

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.

Republicans will have a chance to show Americans where they stand: with millions of individual voters or the few billionaires who seek to drown out the voices of our citizens by using secret money.

Yesterday, I came to the floor to present the identities of two of the biggest supporters of secret money in politics, David and Charles Koch. They are joined by somebody we read about yesterday in the papers and heard on the news by the name of Sheldon Adelson, whose brain money was earned from Chinese gamblers in Macau to buy American politicians. That is some deal.

The Koch brothers are putting together a secret group of wealthy friends who will spend \$400 million to manipulate the upcoming election. This effort is one of the egregious examples of the flood of big, secret money into our politics, and this unaccountable money is spent with a clear goal of determining our laws and deciding our elections and the policies this country will follow in the future. The Koch brothers are set on picking their preferred politicians. Too bad that with a country of over 300 million people these two fellows want to decide who should run this country of ours.

Koch Industries controls oil and chemical companies that do business around the globe. So what do the Koch brothers and their anonymous friends want from politicians who benefit from their secret money? They want laws that benefit the companies like the ones they own even when those laws come at the expense of millions of other Americans. I think the reason is clear. They want people in office who will put their special interests above the public interest.

These brothers run Koch Industries, which is a giant international conglomerate and one of the largest privately held companies in the world.

The Kochs' secret money organization, Americans for Prosperity, has opposed EPA's new mercury pollution standards. These historic standards will prevent 130,000 asthma attacks, 4,700 heart attacks, and up to 11,000 premature deaths. Americans for Prosperity, funded by secret money, opposed the rule that will save these lives. They would rather have the money. We know what millions of people who live near powerplants want. They want the plants to clean up their acts and stop poisoning them and their neighbors.

The Kochs and industry lobbyists argue that these standards just cost too much. What is the value of a life to these guys? Let them answer the question publicly. Turn in the secret money and let the people across our country decide who they want in the Senate, the House, and the White House.

How much poorer is our society when children are born with developmental problems? A child born with pollution in their body is set back from day one. That child's potential is stunted before

they have even taken their first breath.

Polluters just ignore the costs to American families. They think their right to pollute is more important than the average person. The children in our country have the right to breathe. It is foul play if we have ever seen it. Put your money up, take fresh air away from young people, and create problems that mercury in our environment does.

Secret money in politics makes it possible for polluting companies to spend millions of dollars influencing elections, and the American public is kept in the dark. So I say to my Republican colleagues: Let your conscience rule your decision. Let's tell the truth.

I wish the vote could say: Yes, I want secret money to continue being sent. They dare us to use that language. Come on. There are good people over there. Let's shine some light on who is pulling the strings in this country. Is it the people or is it the money that makes the difference in the way this society functions?

I yield the floor.

Mr. SESSIONS. Mr. President, I would like to be notified when I have used 5 minutes.

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

Mr. SESSIONS. Mr. President, I understand we will have a set vote on the DISCLOSE Act. It got 51 votes previously. We need 60 votes to move forward to pass this bill. It is not likely to happen. Our Democratic colleagues were down here last night into the midnight hour talking about the DISCLOSE Act, which is something that is political and campaign-related that we have a significant difference of opinion about, and it is not going to pass.

I would like to ask my friends and colleagues what is it we ought to be disclosing? Is it the amount of money some individual American made honestly and spent or maybe there are some other issues we ought to disclose. I would say this Senate ought to disclose to the American people what its budget plan is for the future of this country. We haven't had a budget in 3 years. Senator REID said it would be foolish to bring up a budget—foolish because we don't have time. We had time to spend all night last night debating this bill—or half the night—and we are having a second vote on the same bill again today. Why don't we spend some of that time on something important such as dealing with our \$16 billion debt. Why don't our Democratic leaders disclose to us what their plan is to deal with this surging debt, a debt that is increasing at \$1.3 trillion a year. It is unsustainable, as every estimate we have ever been told and every witness has testified to before the Budget Committee and other committees—unsustainable. Yet they refuse to even lay out a plan for how we are going to confront that.

The House has. They laid out a historic plan. Congressman RYAN and his

team and the House has passed a long-term budget plan that will alter the debt course of America and put us on a responsible path—not so in the Senate, even though they talked about it in secret amongst themselves that they had a plan. Let's disclose it. Why don't we have a disclosure of it.

October 1 is coming up pretty fast, particularly since we are going to be in recess virtually the entire month of August and it looks like the entire month of October. By October 1, the Congress has a duty and a responsibility to pass legislation that funds the government because the new government fiscal year begins October 1. Senator REID just announced he is not going to produce a single appropriations bill. When I first came here, we tried to pass all 13 every year, before October 1, when the year starts. We are not even going to attempt it.

I think the American people ought to ask: What do you plan to spend your money on next year? The country is suffering substantially. Why don't you disclose, Senator REID, what the appropriations bills are going to be, how much money you are going to spend on each one of the items, and subitems and subitems and subitems, so we can examine it, bring it up on the floor, and offer amendments, as the Senate is supposed to operate. Why don't you disclose that? Isn't that important for America?

I have to say, since I have been here, this will be the least performing, most disappointing year of the Senate in our history. No budget, no attempt to bring up a budget, no appropriations. Those are the bread-and-butter requirements of any Senator.

Food stamps, the SNAP program. In 2000, we were spending about \$17 billion on the food stamp program. Last year, we spent \$79 billion. It has gone up repeatedly. It is out of control. It needs to be managed. It needs to be focusing more on helping people in need, not just subsidizing people in need—helping them move forward to independence and responsibility. Why don't my colleagues disclose a plan for that? Isn't that important to America? I think it is.

There are a lot of other things that ought to be on the table.

The PRESIDING OFFICER. The Senator's 5 minutes has expired.

Mr. SESSIONS. I thank the Chair.

There are a lot of other things on the table we need to be dealing with and talking about and being honest about. It is time to disclose what our financial plans for the future are. It is time to disclose what we are going to do about this debt, what we are going to do about wasteful spending. It is not being done. It is a disappointing year.

I thank the Chair and yield is floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. Mr. President, lest we get totally off track and before the Senator from Alabama leaves the Chamber, I wish to thank

him and congratulate him. The system works when Democrats and Republicans come together. The Senator from Alabama and I have worked on many issues together, including the Nation's national security. Just recently, the Senate showed how it can work together on the RESTORE Act in the Gulf of Mexico when we added a provision directing the fine money to be imposed by a judge in New Orleans and redirected that fine money to come back to the people and the environment and the critters of the gulf. That passed in this Chamber 76 to 22—a huge bipartisan vote.

I have had the privilege of working with the Senator from Alabama on many other issues, including the times the two of us led the Strategic Subcommittee of the Armed Services Committee on some of the Nation's most significant things, such as our overall strategic umbrella protecting this country. There again, it was Democrats and Republicans working together.

So to hear a lot of the rhetoric, someone outside the Senate would think we are totally in gridlock. That has not been the case. However, we come to a point of gridlock again because of the Senate rules requiring 60 votes to shut off debate so we can go to this bill called the DISCLOSE Act.

What the DISCLOSE Act does is common sense. It is common sense to say, if someone is going to affect the political system by giving money to influence the votes at the end of the day in an election year, all the campaign laws say they have to disclose that money, and but for a 5-to-4 Supreme Court decision—which is contorted at best and is way over the edge at the very least—its ruling says that because of freedom of speech, outside the political system, one can make advertisements, one can speak freely; in other words, by spending money, buying ads, and one does not have to disclose that. Oh, by the way, that whereas the campaign finance law prohibits in Federal elections corporations from donating, this contorted Supreme Court decision says that can be corporate money and it doesn't have to be disclosed.

That is what we are seeing in abundance in that kind of political speech right now in all these attack ads, and these attack ads are going rapid fire. We look at who it is sponsored by. It is not sponsored by the candidate; it is sponsored by some organization that has a high-sounding name, but we don't know where the money is coming from.

This piece of legislation in front of us yesterday got 53 votes, and we need 7 more votes to cut off the debate just to go to the bill. This vote is coming at 3 o'clock. We are not going to get it. It is going to be the same result—53 to 47. Why? Because these outside, unlimited sources of funds that are not disclosed are affecting elections and they are achieving the result and we know it. If we put enough money into TV advertising, one can sell a box of soap, what-

ever the brand is. That is the whole theory behind this. The undisclosed donors giving unlimited sums elect whom they want, and that is going to completely distort the political system.

We start from a basis of old Socratic ideas, going back to Socrates; that in the free marketplace of ideas, the crosscurrents of those ideas being discussed, that out of it truth will emerge and the best course of action will emerge. It is upon those ideals that this country was founded; this country, wanting a representative body such as this to come forth and freely and openly discuss the ideas and hammer out policy. Yet what we are seeing is that in bringing those elected officials here, by electing them by overwhelming advertising from unlimited sources, those elected representatives will be beholden to those particular sources and will not have an independence of judgment, will not have the Socratic ability in the free marketplace of ideas to hammer out the differences of ideas and achieve consensus in order to determine the direction of the country. So the very underpinnings of the country are at stake.

Why is this being fought—something that ought to be like a motherhood bill. One is for disclosure of those giving money to influence the political system, just like all the Federal candidates have to disclose; and, oh, by the way, are limited in the amounts of contributions to each candidate. What is such common sense is being thwarted. If this legislation were to pass and they had to disclose who is giving the money, do we know what: Most of them would stop giving it, and they would have to operate under the normal campaign finance laws which say to report every dime of a contribution and they are limited as to the amount they can give and the candidate is limited as to the amount they can receive. That is fair, but it is more than fair. It is absolutely essential to the functioning of the electoral system in order to elect a representative democracy.

That is what is at stake, and that is what we are going to vote on again. Unfortunately, we know what the outcome of the vote is going to be: 53 in favor of disclosing and 47 against, and we are not going to know who is giving all this money.

I can't say it any better. It is old country boy wisdom that says this ought to be as easy as night and day, understanding the difference. Yet that is what we are facing.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Ms. MURKOWSKI. Mr. President, I have not taken an opportunity to speak to the DISCLOSE Act, which is currently before us, or the holding of Citizens United. I haven't come to the floor to address that, but that does not mean this has not been a discussion of great importance in the State of Alaska.

Alaskans are a pretty independent lot. I think they like to know what is

behind certain initiatives, certainly when it comes to the financing of campaigns. They want to know where and when and how and why and that it is appropriate. Our State legislature has enacted some campaign finance reforms that I think have been good. Alaskans have looked very critically at the Citizens United decision and its impact on the campaigns in this country.

I have made no secret of the fact that I disagree with the holdings of the Citizens United decision which makes it possible for individuals and business entities to make contributions in any amount, at any time to independent efforts to elect candidates at the Federal, State, and local levels.

I think this decision not only overturned longstanding Federal law, it also, to a certain extent, displaced State laws, including the laws in my own State of Alaska which barred corporate participation in State elections. It gave birth to a new form of political entity. We all know it; we are all talking about it now, particularly with the Presidential election—the super PAC, a vehicle for large donors. When we are talking about large donors, we are not just talking about donors who can put forth thousands of dollars. We are talking about donors who put forth multimillions of dollars, and it is done to influence the American political process in secret by contributing to organizations with very patriotic names, but they lurk behind post office boxes. There is an anonymity, there is a covering that I do not think the American public expects or respects.

I believe strongly—I believe very strongly—that the Citizens United decision is corrosive to democracy. At a very minimum the American people deserve to know who is behind the organizations, who is funding them, and what their real agendas are.

I think if we were to ask the average American out on the street: Do you think it is reasonable that there be disclosure, full disclosure of where the campaign dollars are coming from, I think the average American would say: Yes. I know the average Alaskan is saying yes.

So when they see what this Supreme Court case has allowed—courts have determined this is constitutional—I do not think anybody assumed what it would lead to is an ability for an individual to give millions of dollars to influence an election, and yet not be subject to a level of disclosure that is fair and balanced.

I came to the floor very late last night after flying in from Alaska. I left at 7 o'clock in the morning, and my plane touched down at about 10:15 last night. As I landed, I saw the lights of the Capitol on. I knew somebody was still home. The flag that flies on the Senate side of the Capitol was still up, meaning the Senate was still in session, so I decided to come to the floor and see what was going on and to perhaps listen to a little bit of the debate.

I was tired. I was tired from flying. But I was truly tired that as a body,

when we have an issue that is important, is significant—whether it is campaign finance or the tax issues we face, whether it is the sequestration issue we will shortly be facing—we are once again in a position where we are doing nothing but messaging. I am so tired of messaging, and I think the folks whom we represent are tired of us messaging.

I want us to have some reforms when it comes to campaign finance and the disclosure that the American public thinks makes sense, where they say: Good. This is not something where you are hiding behind an organization, whether it is a 501(c)(4) or a 501(c)(3) or a super PAC, or however we define it. We want to know that you are open and you are transparent.

I did not stay too late last night to listen to the debates. But I will tell you that the comments I heard from my colleagues were pretty sound. For the life of me, I cannot fathom why it is appropriate that the name, the address, the occupation of an individual who makes a contribution of between \$200 and \$5,000 to LISA MURKOWSKI's committee must be disclosed—that is what is required under the law. But somehow or other there is a constitutional right for someone who gives \$1 million, \$15 million to an independent effort that either supports or opposes an election can do so in secrecy. They can do so in a way that is not subject to disclosure. I do not think that makes sense, and I do not think it would make sense to anybody else out there on the street. What is the difference?

But I would also suggest to you the converse is true as well. I do not believe the membership lists—whether it is the Sierra Club or the National Rifle Association or the NAACP—I do not think those lists need to be public because an organization has made a relatively small donation from its treasury funds to independent efforts. Those who chose to affiliate with broad-based membership organizations deserve to have their privacy interests maintained. So you have things going on both sides here.

Again, what we should be doing in this case is trying to figure out where there is a balance. Where is that fairness? Given that a \$2,500 contribution to me as a candidate—the maximum that can be given to any candidate for any election—has to be disclosed, I do not understand why the bill that is before us, the DISCLOSE Act 3.0, sets the bar for disclosure of a contribution to an independent effort at \$10,000. That does not make sense to me either.

So I guess where I am at this point in time—recognizing that in a matter of minutes we are going to have yet another vote on DISCLOSE under reconsideration—I do think that all these issues need to be addressed in a DISCLOSE 4.0. Maybe we will move to that in the next iteration, but that is not going to be happening here. Yesterday's vote was decisive. As I mentioned, I was flying all day. I was not

here at 6 o'clock when that vote was taken. But that vote was pretty clear. There is no way we can reconfigure things, even with the support of LISA MURKOWSKI, so that we could actually get to this bill and start making those changes.

So we are sitting here at a point where we have precious little time before us before we break for August and then come back. We have the campaigns. We have a lot on our plate. I think we recognize that. Saying that, I have already said I think this is a critically important issue. But it is an issue we will not resolve today. It is not possible to resolve today. So we should accept that fact and move forward. We have a lot to do.

What I intend to do is to continue the work I began months ago with colleagues on the other side of the aisle to work to resolve some of these issues, to work on a bipartisan basis on a bill that I hope we can take up as a body. There are Senators who want to work on this. I have met with them and we continue to try to figure out that path forward. But that path forward has to be a bipartisan path. It has to be a bipartisan path.

I hope we can put some kind of a vehicle to hearings and consider it on the floor with an open amendment process, the way we can and should do things around here. That is what I strive to do. That is my commitment. I want to work with my colleague from Rhode Island. I want to work with my colleagues from Colorado and Oregon and New York and my colleagues on the Republican side of the aisle. I think we all recognize this is in the best interests of not only those of us in the Senate but for those we represent—that there is a level of transparency, openness, fairness, and balance when it comes to campaign finance. That is my commitment.

With that, I know I have probably consumed more than my time. But I appreciate the opportunity to work seriously and genuinely with my colleagues on this issue.

Mr. CORNYN. Mr. President, today the Senate will vote on cloture on the motion to proceed to S. 3369, the so-called DISCLOSE Act. Because the bill is designed to protect entrenched Washington special interests from ordinary Americans who want to exercise their first amendment rights, I will oppose cloture.

Regulation of speech always raises significant constitutional questions. The first amendment is a cornerstone of our democracy, and the DISCLOSE Act would fundamentally remake the rules governing free speech in American elections. It is intended not to promote transparent, accountable, and fair campaigns, but rather to tilt the playing field in favor of the Democratic Party and its constituencies.

Indeed, one of the chief sponsors of this legislation, Senator CHARLES SCHUMER, has admitted that his goal is to deter certain Americans from par-

ticipating in the electoral process. The DISCLOSE Act will make many businesses and organizations “think twice” before engaging in political speech, Senator SCHUMER said in 2010. “The deterrent effect should not be underestimated.”

In essence, the Democrats have concocted a bill that would silence their critics while letting their special interest allies speak. Nearly every major provision of the DISCLOSE Act was designed to encourage speech that helps the Democratic Party and discourage speech that hurts it. For example, the legislation favors unions over businesses, which belies the notion that it was crafted to prevent conflicts of interest.

If the true purpose of this bill were to promote transparency and minimize the influence of political money on government, then unions would face the same restrictions as businesses. But the true purpose of the bill is to help Democrats win elections, and unions overwhelmingly support Democrats, so they are given preferential treatment.

It is not the government's job to apportion first amendment rights among Americans. Those rights belong to every citizen, period. I reject any further erosion of a constitutional liberty that has preserved and strengthened our democracy for 223 years.

I oppose the DISCLOSE Act and urge my colleagues to oppose this afternoon's cloture motion.

Mrs. BOXER. Mr. President, I rise in strong support of the DISCLOSE Act.

It is important for Americans to know where the money is coming from that supports the political ads appearing on their television screens during election season.

This bill is a much needed response to the Supreme Court's decision in *Citizens United*—a decision that is resulting in corporate money drowning out the voices of ordinary citizens.

In *Citizens United*, the Supreme Court overruled decades of legal precedent when it decided that corporations cannot be restricted from spending unlimited amounts in Federal elections.

The decision was astounding, not just because it was a display of judicial activism but also because it defies common sense for the Supreme Court to conclude that corporations or even labor organizations are citizens, as you or I am, in the eyes of the law.

As Justice John Paul Stevens wrote in his dissent, “corporations have no consciences, no beliefs, no feelings, no thoughts, no desires . . . they are not themselves members of ‘We the People’ by whom and for whom our Constitution was established.”

In the aftermath of the *Citizens United* decision, special interest groups known as super PACs with innocuous names like “American Crossroads” and “Restore our Future” are primed to spend hundreds of millions of dollars in the 2012 election.

According to OpenSecrets.org, Super PACs have raised \$246 million in secret

money so far in the 2012 election cycle—and we still have 113 days until the election during which that total may double or even triple.

The New York Times recently reported that secret groups have accounted for two-thirds of all political advertising spending this year.

Unlike funds given directly to candidates and political parties, which get reported to the Federal Election Commission and are available for the public to review, funds given to super PACs are secret, leaving voters with no knowledge of who is behind attack ads against political candidates.

Right now the rules require that individuals who give \$200 or more to a candidate must submit detailed information about their identity, their address, and their occupation. But Citizens United says that if you give \$2,000, \$2 million, or \$20 million to a super PAC, you don't have to disclose a thing.

Former member of the Federal Election Commission Trevor Potter said individuals “can still give the maximum \$2,500 directly to the campaign—and then turn around and give \$25 million to the Super PAC.”

At a minimum, voters in a democracy deserve to know who is financially supporting candidates for public office.

Editorial boards in California and across the country recognize that disclosure and transparency are essential for the integrity of our democratic system.

The Sacramento Bee writes that “reasonable people can disagree on whether corporations should be able to donate to campaigns, or whether the size of donations should be capped. But there should be no debate about whether donations should be open and readily accessible to the public.”

The Los Angeles Times writes that “there is no cogent argument against maximum disclosure. Nor is there any First Amendment argument for secrecy . . . If those who seek to influence elections don't have the courage of their convictions, Congress must act to identify them.”

The San Jose Mercury News writes that “since the Supreme Court made it all but impossible to regulate corporate influence on campaigns, the only thing left is requiring swift and thorough disclosure.”

And that is exactly what the DISCLOSE Act does.

It requires super PACs, corporations, and labor organizations that spend \$10,000 or more for campaign purposes to file a disclosure report with the Federal Election Commission within 24 hours of the expenditure. The organization must also disclose the sources of all donations it receives in excess of \$10,000. The disclosure must also include a certification that organization's spending is in no way coordinated with a candidate's campaign. These are carefully targeted reforms to ensure that the American people are informed during the electoral process.

Outside spending on our elections has gotten out of control in the post-Citizens United world created by the Supreme Court.

Sheldon Adelson, a casino magnate, who gave \$20 million to a super PAC to prop up the Presidential campaign of Newt Gingrich, told *Forbes Magazine*: “I'm against very wealthy people attempting to or influencing elections, but as long as it's doable, I'm going to do it.”

A super PAC affiliated with House Republican majority leader ERIC CANTOR raised \$5.3 million in the third quarter this year. Adelson is responsible for providing \$5 million of the total.

The super PAC affiliated with Mitt Romney, “Restore our Future,” has raised \$61 million so far. Most of this money came from just a handful of individuals.

During the 2012 Florida GOP Presidential primary, Romney super PACs ran 12,000 ads in that state alone.

A New York Times analysis of donations to Romney super PACs found sizeable amounts from companies with just a post office box as a headquarters, and no known employees.

A USA Today analysis of GOP super PACs through February 2012 found that \$1 out of every \$4 donated to these Super PACs was given by five individuals.

A US PIRG/Demos study found that 96 percent of super PAC contributions were at least \$10,000 in size, quadruple the \$2,500 donation limit individuals are allowed to give specific candidates.

The Center for Responsive Politics found that the top 100 individual super PAC donors make up only 4 percent of the total contributors to super PACs, but they account for more than 80 percent of the total money raised.

According to Politico, the Koch Brothers and their companies plan to spend \$400 million on the 2012 election, which would be more than Senator JOHN MCCAIN raised during his entire 2008 run for President.

A super PAC called “Spirit of Democracy America” spent \$160,000 in support of a primary candidate in California's 8th Congressional District. The super PAC has no Web site and provided no details prior to the primary election to voters in the district about who was behind their expenditures. The super PAC accounted for 64 percent of all the outside money spent on the race.

A 21-year-old Texas college student used a multimillion dollar inheritance from his grandfather to spend more than \$500,000 on television ads and direct mail in a Kentucky congressional election, helping his handpicked candidate win the primary in an upset.

The American people are tired of these stories, and they are tired of big money in politics.

Overwhelmingly, and on a bipartisan basis, they support disclosure laws and contribution limits.

Because of the massive influence super PACs are having on elections,

earlier this month the USA Today issued a frightening prediction about this fall's election.

They write that “the inevitable result is that come November, voters in many closely contested races will make their decisions based on a late flood of ads of dubious credibility paid for by people whose names and motives are unknown.”

The American people deserve to have a government that is always of the people, by the people, and for the people.

The DISCLOSE Act will help restore the voice of the people.

I urge my colleagues to support this bill.

Mr. AKAKA. Mr. President, I rise today to speak in strong support of S. 3369, the Democracy Is Strengthened by Casting Light On Spending in Elections, DISCLOSE, Act. I am proud to join 39 of my colleagues in sponsoring this measure and urge the Senate to act now to pass this transparent, commonsense piece of legislation.

Free, fair, and open elections, as well as an informed electorate, are fundamental to ensuring that our government reflects the highest principles of democracy, which is the foundation of this country.

What is at stake today is nothing short of our electoral system. We must reinforce the right of Americans to make fully informed decisions about the political candidates and parties that seek to represent them in government.

More than 2 years ago, the Supreme Court's 5-to-4 decision in *Citizens United* set the stage for the emergence of super political action committees, PACs, primarily underwritten by wealthy individuals to finance unregulated and often anonymous attack political campaign advertising. This decision effectively puts our elected positions up for sale to moneyed interests.

The DISCLOSE Act would address problems caused by the *Citizens United* decision by restoring accountability and transparency to our electoral system. It would simply require labor unions, traditional PACs, super PACs, and other covered organizations that spend \$10,000 or more on political campaigns to identify themselves by filing a timely report with the Federal Elections Commission.

Opponents of the DISCLOSE Act claim that this bill would impede free speech and discourage political involvement. I cannot disagree more. To the contrary, the DISCLOSE Act preserves the right to express one's opinions and ideas through contributions to political campaigns; it only forces large contributors to identify themselves when making influential contributions. Furthermore, it promotes civic involvement by empowering voters to effectively participate in the electoral process and make informed choices about their leaders.

We are all here to represent the voters in our States and districts who have entrusted us to represent them. In

our system of checks and balances, elected officials remain beholden to their constituents through elections; however, to allow this system to work, voters need to have all of the essential information that could influence their decision: who we are, who our supporters are, and how much support we have received from various sources.

No democracy, including this one, can remain fair, successful, and viable if wealthy individuals are allowed to spend unchecked sums of money to anonymously influence the outcomes of its elections.

I urge my colleagues to do what is right for all Americans today and pass this important bill.

I yield the floor.

The PRESIDING OFFICER (Mr. WEBB). The Senator from New York.

Mr. SCHUMER. First, Mr. President, I ask unanimous consent that I be given 4 minutes, the Senator from Rhode Island be given 6 minutes to conclude, and we vote immediately thereafter.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. SCHUMER. First, I would just like to make one preliminary comment, and then I would like to address what my colleague from Alaska has said and this bill.

#### FISCAL POLICY

On another issue, I just heard that Vice President Cheney came to address the Republican caucus on our fiscal cliff. I would suggest that the man who said deficits do not matter is not a very good teacher for the Republican caucus when it comes to deficit reduction and the fiscal cliff. They could get better teachers than that.

As for this issue, first, I wish to thank my colleague from Alaska for her heartfelt comments. She is what we need, somebody who cares about this issue, somebody who has great reach across the aisle, and somebody who is willing to work with us.

It is true, it is obvious we will not have the votes to win the DISCLOSE Act. It is simple disclosure. We tried to make it—under the leadership of Senator WHITEHOUSE; I will address that in 1 minute—we tried to make it as narrow as possible. We tried to deal with all the objections we heard about labor unions and others. That is why there is a \$10,000 amount—far beyond the labor union dues of any union I am aware of. We tried to make it as down the middle as possible for simple disclosure.

But I understand where my colleague from Alaska is coming from. I respect it, and I look forward to working with her. She might be the bridge we need because, mark my words, if we do not do something about this, we will not have the Republic we know in 5 years. It is that simple. This great country we all love has been dramatically changed by Citizens United. The failure to correct its huge deficiencies, to have such a small number of people have such a huge influence on our body politic—we

have never seen it before. Oh, yes, we have read about our history, and we know there were small groups that were powerful in the past, the robber barons, et cetera. But never, never, never have a handful of people had such awesome tools to influence our political system in a way they choose without any accountability—never.

The robber barons were more accountable and more diffuse. The small group that led America, supposedly, in the 1920s was more accountable and more diffuse. The military industrial complex that President Eisenhower warned about was far broader and more diffuse. To have a small number of people—most of them angry people, most of them people who do not even give any attention to someone who does not agree with them—to give them such awesome power, which is the power to run negative political ads over and over and have no accountability as to who is running them, that is a true danger to the Republic.

It befuddles me that our U.S. Supreme Court does not see it. We want our courts to be insulated from the vicissitudes of politics. But to have a Court that is so insulated that it does not see, smell, hear, touch what is going on in this Republic does not speak well of that Court. I think it is the main reason its popularity has declined. I hope our Justices will wake and realize what they are doing.

I would say again—first, I wish to thank Senator WHITEHOUSE. He has been a great leader on this issue. I wish to thank all my colleagues. We have been debating this bill for 10 hours—more than 10 hours, I believe—and there has not been one quorum call, which means there has been speaking time from about 6 last night until 1 in the morning—

The PRESIDING OFFICER. The Senator's time has expired.

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

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, at least—at least—10 Republican Senators are on record supporting transparency and disclosure in election spending. Some of them are very significant leaders on the Republican side.

Senator MITCH MCCONNELL said this:

I think disclosure is the best disinfectant.

Senator JOHN CORNYN, head of the Republican campaign operation, said this:

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

Other Senators, colleagues, and friends come from States that require disclosure in election spending. The States they represent know this is wrong. The arguments against this bill are few. Some of those arguments are false. Others don't hold water. Huge majorities of Americans—Republicans, Democrats, and Independents—support cleaning up this mess.

More than 700,000 Americans signed up as citizen cosponsors of this bill in

the last few days. The actual number, I believe, is 721,000. But then that ran up against this: outside political spending that went from 1 percent to 44 percent, not disclosed in the last election. And these secret groups, such as Crossroads, with \$76.8 million, and the majority of the money that they spend is secret money—that has changed the debate. But those who are out of the need for that secret money, such as former Republican Senators Rudman and Hagel, are clear:

A bill is being debated this week in the Senate, called the DISCLOSE Act of 2012. This bill is a well-researched, well-conceived solution to this insufferable situation. We believe 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. I urge my colleagues on the Republican side to follow the example of their former colleagues Senator Rudman and Senator Hagel; and I pledge to Senator MURKOWSKI that we take her comments very seriously. She has cast a sliver of daylight. I intend to pursue that sliver ardently to work through this problem.

I will conclude by also complimenting Senator MCCAIN. He believes there is a benefit for unions in here that I do not see, which I disagree exists. But certainly he has a record of courage and determination on campaign finance that entitles his judgment to our respect. I look forward to working with both of them.

I yield back our time.

The PRESIDING OFFICER. Under the previous order, the motion to proceed to the motion to reconsider the vote by which cloture was not invoked on the motion to proceed to S. 3369 is agreed to. The motion to reconsider is agreed to.

#### CLOTURE MOTION

The PRESIDING OFFICER. The clerk will report the motion to invoke cloture.

The assistant bill clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to calendar No. 446, S. 3369, a bill to amend the Federal Election Campaign Act of 1971 to provide for additional disclosure requirements for corporations, labor organizations, Super PACs and other entities, and for other purposes.

Harry Reid, Sheldon Whitehouse, Jack Reed, Joseph I. Lieberman, Jon Tester, Mark L. Pryor, Benjamin L. Cardin, Christopher A. Coons, Jeanne Shaheen, Daniel K. Akaka, Herb Kohl, Charles E. Schumer, Mark Begich, Tim Johnson, Robert Menendez, Frank R. Lautenberg, Mark Udall, Sherrod Brown.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.



The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 3369, a bill to amend the Federal Election Campaign Act of 1971 to provide for additional disclosure requirements for corporations, labor organizations, super PACs, and other entities, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. KYL. The following Senators are necessarily absent: the Senator from Illinois (Mr. KIRK) and the Senator from Alabama (Mr. SHELBY).

Further, if present and voting, the Senator from Alabama (Mr. SHELBY) would have voted "no."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 53, nays 45, as follows:

[Rollcall Vote No. 180 Leg.]

#### YEAS—53

Akaka	Hagan	Nelson (NE)
Baucus	Harkin	Nelson (FL)
Begich	Inouye	Pryor
Bennet	Johnson (SD)	Reed
Bingaman	Kerry	Reid
Blumenthal	Klobuchar	Rockefeller
Boxer	Kohl	Sanders
Brown (OH)	Landrieu	Schumer
Cantwell	Lautenberg	Shaheen
Cardin	Leahy	Stabenow
Carper	Levin	Tester
Casey	Lieberman	Udall (CO)
Conrad	Manchin	Udall (NM)
Coons	McCaskill	Warner
Durbin	Menendez	Webb
Feinstein	Merkley	Whitehouse
Franken	Mikulski	Wyden
Gillibrand	Murray	

#### NAYS—45

Alexander	DeMint	McCain
Ayotte	Enzi	McConnell
Barrasso	Graham	Moran
Blunt	Grassley	Murkowski
Boozman	Hatch	Paul
Brown (MA)	Heller	Portman
Burr	Hoeven	Risch
Chambliss	Hutchison	Roberts
Coats	Inhofe	Rubio
Coburn	Isakson	Sessions
Cochran	Johanns	Snowe
Collins	Johnson (WI)	Thune
Corker	Kyl	Toomey
Cornyn	Lee	Vitter
Crapo	Lugar	Wicker

#### NOT VOTING—2

Kirk	Shelby
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The PRESIDING OFFICER. On this vote, the yeas are 53, the nays are 45. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion upon reconsideration is rejected.

Mr. CARDIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

Mr. REID. Mr. President, I withdraw my pending motion to proceed.

The PRESIDING OFFICER. The motion is withdrawn.

#### BRING JOBS HOME ACT—MOTION TO PROCEED

Mr. REID. I move to proceed to Calendar No. 442, S. 3364.

The PRESIDING OFFICER. The clerk will report the motion.

The assistant legislative clerk read as follows:

Motion to proceed to Calendar No. 442 (S. 3364), a bill to provide an incentive for businesses to bring jobs back to America.

#### CLOTURE MOTION

Mr. REID. Mr. President, I have a cloture motion at the desk in reference to this legislation.

The PRESIDING OFFICER. The cloture motion having been presented pursuant to rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the motion to proceed to Calendar No. 442, S. 3364, a bill to provide an incentive for businesses to bring jobs back to America.

Harry Reid, Debbie Stabenow, Sheldon Whitehouse, Al Franken, Richard J. Durbin, Sherrod Brown, Richard Blumenthal, Jeff Merkley, Christopher A. Coons, Robert P. Casey, Jr., Benjamin L. Cardin, Jeanne Shaheen, Kirsten E. Gillibrand, Charles E. Schumer, Jack Reed, Barbara A. Mikulski, John D. Rockefeller IV.

Mr. REID. I ask unanimous consent that the mandatory quorum required under rule XXII be waived.

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

Mr. REID. Mr. President, once again I am disappointed, as I think most people in this country are, on an issue as timely as this, outsourcing jobs, that we once again are being stymied on moving to that legislation. We are going to have a vote. The rules are we cannot have a vote on this until 2 days go by, so that is a vote on Thursday. If cloture is invoked on that, then we are only on the bill, and then to get off of it would take another series of days. I think to get final action on this is going to take a week.

It is so unfortunate that we have to go through this. We have gone through this so many times. There is, I repeat, not an issue more timely than this—outsourcing jobs. Whether it is the Olympic uniforms or the many other jobs that have been lost around the country, the American people are tired of it, but I think it is unfortunate the Republicans are stopping us from being able to start legislating on this bill.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, I rise today to urge my colleagues to support the motion we have before us to begin consideration of my bill, the Bring Jobs Home Act. I thank my leader for making this a priority and thank the President of the United States for also making this a priority as we move forward.

Let me start on process, to say it is true, of course, as the leader indicated, we could be simply on this bill and working to complete it and pass it. But unfortunately, as happens on everything now, when the leader attempts to move to a bill, there is an objection to that. When there is, it puts us into a situation where we have to spend several days trying to overcome a potential filibuster to be able to move to the bill. So, process-wise, that is where we are.

From a substance standpoint it is absolutely critical that we move to this bill and that we pass it. The great recession and the financial collapse of 2008 were absolutely devastating to our economy. We know that during that time, 8 million Americans lost their jobs and many are still struggling to get out of their own deficit hole because of what happened. These are people who worked all their lives and played by the rules, only to have the rug pulled out from under them.

Many of these people were folks who worked in manufacturing, many in my great State of Michigan. We are so proud that we make things in Michigan. We do not have a middle class, we do not have an economy unless we make things. That is what we do in Michigan. For decades, this has been the foundation of our economy. Frankly, it created the middle class of our country and we are proud it started in Michigan with the beginning of the automobile industry.

It is no coincidence that as those jobs have disappeared over the decades, the middle class has begun to disappear as well and families are in more and more difficult situations personally as a result of that. Those jobs have been the driving force of our economy for decades, as I indicated. Those jobs are the jobs that allowed the "greatest generation" to build the greatest economy in the world, the greatest economy we have ever seen. Those jobs led to tree-lined streets with at least one car in every driveway, and the freedom to raise a family and send them to college and maybe have the cottage up north and be able to take the family on vacation and have the American dream.

Today in fact that dream is in jeopardy and every American family knows that. But it does not have to be that way. In the last decade, companies shipped 2.4 million jobs overseas. To add insult to injury, American taxpayers were asked to help foot the bill.

It is amazing. When I explain that to folks in Michigan, they say you have to be kidding—or they say other things I cannot repeat on the floor of the Senate. Just imagine if you are one of those workers in Michigan or in Virginia or in Ohio or in Wisconsin or anywhere in this country who maybe was forced to train your overseas replacement before you were laid off. Imagine what your reaction would be—more colorful than I have been able to state here. When an American worker is asked to subsidize the moving expenses, as they do today under current