

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."

When I asked Dr. Aaron a question at his confirmation hearing about the caustic nature of some of his comments, he alluded to writings for newspapers and op-eds as avenues in which inclusion of politically charged rhetoric is the "coin of the realm."

That may very well be the case, but that doesn't mean there is a place for it on the Social Security Advisory Board. I have serious concern about Dr. Aaron's ability to keep such rhetoric in check as he chairs the board that is by statute intended to exhibit impartiality.

Once again, our Social Security system faces a number of fiscal and structural changes and challenges. If we are going to address these challenges, we need serious discussions that will lead to serious solutions, not more partisanship.

Dr. Aaron has not convinced me that he is the one to help lead these types of discussions. For these reasons I intend to vote against this confirmation.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

(The remarks of Mr. CRUZ pertaining to the introduction of S. 2779 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. CRUZ. I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

CONSTITUTIONAL AMENDMENT

Ms. WARREN. Mr. President, I rise today to support an independent constitutional amendment offered by Senator UDALL of New Mexico which would restore to Congress and the States the authority to rein in the enormous sums of money that are flooding into our political process.

As they built our democracy, the Founders feared the impact of concentration of power. John Adams, a Massachusetts native and the author of our State Constitution, expressed this ideal well. He said:

Power must be opposed to power, force to force, strength to strength, interest to interest, as well as reason to reason, eloquence to eloquence, and passion to passion.

Balance, said Adams, was critical.

But in Washington power is not balanced. Instead, power is concentrated all on one side. Well-financed individuals and corporate interests are lined up to fight for their own privileges and to resist any change that would limit their special deals.

I saw this up close and personal following the 2008 financial crisis when I fought hard for stronger financial regulations, and the biggest banks in this

country spent more than \$1 million a day to weaken reforms. But there are many more examples.

Big corporate interests are smart. They fight every day on Capitol Hill, every day in the agencies, every day in the courts, always with the same goals in mind—to bend the law to benefit themselves. The U.S. Supreme Court is doing all it can to help them.

Three well-respected legal scholars, including Judge Richard Posner of the Seventh Circuit Court of Appeals, a widely respected and conservative Reagan appointee, recently examined almost 20,000 Supreme Court cases from the past 65 years. The researchers used multivariate regression analysis to determine how often each Justice voted in favor of corporate interests during that time. Judge Posner and his colleagues concluded that the five conservative Justices currently sitting on the Supreme Court are in the top 10 most procorporate Justices in more than half a century—and Justice Alito and Justice Roberts No. 1 and No. 2.

Perhaps the most egregious example of this procorporate shift is the Citizens United decision. In this new Citizens United era, the Supreme Court has unleashed a flood of secret corporate money into our political system and emboldened a powerful group of millionaires and billionaires who can toss out checks for millions of dollars to influence election outcomes.

Earlier this year the Supreme Court gave them even more room to operate. Congress had long ago put limits on how much money one rich person could contribute to a candidate, a party, or a political action committee in an election. These commonsense limits were intended to preserve the integrity of our democracy and to prevent corruption or even the appearance of corruption, but the Supreme Court struck down those limits.

As Justice Breyer noted in his dissenting opinion, the Court's decision "will allow a single individual to contribute millions of dollars to a political party or to a candidate's campaign."

The impact of this line of judicial decisions is powerful. In 2012, about 3.7 million typical Americans gave modest donations, \$200 or less, to President Obama and Mitt Romney. These donations altogether added up to about \$313 million. In that same election, 32 Americans gave monster donations to super PACs. Thirty-two people spent slightly more on the 2012 elections than 3.7 million typical Americans who sent in modest dollar donations to their preferred Presidential candidate. When 32 people can outspend 3.7 million citizens, our democracy is in real danger.

This is an extraordinary situation. The Supreme Court overturned a century of precedent, voiding campaign finance restrictions passed by Congress and making it far easier for millionaires, billionaires, and big corporations to flood our elections with massive amounts of money. The Supreme Court is helping them buy elections.

We are here to try to reverse the damage inflicted on our country by these decisions. We are here to fight back against a Supreme Court that says there is no difference between free speech and billions of dollars spent by the privileged few to swing elections and buy off legislators.

We are here to fight back against a Supreme Court that has overturned a century of established law in an effort to block Congress from solving this problem.

I support a constitutional amendment only with great reluctance. Our Constitution sets forth the fundamental structure of our government, the scope of that government's power, and the critical limits on that power. Any change to its text should be measured, should be carefully considered, and should occur only rarely. But there are times when action is required to defend our great democracy against those who would see it perverted into one more rigged game where the rich and the powerful always win.

This is the time to amend the Constitution. I urge my colleagues to support this effort. We were not sent to Congress to run this country for a handful of wealthy individuals and powerful corporations. We were sent here to do our best to make this country work for all our people.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. 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. DURBIN. Mr. President, I chair the Senate judiciary subcommittee entitled the Subcommittee on the Constitution, Civil Rights and Human Rights. Obviously, the most serious charge of the subcommittee is to consider proposals to amend the Constitution. S.J. Res. 19, the democracy-for-all amendment, was the first amendment considered by the constitution subcommittee since 2009, when I became its chair.

The U.S. Constitution and the wisdom of its Framers has endured for generations. I have established—and so have many of my colleagues—a very high bar for suggestions to amend that Constitution. That is the way it should be. That is why Majority Leader REID, Chairman PATRICK LEAHY of the Senate Judiciary Committee, and I were committed to ensuring this proposal would be thoroughly vetted and that it move through the Senate by regular order.

It is important to recall that until the early 20th century most Americans were not allowed to vote. Even after the franchise was legally expanded, a violent racist campaign prevented many African Americans from voting.

Six constitutional amendments, landmark civil rights legislation, and