high thresholds for reporting requirements, the DISCLOSE Act forces some entities to inform the public about the origins of their financial support, while allowing others—most notably those affiliated with organized labor—to fly below the Federal Election Commission's regulatory radar.

My colleagues are aware that I have a long history of fighting for campaign finance reform and to break the influence of money in American politics. Regardless of what the U.S. Supreme Court may do or say, I continue to be proud of my record because I believe the cause to improve our democracy and further empower the citizens of our country was and continues to be worth fighting for.

But let's be clear. Reforms that we have successfully enacted over the years have not cured all the public cynicism about the state of politics in our country. No legislative measure or Supreme Court decision will completely free politics from influence peddling or the appearance of it. But I do believe that fair and just reforms will move many Americans, who have grown more and more disaffected from the practices and institutions of our democracy, to begin to get a clearer understanding of whether their elected representatives value their commitment to our Constitution more than their own incumbency.

For far too long, money and politics have been deeply intertwined. Anyone who has ever run for a Federal office will assure us of the fact that candidates come to Washington not seeking wisdom or ideas but because they need help raising money. The same candidates will most likely tell us they are asked one question when they announce they are going to seek office. Unfortunately, it is not how they feel about taxes or what is their opinion of the role of government. No, the question they are asked is: How are you going to raise the money? Couple that sad reality with the dawn of the super PAC spending from corporate treasuries and record spending by big labor and one can easily see a major scandal is not far off, and there will be a scan-

dal, mark my words. The American people know it and I know it.

Reform is necessary, but it must be fair and just and this legislation is not. I say that from many years of experience on this issue.

A recent Wall Street Journal article by Tom McGinty and Brody Mullins, titled "Political Spending by Unions Far Exceeds Direct Donations," noted that organized labor spent about four times as much on politics and lobbying as originally thought—\$4.4 billion from 2005 to 2011. According to the Wall Street Journal's analysis, unions are spending far more money on a wider range of political activities than what is reported to the Federal Election Commission. The report plainly states:

This kind of spending, which is on the rise, has enabled the largest unions to maintain and in some cases increase their clout in Washington and state capitals, even though unionized workers make up a declining share of the workforce. The result is that labor could be a stronger counterweight than commonly realized to "super PACs" that today raise millions from wealthy donors, in many cases to support Republican candidates and causes.

The hours spent by union employees working on political matters were equivalent in 2010 to a shadow army much larger than President Obama's current re-election staff, data analyzed by the Journal show.

The report goes on to note:

Another difference is that companies use their political money differently than unions do, spending a far larger share of it on lobbying, while not undertaking anything equivalent to unions' drives to persuade members to vote as the leadership dictates. Corporations and their employees also tend to spread their donations fairly evenly between the two major parties, unlike unions, which overwhelmingly assist Democrats. In 2008, Democrats received 55 percent of the \$2 billion contributed by corporate PACs and company employees, while labor unions were responsible for \$75 million in political donations, with 92 percent of it going to Democrats.

The traditional measure of unions' political spending—reports filed by the FEC—undercounts the effort unions pour into politics because the FEC reports are mostly based on donations unions make to individual candidates from their PACs, as well as spending on campaign advertisements.

Unions spend millions of dollars yearly paying teams of political hands to contact members, educating them about election issues and trying to make sure they vote for union-endorsed candidates.

Such activities are central to unions' political power: The proportion of members who vote as the leadership prefers has ranged from 68 percent to 74 percent over the past decades at AFL-CIO-affiliated unions, according to statistics from the labor federation.

Additionally, a February 22, 2012, Washington Post article, titled "Union Spending for Obama, Democrats Could Top \$400 million in 2012 Election." AFSCME reportedly expects to spend \$100 million "on political action, including television advertising, phone banks and member canvassing, while the SEIU plans to spend at least \$85 million in 2012."

With that analysis, combined with the \$1.1 billion the unions reported to

the FEC from 2005 to 2011, and the additional \$3.3 billion unions reported to the Labor Department over the same period on political activity, the need for equal treatment of political advocacy under the law becomes readily apparent. I repeat, the need for equal treatment of political advocacy under the law becomes readily apparent.

Given the strength and political muscle behind all these figures, it is easy to understand why disclosure may sound nice, but unless the treatment is completely fair, taking into account the diverse nature and purpose of different types of organizations, disclosure requirements will likely be used to give one side a political advantage over another. That is just one of the flaws of the bill before us today.

The DISCLOSE Act would have little impact on unions because of the convenient thresholds for reporting. But it would have a huge effect on associations and other advocacy groups. From my own experience, I can state without question that real reform—and, in particular, campaign finance reform—will never be attained without equal treatment of both sides. A half dose of campaign finance reform will be quickly—and rightly—labeled as political favoritism and will undermine future opportunities for true progress. Furthermore, these sorts of games and measures will only make the American people more cynical and have less faith in what we do.

The authors of this bill insist it is fair and not designed to benefit one party over the other. Sadly, the stated intent doesn't comport with the facts. The DISCLOSE Act is written to burden labor unions significantly less than the other groups. In the United States, there are roughly 14 million to 16 million union members, each of whom is required to pay dues to its local union chapter. Historically, these local union chapters send a portion of their revenues up to their affiliated larger "international" labor unions. And while each union member's dues may be modest, the amounts that ultimately flow up to the central political arms are vast. The DISCLOSE Act protects this flow of money in two distinct ways: No. 1, organizations that engage in political conduct are only required to disclose payments to it that exceed \$10,000 in a 2-year election cycle, meaning the local union chapter will not be required to disclose the payments of individual union members to the union even if those funds will be used for political purposes.

What is the final difference between one \$10,000 check and 1,000 \$10 checks? Other than the impact on trees, very little. So why should one be free from having to disclose its origin?

No. 2, the bill exempts from the disclosure requirements transfers from affiliates that do not exceed \$50,000 for a 2-year election cycle. As a result, unions would not have to disclose the transfers made to it by many of its smaller local chapters. Given the con-

trast between union and corporate structures, this would allow unions to fall beneath the bill's threshold limits. For local union chapters, this anonymity is probably pretty important because, among other effects, it prevents union chapter members from learning how much of their dues payments are being used on political activities.

While the exemptions outlined in the DISCLOSE Act may be facially applied to business organizations and associations, it is apparent to me the unions' unique pyramid-style, ground-up, money-funneling structure would allow unions to not be treated equally by the DISCLOSE Act. Unlike unions, most organizations do not have thousands of local affiliates where they can pull up to \$50,000 in "affiliate transfers."

I have been involved in the issue of campaign finance reform for most of my career. I am proud of my record. I am supportive of measures which call for full and complete disclosure of all spending in Federal campaigns. I reaffirmed this commitment by submitting an amicus brief to the U.S. Supreme Court regarding campaign finance reform along with the author of the DISCLOSE Act. This bill falls short. The American people see it for what it is: Political opportunism at its best, political demagoguery at its worst.

My former colleague from Wisconsin, Senator Feingold, and I set out to eliminate the corrupting influence of soft money and to reform how our campaigns are paid for. We vowed to be truly bipartisan and to do nothing which would give one party a political advantage over the other. The fact is this gives one party an advantage over the other.

I say with great respect to the Senator from Rhode Island, the way I began campaign finance reform is I found a person on the other side of the aisle who was willing to work with me, and we worked together on campaign finance reform. The Senator from Rhode Island and the sponsors of this bill have no one on this side of the aisle. By not having anyone on this side of the aisle, the Senator from Rhode Island has now embarked on a partisan enterprise.

I suggest strongly to the sponsors of the bill—if they are serious about campaign finance reform and about curing the evils going on now—they approach Members on this side of the aisle and make sure our concerns about the role of labor unions in this financing of political campaigns are addressed as well.

It is too bad—it is too bad—that Members on that side of the aisle are now orchestrating a vote which is strictly partisan in nature when they know full well the only way true campaign finance reform will ever be enacted by the Congress is in a bipartisan fashion. This is a partisan bill, and I am disappointed we are wasting the time of the Senate on a bill—and on a cause that is of utmost importance, in my view—in a partisan fashion.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, before I yield the floor to Senator SANDERS, I wanted to take 1 minute and thank Senator MCCAIN for his many years of principled advocacy in this area. People have written entire books about the work he has done. I think it was Elizabeth Drew who wrote one of the best books about the courage Senator MCCAIN has shown over the years. So I come to this debate with enormous respect for him.

I will say the bill is not bipartisan, but that is not for lack of trying. We have reached out over and over again. In the face of an absolute stonewall on this subject, we have changed the bill ourselves in order to accommodate concerns. The stand-by-your-ad provision was criticized by the Republican witness in the Rules Committee, so we removed it. The National Rifle Association was livid about the \$600 threshold because it would require them to disclose their members, so we raised it to \$10,000. Over and over, where there have been substantive objections to the bill, we have met them.

At this point, not one Republican—for all of our contacts across the aisle—has expressed anyplace in this bill where an amendment could be made. We have never been given any language, we have never been shown the area that, in theory, is better for the unions. It is, as Senator MCCAIN himself admitted, facially applied to corporations and unions and other organizations alike.

I would refer back to the op-ed in today's New York Times by Republican former Senators Rudman and Hagel agreeing this is, in fact, a fair bill. It is balanced among all parties, and all Senators should support it.

With that, I yield the floor to my colleague, Senator SANDERS, with appreciation for allowing me that moment of his time.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. SANDERS. Mr. President, I thank Senator WHITEHOUSE, Senator SCHUMER, and all those who have been working so hard on this enormously important issue which has everything to do with whether our country remains the kind of democracy most of us want it to be.

I come to the Senate floor today to express my profound disgust with the current state of our campaign finance system and to call for my fellow Senators, as a short-term effort, to pass the DISCLOSE Act. Passing the DISCLOSE Act would be an important step forward, but clearly we have much more to do on this issue.

Long term, of course, we need a constitutional amendment to overturn this disastrous Supreme Court decision—the Citizens United 5-to-4 decision of 2 years ago. Long term, in my view, we also need to move this country toward public funding of elections



so that once and for all big money will not dominate our political process.

Long term, there is no question in my mind that Citizens United will go down in history as one of the worst decisions ever rendered by a U.S. Supreme Court. Five members of the Court came to the bizarre conclusion that corporations should be treated as if they were people; that they have a first amendment right to spend as much money as they want to buy candidates, to buy elections. Somehow, in the midst of all of this unbelievable amount of spending millions and millions of dollars, the Supreme Court came to the conclusion this would not even give the appearance of corruption. I think that is, frankly, an absurd conclusion.

Mr. President, let me tell you—and my take on this may be a little different than some of my colleagues—what concerns me most about the Citizens United decision. If we look at Citizens United in tandem with other trends in our economy today, what we see is this Nation is rapidly moving from an economic and political society to an oligarchic form of society.

Economically, what we see are fewer and fewer people who control our economy. We see a nation which has the most unequal distribution of wealth and income of any major country on Earth, in which the top 1 percent of our Nation owns 40 percent of the wealth and the bottom 60 percent owns 2 percent of the wealth. That gap between the very wealthy and everybody else is growing wider and wider. That is wealth in terms of income distribution.

The situation is even worse. The last study we have seen suggests that 93 percent of all new income between 2009 and 2010 went to the top 1 percent. So, economically, we are moving toward a nation in which a few people have a significant amount of the wealth of America—significant amount of the income of America in terms of concentration of ownership. We see a situation in which six financial institutions on Wall Street have assets equivalent to two-thirds of the GDP of the United States of America—over \$9 trillion controlled by six financial institutions. And the recklessness, greed, and illegal behavior of those financial institutions are what drove us into the recession we are struggling with right now.

So now, as a nation, the trends are that fewer and fewer people own the wealth of America and fewer and fewer large corporations control the economy of America. But, apparently, that is not good enough for the 1 percent, for our millionaire and billionaire friends, because now they want to take that wealth and exercise it even more than has been the case in the past in the political realm. That takes us now to Citizens United.

In the real world, we all know what is going on with Citizens United. We know billionaires are saying: Look, yeah, it is great I own an oil company.

It is great that I own a coal company. It is great that I own gambling casinos. But, gee, I could have even more fun by owning the United States Government.

So we have entities out there who are worth some \$50 billion—and the Koch brothers come to mind. If you are worth \$50 billion and you have all kinds of interactions with the Federal Government and you have strong political views, why wouldn't you spend \$400 million—which is what the media says that family is going to spend, and maybe even more—if you can purchase the United States Government. That is not a bad investment.

That is what Citizens United is about. It is billionaires spending huge amounts of money without disclosure—without disclosure.

I would have gone further than this bill, but this bill is certainly an important step forward. What does it require? It says if someone is going to spend more than \$10,000 in a campaign they have to make public who they are. I don't think that is a terribly onerous provision. The American people are not stupid. They understand if somebody is going to spend hundreds of millions of dollars on political activities they want something. That is what it is about.

Why do people make campaign contributions? Many of us get a whole lot of campaign contributions from folks who give us \$25, \$30, \$40. Most of my campaign contributions come from people who give us less than \$200. But if somebody is going to spend hundreds of millions of dollars on a campaign, I think the American people have a right to know who that is and what they want; who is taking that money and what those contributors are going to get in return.

If you are a billionaire and you want lower taxes, have the courage to say: Hey, I am a billionaire. I am putting money into a party, and what I am going to get out of it is lower taxes for the rich. If I am somebody in a corporation that is polluting the air and the land and the water, and I want to get rid of those regulations, have the guts to come forward and say: Yeah, that is what I want. I want to eviscerate the EPA. I don't care that children in Vermont or Rhode Island get sick, that is what I want.

So what this is about is fairly elementary. What this is about is simply having those people, those institutions, those corporations and unions that are putting more than \$10,000 into the political process reveal who they are.

What concerns me very much about this whole process—and I think concerns the American people—is while our middle class disappears and poverty increases, while the gap between the very wealthy and everybody is growing wider, it appears very clear right now these folks are not content, the top 1 percent is not content with simply owning the economy, with controlling the economy. They now want to control, to an even greater degree

than is currently the case, the political process as well. That is what these campaign contributions of hundreds of millions of dollars are about.

When I think back on the history of this country and the enormous sacrifices men and women made defending the American ideal—the ideal that was the vision to the entire world. The entire world looked to the United States for what a strong democracy was about—one person, one vote. In my State of Vermont, we have meetings and people come out—one person, one vote—to discuss the municipal town budget, to discuss the school budget. And now we have evolved to a situation where one family can spend \$400 million buying politicians, buying elections. That is a long way away from what democracy is supposed to mean in this country. The DISCLOSE Act is a very important first step forward, and I hope we can get strong support for that important piece of legislation.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, I want to follow up a bit on what I said I would do earlier, because this has been in some respects half a debate. Other than my friend Senator MCCAIN who has courageously fought on this issue for some years, we have not heard much from the other side of the aisle here, so in some respects it is only half of a debate. In another respect, of course, it is no debate at all, because we are in a filibuster situation with the Republicans blocking us actually going to the Senate debate on this bill. So while it is debate in the lay sense of the word—it is a discussion—it is not Senate debate on the floor, because we stand here being filibustered with a majority of Senators who demonstrably support going to this bill.

I said I would describe some of the things my Republican colleagues have said in the past about disclosure, so let me begin doing that.

Senator MCCONNELL, of course, has very publicly been in favor of it. That may relate to the fact that a report by the Corporate Reform Coalition went State by State, and the Republican leader's home State of Kentucky has a ban on independent expenditures by corporations in its State constitution. Its State constitution bans the conduct that is at issue here. Kentucky has disclosure provisions that require disclosure when independent expenditures of over \$500 are made in any one election. He is here objecting to a \$10,000 limit, and Kentucky disclosure provisions "require disclosure when independent expenditures of over \$500 are made in any one election." It further requires under Kentucky statute 121.190, subpart 1, that the name of the advertising sponsor must be put on any communication. So consistent with the laws of his home State, our Republican leader has for many years stood out in favor of disclosure. Around 2000 he said, "Republicans are in favor of disclosure." And he said:

Public disclosure of campaign contributions and spending should be expedited so voters can judge for themselves what is appropriate.

Other leaders on the Republican side, such as Senator ALEXANDER, have said:

I support campaign finance reform, but to me that means individual contributions, 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.

That is exactly what this bill does, but only for donations \$10,000 and more. I don't believe there was a floor in Senator ALEXANDER's remarks.

I see the distinguished Senator from Iowa has arrived. In the spirit of going back and forth, I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

#### THE DREAM ACT

Mr. GRASSLEY. Mr. President, last September, President Obama responded to amnesty proponents, denying that he had authority to unilaterally grant special status to individuals who may be eligible under the DREAM Act.

The DREAM Act has been around the Senate for discussion for about a decade, and in different forms. It has been voted down several times by this body—mostly because the leader won't allow for an amendment process to improve the bill; otherwise, it probably could have been worked upon.

A few months ago when asked by amnesty advocates to push the bill through Executive order, President Obama said this:

This notion that somehow I can just change the laws unilaterally is just not true. The fact of the matter is there are laws on the books that I have to enforce. And I think there's been a great disservice done to the cause of getting the DREAM Act passed and getting comprehensive immigration passed by perpetrating the notion that somehow, by myself, I can go and do these things. It's just not true. We live in a democracy. You have to pass bills through the legislature, and then I can sign it.

But 1 month ago, President Obama continued his "we can't wait" campaign and circumvented Congress, again, to significantly change the law all by himself. On June 15, he announced that the Department of Homeland Security would lay out a process by which immigrants who have come here illegally could apply for relief and remain in the United States without the fear of deportation. So what has changed in the last 9 months, when the President of the United States said last September that he could not unilaterally grant amnesty?

Before I dive into the details of how poorly planned and implemented the directive of June 15 will be, I have to question the legal authority of the President to institute a plan of this magnitude.

I, along with 19 other Senators, sent the President a letter and asked if he consulted with attorneys prior to the June 15 announcement about his legal authority to grant deferred action and work authorizations to a specific class

of immigrants who have come here illegally. It is important that we get that question answered, because last September the President said he didn't have the legal authority to do it. We asked the President if he obtained a legal opinion from the Office of Legal Counsel or anyone else within his administration. To date, we have not received any documentation that discusses any authority whatsoever that he has to undertake this massive immigration directive.

I know the Secretary of Homeland Security has discretion to determine who is put in removal proceedings. Prosecutorial discretion has been around for a long time, but it hasn't been abused to this extent. The President is claiming the Secretary will implement this directive using prosecutorial discretion. However, millions of immigrants coming here illegally will be instructed to report to the U.S. Citizenship and Immigration Service and proactively apply. This is not being done on a case-by-case basis as they want to make it appear.

The President's directive is an affront to our system of representative government and the legislative process, and it is an inappropriate use of executive power based upon what he said last September, that he didn't have the authority to do this. The President bypassed Congress because he couldn't lead on immigration reform, and he couldn't work in a bipartisan manner on an issue that involves undocumented young people.

The President's directive runs contrary to the principle that American workers must come before foreign nationals. His policies only increase competition for American students and workers who struggle to find employment in today's economy. And that unemployment is 8.2 percent official, 11 or 12 percent unofficial.

According to the Bureau of Labor Statistics, the unemployment rate among the age group 16 to 24 has been nearly 17 percent for the last year. According to a Gallup poll conducted in April of this year, 32 percent of the 18-to-29-year-olds in the U.S. workforce, if not unemployed, are underemployed.

The President's plan to get people back to work is to grant immigrants who come here illegally a work authorization. He must be seriously out of touch if he doesn't think there is competition already for American workers.

Now I wish to talk about how poorly this directive has been thought out. This is the implementation of a directive the President said he didn't have the authority to do in the first place. But if you are going to have an illegal directive, you ought to at least know it will work. It is my understanding the White House informed Homeland Security officials of this plan just days before it was announced on June 15. They were unprepared, and have since been scrambling to figure out how it will be carried out.

U.S. Citizenship and Immigration Service—the agency in charge of all

immigration benefits, including work authorizations, visa applications, asylum petitions, and employment verifications for employers—will be the agency tasked with handling millions of new applications for deferred status and work permits. Agents in the field are confused as to how to do their jobs and fear retaliation if they don't do the right thing. So in essence, this White House is telling agents in the field to begin a practice called catch and release.

Last Friday, Homeland Security officials briefed the Judiciary Committee on the directive. Staff of the Judiciary Committee were told that agents of the agency would be required to release immigrants who come here illegally if they fell into the criteria laid out. But what are the ramifications if an agent does not release them but instead uses his discretion to say the person was not eligible and puts them in removal proceedings?

You will be astounded by the answer we got, because the Department of Homeland Security explained that such an agent would be subject to disciplinary action—disciplinary action if you are doing what your job is required to do. The agent's actions would be considered during their annual personnel review.

So there will be no discretion for agents, and they will be forced to give deferred action to anyone who comes close to the criteria laid out, even despite their hesitation to do so, or face retaliation from bureaucratic higher-ups.

It is as though Homeland Security forgot their mission which is:

To ensure a homeland that is safe, secure, and resilient against terrorism and other hazards where American interests, aspirations, and way of life can thrive.

Once we overcome the question of legal authority and the reality that there was little thinking put into this plan before it was announced on June 15, we are left to oversee the details of the implementation plan. Homeland Security officials say they will have a process laid out by August 15. We have very little details, but Homeland Security officials did give some insight on Friday in this briefing to members of the Judiciary Committee staff. Here is what we learned.

We know people under the age of 30, who entered before their 16th birthday, have been here for at least 5 years, and are currently in school may qualify for deferred action. We know there are caveats to the criteria. Some criminal offenses will be OK, and young people can finish their education after they are granted deferred action.

We know individuals with final orders of removal will be eligible for deferred action. We know these people will not have to appear for an in-person interview to benefit from this directive of the President of June 15. We know they will be granted this special status for 2 years, and those who are denied will not be put into removal proceedings. We know this is not aimed at



helping just youth since the age limit is 30. So who are we going to help over age 30, because we thought from the President's announcement, if people are over 30 years of age nobody is going to benefit. We know people under the age of 30 are not the only people going to be considered for relief.

Secretary Napolitano said so herself. She told CNN's Wolf Blitzer the following:

We have internally set it up so that the parents are not referred for immigration enforcement if the young person comes in for deferred action.

I was not born yesterday. This administration is not going to give a benefit to immigrants here illegally and then force his or her parents to leave the country, which begs the question, What will they do if the young people are eligible and receive deferred action, but the parent is a criminal, a gang member, or a sex offender?

Because this program has not been well thought out and because it is being rushed to benefit people by the end of the year, there is no doubt that fraud will be a problem. How will Federal officials who process the applications ensure that information provided by the individual is accurate? How will they verify that one truly entered the country before the age of 16 or is currently under the age of 30?

Homeland Security officials act as though they are prepared to handle the influx of counterfeit documents that will be presented. The department officials are going to rely on their small fraud detection unit—who already happen to be very busy working every day on other types of immigration benefits—to determine if people are truly eligible. What will be the consequences for individuals who intentionally defraud the government? They need a fraud and abuse prevention plan. Without one they will likely legalize every single immigrant who came here illegally, who is already on U.S. soil.

The administration will announce more details about this plan in the next few weeks. I am anxious to see if they plan to only provide deferred action to this population. Department officials refuse to elaborate on whether some of these individuals will be able to get advanced parole. That is a special status that allows an immigrant coming here illegally to adjust to permanent residence and then gain citizenship. This administration wants people to believe this is not amnesty and that these people will not have lawful status, but I am watching to see if they try to pull the wool over our eyes and provide a status that allows these people to adjust and remain here permanently.

Finally, a major flaw in the President's plan is how this is going to be paid for. A massive amnesty program is going to cost a lot of money. So what are the taxpayers going to have to cough up out of their hard-earned dollars to pay for it? Department officials said on Friday that illegal immigrants

may not be charged for their special status. The individual would be charged \$380 if they choose to apply for a work authorization. They could not assure us that funding would not be redirected from other programs to this initiative.

To reprogram funds within the Department, the Secretary must notify and gain consent of the majority and minority leaders on the Appropriations Committee. However, when pressed, Department officials could not assure us that they would not bypass the long-standing process and reprogram dollars on their own. The U.S. Citizenship and Immigration Service will be forced to concentrate on this program, leaving employers, foreign workers, and legal immigrants without the service they need to work, visit, or remain in the United States.

If the U.S. Citizenship and Immigration Service adjudication staff will be diverted from their normal duties to handle the millions of potential deferred action applications, this can only have a devastating impact on other programs within the Department. I fear this plan will bankrupt the agency that oversees immigration benefits and affect all legal immigration for years to come.

I fear the President has overstepped his authority again. The President, time and again, has shown no leadership or refused to work with Congress on issues that directly impact the American people. And when it comes to the immigration issue he promised the people in the 2008 election, that in his first year in office he would have an immigration bill before Congress, he has not even presented an immigration bill yet. He insisted he was coming here to change Washington, but he changed it for the worse. He insisted he was going to make this the most transparent administration ever, but Congress and the American people are left in the dark.

No matter where one stands on immigration, we should all be appalled at how this plan has been carried out. Whether it is legal or illegal is one thing. But when it is not thoroughly thought out, how it is going to be implemented, that is not how the chief executive of a major operation such as the U.S. Government ought to be acting.

We should all be concerned that our votes are rendered meaningless as a result of the assumption of power on June 15 that the President said last September he did not have. Until we can end this plan, I encourage my colleagues to watch over its implementation for the future of our country. The integrity of our whole immigration system is hanging in the balance.

This immigration system is very important because the United States has opened doors for more people than any other country in the world to come here legally. About 1 million people come here legally. So we are a welcoming nation. We are a nation built

upon immigrants bringing new ideas to this country, making this a very not only colorful country but a dynamic society. We ought to leave it that way. But this change to our immigration system for people to come here legally jeopardizes a lot of people who want to abide by our laws and come here and make our country even richer.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I come to the floor today to speak in strong support of the DISCLOSE Act, which will help put an end to secretive campaign spending and close the glaring campaign finance loopholes that have been opened up by the Citizens United ruling. I thank the Senator from Rhode Island for his tremendous leadership on this critical issue and all his work which has gotten us to this point today on this very important bill.

This Supreme Court ruling was truly a step backwards for our democracy. It overturned decades of campaign finance law and policy, and it allowed corporations and special interest groups to spend unlimited amounts of their money influencing our democracy. The Citizens United ruling has given special interest groups a megaphone that they can use to drown out the voices of citizens in my home State of Washington and across the country. The DISCLOSE Act would return transparency to this process. It would return accountability to this process. It would be a major step to returning citizens' voices to the important election decisions we make in our country.

This is a very personal issue for me. When I first ran for the Senate back in 1992, I was a long-shot candidate without a lot of money or wealthy corporate backers. But what I did have was amazing and passionate volunteers who were at my side. They cared deeply about making sure the voices of Washington State's families were represented. They made phone calls, they went door to door with us, they talked to families across our State who wanted more from their government.

We ended up winning that grassroots campaign because the people's voices were heard loudly and clearly. To be honest, I don't think it would have been possible if corporations and special interests had been able to drown out their voices with this unlimited barrage of negative ads against candidates who did not support their interests. That is why I support this DISCLOSE Act. I want to make sure no force is greater in our elections than the power of voters across our cities and towns, and no voice is louder than citizens who care about making their State and country a better place to live.

The DISCLOSE Act of 2012 should not be contentious. It simply does what a majority of American people view as a no-brainer. It requires outside groups to divulge their campaign-related fundraising and spending, plain and simple.

It does this by shining a very bright spotlight on the entire process and by strengthening the overall disclosure requirements on groups who are attempting to sway our elections.

Too often corporations and special interest groups are able to hide their spending behind a mask of front organizations because they know voters would be less likely to believe ads if they knew the motives behind their sponsors. For instance, an indication of who is funding many of these shell organizations can be seen in the delayed disclosures of the so-called super PACs. In fact, a *Forbes* article recently reported that 30 billionaires now are backing Romney's super PAC. It is unknown how much these same billionaires or their corporate interests are already providing to other organizations with even less scrutiny.

The DISCLOSE Act ends all that. Specifically, the act requires any of these front organizations who spend \$10,000 or more on a campaign to file a disclosure report with the Federal Election Commission within 24 hours and file a new report for each additional \$10,000 or more that is spent. This is a major step in pulling back the curtain on the outlandish and unfair spending practices that are corrupting our Nation's political process. It is a major step toward the kind of open and honest government the American people demand and deserve.

The DISCLOSE Act brings transparency to these shady spending practices and makes sure voters have the information they need so they know who they can trust. It is a common-sense bill. It should not be controversial, and anyone who thinks voters should have a louder voice than special interest groups should be supporting our bill.

This bill aims to protect the very core of our Federal election process. It protects the process by which our citizens fairly assess the people they believe will best come here and be their voice and represent their communities. It exposes the hidden hand of special interests, and it creates an open process for who gets to stand before them as representatives.

I am proud to support this bill and proud of the efforts by Senator WHITEHOUSE and so many others in the Senate. I urge all our colleagues to vote for this bill. Let's move it forward. Let's do what is right for America.

#### RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:29 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. FRANKEN).

#### DISCLOSE ACT OF 2012—MOTION TO PROCEED—Continued

The PRESIDING OFFICER. Under the previous order, the time until 3

p.m. will be equally divided and controlled between the two leaders or their designees.

The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, I believe we have a number of speakers who are coming over from the caucus lunch to discuss the upcoming vote on the DISCLOSE Act. I wanted to take the time that is available until a speaker shows up to continue to report the previous support for disclosure from our colleagues and from other Republican officeholders and officials.

I think where I left off in my previous listing was Senator LISA MURKOWSKI, who wants Citizens United reversed and has said:

Super PACs have expanded their role in financing the 2012 campaigns, in large part due to the Citizens United decision that allowed unlimited contributions to the political advocacy organizations.

She said:

However, it is only appropriate that Alaskans and Americans know where the money comes from.

My friend Senator JEFF SESSIONS, a ranking member on the Judiciary Committee, at one point said:

I don't like it when a large source of money is out there funding ads and is unaccountable. . . . To the extent we can, I tend to favor disclosure.

Senator CORNYN said:

I think the system needs more transparency, so people can more easily reach their own conclusions.

Senator COLLINS has been quoted:

Sen. Collins . . . believes that it is important that any future campaign finance laws include strong transparency provisions so the American public knows who is contributing to a candidate's campaign, as well as who is funding communications in support of or in opposition to a political candidate or issue.

That is from the Hill.

Senator SCOTT BROWN has said:

A genuine campaign finance reform effort would include increased transparency, accountability and would provide a level playing field to everyone.

Senator TOM COBURN has said:

So I would not disagree there ought to be transparency in who contributes to the super PACs and it ought to be public knowledge. . . . We ought to have transparency. . . . If legislators were required to disclose all contributions to their campaigns, the public knowledge would naturally restrain legislators from acting out of the current quid pro quo mindset. If you have transparency, you will have accountability.

As I reported earlier today, the Republican Senate support goes to people who have left the Senate as well. I would remark again on the extraordinary editorial written in the *New York Times* by Senators Hagel and Rudman.

House Speaker Representative BOEHNER has said:

I think what we ought to do is we ought to have full disclosure, full disclosure of all the money we raised and how it is spent. And I think sunlight is the best disinfectant.

Representative ERIC CANTOR, the majority whip, I believe, has said:

Anything that moves us back towards that notion of transparency and real-time reporting of donations and contributions I think would be a helpful move towards restoring the confidence of voters.

Newt Gingrich has called for reporting every single night on the Internet when people make political donations.

Mitt Romney has said that it is "an enormous, gaping loophole . . . if you form a 527 or 501(c)(4) you don't have to disclose who the donors are."

Well, this is a chance for our colleagues to close that enormous, gaping loophole their Presidential nominee has pointed out.

One of my favorite comments is by Mike Huckabee. Mike Huckabee said:

I wish that every person who gives any money [to fund an ad] that mentions any candidate by name would have to put their name on it and be held responsible and accountable for it. And it's killing any sense of civility in politics because of the cheap shots that can be made from the trees by snipers that you never can identify.

The cheap shots that can be made from the trees by snipers that you never can identify. Let me give an example of that.

I am going to read parts of an article from this morning's *New York Times*.

In early 2010, a new organization called the Commission on Hope, Growth and Opportunity—

With a name like that, you know it has to be bad in this environment—

filed for nonprofit, tax-exempt status, telling the Internal Revenue Service it was not going to spend any money on campaigns.

Weeks later, tax-exempt status in hand as well as a single \$4 million donation from an anonymous benefactor, the group kicked off a multimillion-dollar campaign against 11 Democratic candidates, declining to report any of its political spending to the Federal Election Commission, maintaining to the I.R.S. that it did not do any political spending at all, and failing to register as a political committee required to disclose the names of its donors. Then, faced with multiple election commission and I.R.S. complaints, the group went out of business.

The editorial continues:

"C.H.G.O.'s story is a tutorial on how to break campaign finance law, impact elections, and disappear—the political equivalent of a hit and run," Citizens for Responsibility and Ethics . . . wrote in a new report.

A cheap shot from the trees by a sniper you can never identify, and to this day no one has ever identified the \$4 million donor.

I see the Senator from New Jersey. I am delighted to yield to him so he can make his remarks.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, yesterday we witnessed quite a sight. Not a single Republican was willing to stand up to oppose secret money and elections. Today they will have another chance to announce their support and tell their constituents whether they would prefer that secret money buys the politicians or does it take their constituents' votes to get people in place who care about where this country is going.