

Founders understood to be the meaning of corruption. They have also rejected the definition of corruption upon which this Court has historically relied. As recently as 2003 when the Court initially upheld the McCain-Feingold Act before striking much of it down later, the Court stated:

In speaking of 'improper influence' and opportunities for abuse' in addition to 'quid pro quo arrangements,' we [have] recognized a concern not confined to bribery of public officials, but extending to the broader threat from politicians too compliant with the wishes of large contributors.

In fact, I look at the distinguished Presiding Officer—a man who served with such great distinction as Governor of the Commonwealth of Virginia—and I think about the jury verdict handed down last week against another former Republican Governor of the Commonwealth of Virginia, and it reminds us that when elected officials grant political favors in exchange for gifts and money, it certainly threatens the functioning of our democracy. What Justice Kennedy and those who joined with him fail to recognize is that more subtle forms of corruption are also corrosive and undermine public confidence.

Way back in the last century, we changed the Constitution to allow the direct election of Senators. One of the motivating factors was that in one State—at that time the legislatures appointed Senators—in one State, one major corporation in the mining industry so controlled the legislature that it picked who were going to be the Senators. We changed that because we said everybody should have a voice.

States and future Congresses should be able to recognize that corruption extends to the idea that money—particularly unregulated campaign contributions—buys access and influences the political process in disproportionate ways for a wealthy few.

This "pay to play" notion is corrosive to our democracy. The size of your bank account should not determine whether and how the government responds to your needs. The government should be there for all Americans, not just the most wealthy. Vermonters understand this. They have led the way by speaking out forcefully about the devastating impact of these Supreme Court decisions. So we ought to start listening to our constituents. We ought to vote to protect our democracy against corruption. We ought to restore democracy for all Americans.

Some have argued that money is speech so we should not allow the States or Congress to limit any spending in our elections. As Justice Stevens said in his testimony before the Rules Committee, "while money is used to finance speech, money is not speech. Speech is only one of the activities that are financed by campaign contributions and expenditures. Those financial activities should not receive the same constitutional protection as speech itself." This is exactly right.

I have also heard the argument that this proposed amendment would silence nonprofit advocacy groups like the NAACP and the Sierra Club because it allows Congress and the States to distinguish between corporations and actual individuals. Do not believe it. Until Citizens United, prohibitions on corporate and union political spending were the norm at the Federal level and in many states. Those prohibitions never stopped nonprofit groups from engaging in vigorous issue advocacy. Nor would this amendment.

Moreover, I have received a letter of support signed by both the NAACP and the Sierra Club, among many others, that openly advocate for this proposed amendment. If this proposed amendment would have the potential effect of silencing their organizations, why would they support it?

For those who claim the threat of these Supreme Court decisions is not sufficient to warrant a constitutional amendment, let's get the facts straight. Even incremental measures to simply increase the transparency of the flood of money pouring into our elections have been repeatedly filibustered by Republicans. In fact, many of us have tried for years to pass a law to require greater transparency and disclosure of political spending. I have tried to practice what I have preached. I have disclosed every cent ever contributed to me, including one time for one for about 40 or 50 cents. It cost us more to disclose it than what it was, but I wanted people to know exactly who had contributed to my campaign. We tried to have that kind of disclosure.

Republicans have repeatedly filibustered that legislation, known aptly as the DISCLOSE Act. The statutory approach would allow the American people to at least know who is pouring money into the electoral system. It is bad enough that they can pour in an unlimited amount of money, but we ought to at least know who is doing it and why they are doing it.

I hope we will be able to convince enough Republicans to join this effort to overcome the Republican filibuster of a modest transparency bill. But because the Supreme Court based its rulings on a flawed interpretation of the First Amendment, a statutory fix alone will not suffice. Only a constitutional amendment can overturn the Supreme Court's devastating campaign finance decisions.

Our proposal to amend the Constitution simply restores the ability of future lawmakers—Republicans and Democrats—at both the Federal and State levels to rein in the influence that billionaires and corporations now have on our elections. It is necessary to restore the First Amendment so all voices can be heard in the democratic process, whether you are a millionaire or not, and it is vital to ensure that corruption does not flourish.

I hope Senators will join with me on this vote.

I do not see anybody seeking recognition. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Alabama.

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

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

AMNESTY IN AMERICA

Mr. SESSIONS. President Obama announced Friday that he would not follow through on his promise to utilize Executive orders by the end of the summer to provide amnesty and work authorization for 5 to 6 million illegal immigrants who cannot work lawfully in America because they unlawfully entered the country or have overstayed their visas. That does not indicate he has in any way abandoned his plan to execute such an Executive amnesty.

Indeed, the President directly said he understands that the American people oppose what he is doing—this authorization to work and create a legal status by Executive action. The American people oppose it by more than 2 to 1. So is he going to back off and honor the wishes of the American people? No, not at all—this is the point the American people need to understand.

The President is now brazenly reaffirming in even clearer language that he will carry out his amnesty plan—but only after the election in November. This is an attempt to protect his Democratic Senate candidates. Just a few moments ago, his spokesman, Josh Earnest—Mr. Flack—said it would be wrong to inject this issue into the election.

What I say to Mr. Flack at the White House, whose salary is paid by the American people, is the American people have one chance to have their voice heard. The President is talking about unilateral, illegal action contrary to American law to legalize as many as 5 to 6 million people and we should not inject it into the election. There are Democratic Senators and other Senators who failed to object to that—should they now be protected from being criticized for allowing this to occur? Is that what we have gotten to in our democracy, that the President can make this decision and not involve the American people? They think they should stay out of this. That they should not talk about it in an election. Well, when should we talk about grave issues that are facing America if not during the election cycle?

I think it is time for the Senate, and all Senators, to be heard explicitly. Where do you stand? Do you support the legislation that the House of Representatives has passed that would effectively—as we often do around here—bar the President from spending any

money to execute such an illegal, unauthorized amnesty or not? Are you for it or not?

Well, we know one thing. If it is left up to the Democratic leader in the Senate, it will not be brought up. So it will take a lot of Senators to stand up to Majority Leader REID and President Obama and bring the legislation the House has passed that would bar the expenditure of any money to carry out an unlawful amnesty.

The President cannot give work authorization—as he and his people have said he intends to do—to people unlawfully in America. The law says they are not eligible to work in America, and they are not eligible to be hired in America. The President cannot say, as he has already done for the young people through the DACA program: You are authorized to work. They are now talking about 5 to 6 million more people. One article correctly said there were 10 times as many adults—many of them presumably have entered the country illegally only recently.

I think we have to understand what is going on, and we need to challenge our colleagues to stand up and be counted—counted with regard to the legitimate authority of Congress, which has passed laws of this country that are due to be executed and carried out faithfully by the President of the United States. He is not authorized to just not enforce the law and not utilize the ICE officers and Border Patrol officers and block them from doing their work.

The ICE officers have even sued the Administration, the head of DHS and the ICE director, because they have been blocked from following their oath to enforce the laws of the United States. No wonder this is an important issue. No wonder the American people's interest is rising on this issue, and they have every right to do so.

Well, I am going to explain why this amnesty is unlawful, how it will hurt the American worker, and how it will eviscerate any hope of ever establishing a lawful immigration system in the future if it goes forward. First, let's look at recent events. The President stated at the NATO conference a few days ago that he will give legal status to persons who are unlawfully here by utilizing Executive orders. I say to the American people and to my colleagues that he cannot do that. Those individuals are unlawfully here. He has no power to reverse the laws passed by the Congress of the United States and declare someone lawful who is unlawful. It is a thunderous, dramatic abuse of Presidential power.

He has made it clear previously that his amnesty will include work authorization, and he cannot do that either. It is plainly contrary to law. He has already provided executive amnesty and work permits to those who supposedly came here as young people, although the proof is very uncertain. ICE officers report that they are forced to take someone's word about qualifying for

the amnesty. So they are certainly not very tight about verifying that. His advisers and allies openly boast about how broad this is going to be. They say you must go ahead, Mr. President, and do even more than you are saying you are going to do now under this plan. It is really all because of the opposition of the American people.

By a substantial majority, the American people oppose this action, but the President is intending to do it. According to the news reports, Members of the Senate went to the President and said: Don't do this now, Mr. President. I know you promised to do it before the end of the summer, but don't do it now because that might hurt me in my election. I might have to block votes in the Senate that will stop you from doing this, and I will get criticized for doing it. Please don't do this now. Don't do it now. You can do it after the election, when I have secured my 6-year term. Do it then, Mr. President.

No wonder Senator MCCONNELL referred to that as a cynical act by the President.

This was a dramatic event which occurred over weekend. This executive amnesty would include work permits for millions of people who illegally entered the United States or have overstayed their visas and they are here unlawfully. It is a violation of a sovereign, constitutional law passed by the people's representatives in the Congress. It wipes away the Immigration and Nationality Act's clear rules on who can enter the United States, who can work in the United States, and who can live in the United States. Don't we all agree that our Nation has a right to establish that? Shouldn't those rules and principles be established and followed? We are not against immigration. We have 1 million people come to our country every year legally. They apply, wait their time, and then they have the benefit of citizenship in America. We have one of the most generous immigration policies in the entire world. In addition to permanent immigration flows, we have a huge temporary guest worker program which allows people to come here and take jobs. The President wants to double the number of people who come here and take jobs, but the House has refused to do that.

These rules are the bedrock of any Nation's immigration policy and sovereignty, and in reality the President is actually and truly proposing to wipe away what amounts to the few immigration rules that are in effect. Through executive action, the President is proposing to repeal the lawful protections to which every American worker is entitled. His action would allow millions of illegal immigrants to instantly take precious jobs from struggling and unemployed American workers by the millions in every sector of the economy. These are not just agricultural and seasonal workers.

Under the President's plan, these people who are given work authoriza-

tion would be entitled to take any job. They would be entitled to work at the county commission or the energy company or power company. They would be entitled to work at the manufacturing plants and drive the forklifts and heavy equipment. They would be eligible for good jobs—jobs that are good for America.

This is at a time of high unemployment and falling wages. We are now talking about another 5 million people who will be rewarded with the ability to take the best jobs in America when millions of Americans are struggling and wages are falling and we have the highest percentage of people outside of the workforce in America since the 1970s. We have a higher percentage of people who are working part-time instead of working full-time. There are people who are on welfare. Food stamps have gone up fourfold. We need to get our people working first.

Again, no one that I know of would say that the people who want to come to America and work are evil or bad people. We have a generous immigration plan. We are not saying bad things about them. We are simply saying that if you want to come to America, apply. If you don't qualify, we are sorry. We are not able to accept everybody who would like to come to America. We have rules and regulations to make sure we identify people who are likely to be successful in America and won't be on the welfare rolls and won't demand health care from the government and will be able to pay their fair share of the cost of living in America. That is what any smart Nation does.

I think what people need to know right now is that this unconstitutional action—this planned executive amnesty—has not gone away. It is only a matter of months now that it has been delayed—unless the American people stop it from happening.

The New York Times reported a few days ago on the timing of these actions. They said this:

President Obama will delay taking executive action on immigration until after the midterm elections, bowing to pressure from fellow Democrats who feared that taking action now could doom his party's chances this fall, White House officials said on Saturday.

Well, what does that mean? It was reported in a very neutral way. The New York Times, of course, favors amnesty. But how cynical is that? How cynical is it that the President is now going to take action on a different date than he promised repeatedly, because he is afraid that if he does it now, the American people will have an opportunity to register their opinion come November and members of his party will face election and they are going to be asked, Did they support and vote for this or not? He does not want that to happen.

What is wrong with the American people being able to influence their government? Is the President above that? Has he reached such a high level of popularity he doesn't have to worry

about what the American people say, think, or believe, and that he can advocate and carry out policy based on political deals he has made with big business and special-interest groups and politicians. Even when the American people don't support it and Congress won't pass it, he gets to do it anyway? Is this where we are in America today?

What is particularly disturbing is our Senate Democratic colleagues apparently don't object to the President carrying out unilateral executive amnesty; they only prefer that the President implement it after the election, after their race is over, so they don't have to explain it to the people they represent.

Politico reported one typical Senate Democrat office as saying: "Obama should use his executive authority to make fixes to the immigration system, but after the November elections." After the elections. Don't let it blow back on me. Go ahead, Mr. President, we want you to do this fix, but don't do it now, do it after the election so nobody can hold me to account.

I think the American people are getting tired of this. I think they are wising up. The politicians work for the American people; the American people don't work for the politicians.

We held a vote in the Senate on July 31. I sought to block this action by bringing up a bill similar to a bill the House passed that would bar the President from spending any money to carry out this executive amnesty. Only one Senate Democrat—Senator MANCHIN—voted in support of allowing the bill to come up for a vote. And no one, to my knowledge, on the Democratic side has challenged Senator REID and his blocking of the House-type legislation.

It is a very serious matter that we are engaged in today. It is a very serious matter. The moral underpinnings, the integrity of the immigration law—already seriously damaged by the DACA action President Obama took—will be fatally wounded if he now legalizes 5 million to 6 million people unilaterally. How could we then tell anybody in the future they have to comply with the law?

The President himself said at the NATO conference that if we do his executive amnesty, it will, as he said, encourage legal immigration. Wrong, wrong, wrong. Rewarding millions more who have entered the country illegally—rewarding their illegal acts—is not going to cause more people to follow the law; it is going to be a further weakening of the law. And in the future, how will we be able to tell people who came across the border after that, that they shouldn't be given lawful status, rewarding them for their illegal act? It is that simple.

We are going to have to confront this issue. Congress needs to stand up, affirm the rule of law, do the right thing. We are not against immigration. We are not against immigrants. We don't believe this country ought to be isolationist. But we have a right—and the

American people have a right—to believe their government will create an effective, honorable system of immigration and see that it is enforced fairly and resolutely. That is the moral thing to do. It is the right thing to do. It is what the American people have been demanding for 30 or 40 years, and the politicians have steadfastly refused.

I think it is time for the people's voices to be heard. The American people are right on this issue. They are exactly right. We are failing the future of our country, the lawful system of our country, we are failing the American people, and we are failing American workers who are having a difficult time today finding jobs and seeing their wages decline.

Mr. President, I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

SOCIAL SECURITY ADVISORY BOARD NOMINEES

Mr. HATCH. Mr. President, today the Senate will vote on three nominees to positions on the Social Security Advisory Board. Two of these nominees—Alan Cohen and Lanhee Chen—are well suited for these positions, and that being the case I totally support their nominations.

However, I plan to vote against the remaining nominee, Dr. Henry Aaron, whom the President ultimately intends to serve as chairman of the board. I wish to take a few minutes today to explain why I have reached this decision.

Over the past decade or so, Dr. Aaron has spent most of his time and efforts focusing on health care issues and advocacy. Indeed, the vast majority of writings he offered in support of his nomination dealt with health care, not Social Security.

When the Finance Committee considered his nomination, I specifically asked Dr. Aaron if he had performed any Social Security analysis over the past decade. He could not produce anything substantive along these lines.

There is nothing wrong with focusing one's energies on health care instead of analyzing Social Security policy. However, given the specific focus of the Social Security Advisory Board, I am concerned about the extent to which Dr. Aaron has considered Social Security issues and analytical advances in the field over the past decade or more. It appears to me that Dr. Aaron's interests and skill set make him better suited for a position in the health care arena rather than advising on the current state of Social Security.

Dr. Aaron has written about Social Security more extensively in the past, but his conclusions were predominantly normative. His most recent Social Security writings too often imply that anyone disagreeing with his conclusions is dead wrong and likely has adverse motives.

In fact, this is a trend that pervades all of Dr. Aaron's writings. Far too

often, in addition to reaching conclusions and making recommendations, Dr. Aaron finds it necessary to condemn potential critics, usually along partisan lines. Of course, I am not one to vote against a nominee simply because I disagree with their policy prescriptions or their analytical techniques. I generally believe in giving reasonable deference to the President on nominations, particularly those involving positions designed to provide advice to the President and his administration.

The Social Security Advisory Board, however, is set up to provide bipartisan advice on Social Security issues to Congress and the Social Security Commissioner, as well as the President. Given all of the challenges facing Social Security, this type of advice is crucial. The board chair must be able to work toward gathering bipartisan consensus and avoid turning the Social Security Advisory Board into another platform for political division and partisan rhetoric. Therefore, it is necessary to consider Dr. Aaron's nomination from the perspective of bipartisanship.

As I said, a nominee for board chair must demonstrate an ability to promote and garner bipartisan consensus. Unfortunately, the evidence does not convince me that Dr. Aaron would be able to set aside his partisan views and manage the board in a bipartisan fashion that aims at consensus in both analysis and conclusions.

Throughout much of his writings, Dr. Aaron has, far more often than not, opted for partisanship over sound policy. This not only makes me question his ability to be bipartisan, it also leads me to question his judgment on policy issues.

For example, he has recently advocated that the President disregard the Constitution and ignore the statutory limit on Federal debt. He has praised the President for ignoring the law by unilaterally deciding not to enforce provisions of the Affordable Care Act, identifying the administration's failure to enforce the law written by Congress and signed by the President himself as an act that, to quote Dr. Aaron, "adroitly performs political jiu jitsu on ObamaCare opponents."

He has written that the Independent Payment Advisory Board—the IPAB—an agency with virtually unchecked power to ration Medicare spending, should be given even broader authority.

He has scolded States that have, fully within their rights, decided against expanding Medicaid as part of the Affordable Care Act rollout. Dr. Aaron used particularly vitriolic words to describe State officials who opted not to expand Medicaid, saying: "Officials in many states have adopted a stance reminiscent of massive resistance, the South's futile effort to block implementation of the Supreme Court's decision banning school segregation."