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House of Representatives

The House was not in session today. Its next meeting will be held on Tuesday, July 17, 2012, at 12 noon.

Senate

MONDAY, JULY 16, 2012

The Senate met at 2 p.m., and was called to order by the Honorable CHRISTOPHER A. COONS, a Senator from the State of Delaware.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God, who keeps us in Your love, forgive us when we give our best to the wrong things. Keep us from becoming annoyed and angry about things which in our calmer moments we know do not matter. Give our lawmakers this day the wisdom to know what is important and what is unimportant so they will never forget the things that truly matter. Help them, Lord, to never let the things that do not matter to matter too much. Give them in all their duties Your help, in all their perplexities Your guidance, and in all their dangers Your protection.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable CHRISTOPHER A. COONS led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUYE).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 16, 2012.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable CHRISTOPHER A. COONS, a Senator from the State of Delaware, to perform the duties of the Chair.

DANIEL K. INOUYE,
President pro tempore.

Mr. COONS thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

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

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

DISCLOSE ACT OF 2012—MOTION TO PROCEED

Mr. REID. Mr. President, I now move to proceed to Calendar No. 446, S. 3369, the DISCLOSE Act.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title.

The legislative clerk read as follows:

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 of corporations, labor organizations, super PACs, and other entities, and for other purposes.

SCHEDULE

Mr. REID. Mr. President, at 5 p.m., the Senate will proceed to executive session to consider the nomination of Kevin McNulty to be United States District Judge for the District of New Jersey.

At 5:30 p.m., there will be two rollcall votes. The first vote will be on confirmation of the McNulty nomination. There will then be 10 minutes of debate prior to a cloture vote on the motion to proceed to the DISCLOSE Act.

MEASURE PLACED ON THE CALENDAR—H.R. 6079

Mr. REID. Mr. President, I am told H.R. 6079 is at the desk and due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will read the bill by title for the second time.

The legislative clerk read as follows:

A bill (H.R. 6079) to repeal the Patient Protection and Affordable Care Act and health care-related provisions in the Health Care and Education Reconciliation Act of 2010.

Mr. REID. I now object to any further proceedings on this matter.

The ACTING PRESIDENT pro tempore. Objection is heard. The bill will be placed on the calendar under rule XIV.

THE DISCLOSE ACT

Mr. REID. Mr. President, Thomas Jefferson, one of our greatest Presidents, once said,

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

The end of democracy . . . will occur when government falls into the hands of lending institutions and moneyed corporations.

Campaign finance reform protections we have in place—and have had for many years—have solved the problem Jefferson talked about by limiting political spending by corporations. Then out of nowhere came the Supreme Court to issue its Citizens United opinion, rolling back a century of work to make elections transparent and credible.

The result of Citizens United has been a flood of corporate, special-interest campaign spending by shadowy front groups with questionable motives. Not since the days of Teddy Roosevelt, a Republican who put a stop to unlimited corporate donations, has America seen this kind of out-of-control spending to influence elections.

Democrats and the majority of Americans believe the Supreme Court got it very wrong with Citizens United. Anonymous spending by so-called nonprofits, often backed by huge corporate donors or a few wealthy individuals, used to make up 1 percent of election spending. This year it will make up well over half of the spending. There is no question Citizens United opened the door for big corporations and foreign entities to secretly spend hundreds of millions of dollars to influence elections and undermine the fairness and integrity of the process. Let us look at Nevada. Through the first part of this year, more money has been spent per capita on TV ads in Nevada than in any other State in the country. Most of the ads have been funded by anonymous groups flush with cash from these huge oil interests, Wall Street, moneyed interests, foreign gambling interests, and other interests seeking greater influence in Washington.

Voters in Nevada and across the country deserve to know who paid for these ads. We have proven it is possible to remove the veil of secrecy from outside money and make the process more transparent. We have done that before and we need to do it again. We can require large political donors to disclose their identities so voters can at least judge their motivations for themselves.

Requiring large donors to disclose their entities is not a new concept. In fact, my counterpart, Senator MCCONNELL, and many of his Republican colleagues, have supported this in the past. The legislation today before the Senate—the DISCLOSE Act—would require disclosure of donations in excess of $10,000 if they are used for campaign purposes.

The bill treats all political entities equally—whether unions, corporations, business associations, or super PACs. And contrary to Republican claims, this legislation would not require organizations to turn over membership rosters or lists of grassroots donors. Rather, it would prevent corporations and wealthy individuals from using front groups to shield their donations from disclosure.

Yet my Republican colleagues, with rare exception, have lined up against this commonsense legislation. Their newfound opposition to transparency makes one wonder who they are trying to protect. Perhaps Republicans want to shield a handful of billionaires willing to contribute nine figures to sway a close Presidential election.

If this flood of outside money continues, the day after the election 17 angry old White men will wake up and realize they have just bought the country. That is a sad commentary. About 60 percent or more of these outside dollars are coming from these 17 people.

These donors have something in common with their nominee. Like Mitt Romney, they believe they play by their own set of rules. Mitt Romney has refused to release his tax returns. I think everybody in America now knows that. From the one and only return we have seen, we know Mitt Romney pays a lower tax rate than most middle-class families. We know he has a Swiss bank account. We know he takes advantage of tax shelters in the Cayman Islands and tax shelters in Bermuda. But we can only guess what new secrets would be revealed if we could examine a dozen years of his tax returns. His father, George Romney, set the standard for Presidential elections. He released 12 years of tax returns so Americans could evaluate his record for themselves. His son should also let his records out so we can evaluate his record for ourselves.

Even nominees for Cabinet posts are required to release 3 years of tax returns and declare financial holdings worth more than $1,000. Romney's refusal to be open and honest would disqualify him from even being a Cabinet secretary. And his penchant for secrecy makes Americans wonder: What is he hiding?

Thomas Jefferson famously argued: Democracy depends on an informed electorate. If that is true—and I believe it is—it stands to reason disclosure can only strengthen our democracy. But don't take my word for it. As my friend Senator MCCONNELL has said, ''Disclosure is the best disinfectant.''

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

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

THE DISCLOSE ACT

Mr. MCCONNELL. Mr. President, later today Senate Democrats will show where their legislative priorities truly lie.

At a moment when the American people are reeling from the slowest economic recovery in modern times, and just 5½ months away from the culmination of tax hikes and spending cuts already being referred to around the world as America's fiscal cliff, Senate Democrats want us to waste our time on the DISCLOSE Act, a bill that has only two discernible purposes: to create the impression of mischief where there is none, and to send a signal to unions that Democrats are just as eager to do their legislative bidding as ever.

Think about it. We have had 41 straight months of unemployment above 8 percent. It has been more than 3 years since the Democratic Senate passed a budget, but this is what they want to do.

For months Republicans have been urging Democrats to do something about the approaching fiscal cliff now, before it is too late. The American people don't expect us to see every crisis that comes around the corner, but they should be able to expect us to do something about the problems we do see and that we know are coming. Yet last week President Obama signaled that he and his campaign advisers think it is good politics to keep the threat of these looming tax hikes on everyone right on the table as supposed leverage in an effort to raise taxes on nearly 1 million business owners right now.

As the Washington Post reported this morning, not only do Democrats in Congress agree with him, they are ready and willing to go right off the fiscal cliff if they don't get their way. In their near fanatical crusade to inflict even more pain on American businesses, Democrats are now openly admitting that they plan to wait until this debate reaches full throttle and Americans are panicked about the outcome to do anything because they think it will make it more likely they will get their way. And if they don't, then so be it. They are ready to accept the economic and fiscal consequences. They see a crisis coming, and they don't want to waste it.

The Congressional Budget Office has said that not doing anything and walking off this fiscal cliff would lead to a recession. The IMF chief says it would threaten the global economy. Yet Senate Democrats today are announcing they are perfectly ready and willing to accept all that if Republicans don't allow them to raise taxes on the very businesses we are counting on to create the jobs we need.

This is what passes for governance among Democrats these days: Put the American people up against a wall, pick their pockets, and then hope that in the midst of the scuffle they will blame it—and the recession that would follow—on the Republicans.

Now, let's make no mistake. What the Democrats are proposing today is an entirely avoidable high-stakes game of chicken with the single-minded goal of taking more money from those who earn it for government to waste. The President made it very clear over the

weekend that he doesn't think entrepreneurs are responsible for their own success. They owe it to the government. Successful entrepreneurs owe their success to the government. That is the attitude driving everything this President and his Democratic allies in Washington are doing right now. Their one-point plan for getting America back on track is clear: You earn, we take. And if they don't get to impose it, then they will welcome a recession.

They are so single-mindedly focused on taking the earnings of others for themselves and spreading it around—in the President's famous phrase—that they are recklessly ignoring any proposal to prevent the coming crisis in order to achieve it.

Last week Senate Republicans proposed a legislative solution which ensures that no one sees their income tax go up—no one—at the end of the year, legislation that creates a path for the kind of fair, broad-based comprehensive tax reform members of both parties claim they want and which would give individuals and businesses the certainty they have been asking us to give them since the very beginning of the administration.

We could have passed this completely reasonable proposal last week and put the anxiety of millions of Americans at ease with a single vote, but Democrats, of course, refused. They would rather keep the crisis unresolved, keep it looming out there on the horizon. They think it gives them a political edge. They think it is good politics. And they should be ashamed. They should be ashamed.

Consider this: It has been nearly 1 year since the President demanded $500 billion in automatic cuts to defense at the end of this year. Yet with the date now fast approaching, we still don't know how he intends to handle it. The President's campaign wants people asking whether his opponent is hiding something on a 10-year-old tax return. How about what this President is actually concealing about his plans to slash defense? With just a few months to go before these cuts devastate communities all across the country, the President has yet to outline his plans.

Republicans in the House have already passed, and Senate Republicans have proposed, concrete plans to avoid these devastating cuts to our national defense. Our uniformed military deserves the certainty that their operations, training, support, and weapons systems will be fully funded. Meanwhile, the President hasn't demonstrated the least bit of interest in this issue—no interest whatsoever. He hasn't said a thing. He is apparently more interested in blowing smoke about his opponent's tax returns than in talking about the tax hike he actually plans to impose on the very businesses we are counting on to create the jobs Americans need—not some other day but right now.

He would rather spend his time raising unfounded suspicions about a guy whose entire professional career has been a dress rehearsal for bringing order to a government that has become so bloated, so inefficient, and so bureaucratic that it is crying out for the kind of leadership and reform Democrats simply refuse to provide. He would rather attack a guy who has succeeded at just about everything he has ever done than propose a solution himself. And the reason, of course, is perfectly clear: Washington Democrats are worried he might succeed at reforming government too. They don't want to give him the chance.

Think about it. The economy is flat on its back, millions are struggling to find work, and Democrats aren't outlining a solution. They are plotting about how to take advantage of it to advance an ideological agenda most Americans oppose and to cast doubt about anybody who poses a serious threat to the crony-capitalist bureaucratic favor factory right here in Washington.

Where the rest of us see the worst economic recovery in modern times, Democrats see another opportunity to use a crisis to grow the government, and that is what they are focused on—not on providing hope and relief for already struggling Americans but providing more tax dollars for the government to waste and misdirect. In the meantime they will waste our time with bills like this one which they know will not pass but will give them a chance to make a fuss about a problem that doesn't exist—and blow a kiss to the unions for good measure.

But if we are going to have to vote on proceeding to this bill, I would like to take a moment to explain why it is not only exhibit A in how completely irresponsible Democrats are being right now, but why it is such a terrible idea in itself.

First, a point on process. When the history books are written, the 112th Congress may well be known as the Congress of irrelevant committees—the Congress of irrelevant committees. There once was a day when committees held hearings on bills, debated them, offered amendments, and reported them out for full Senate consideration. Now it is find a bill, put it on the calendar, move to proceed, file cloture, lose, and repeat. That is today's Senate. Committees are not being used to generate good legislation. In other words, they are viewed as an obstacle to overcome in the effort to make a point in front of the cameras on the Senate floor. The latest such effort is the DISCLOSE Act, a bill aimed at doing something about people exercising their first amendment rights to participate in the process.

My question is, do something about what? Do something about races which previously would not have been competitive but now are? Do something about individuals and organizations criticizing unpopular positions and policies? Do something about groups advocating on behalf of their members to promote or oppose the very positions for which their members joined? As George Will has pointed out, the political process is not a private club with the parties and the candidates controlling membership. Under the Citizens United decision of 2010, independent groups are now able to speak, again, under the first amendment regardless of who, when, and about what they are speaking. This is something Democrats should be celebrating, not excoriating.

The Founders envisioned a nation in which speech would be promoted as widely as possible. That is what the first amendment is all about, particularly when it comes to the political process. The purpose of this legislation is totally clear. After Citizens United, Democrats realized they could not shut up their critics so they decided to go after the microphone instead by trying to scare off the funders. As Senator SCHUMER put it during debate on an earlier version of this bill, '' . . . the deterrent effect should not be underestimated.'' That was Senator SCHUMER on the real purpose of this bill: ''The deterrent effect should not be underestimated.''

Just as with the DISCLOSE Act of 2010, this amounts to nothing more than member and donor harassment and intimidation and is all part of a broader government-led intimidation effort by this administration. There are parallel efforts going on at the FCC, the SEC, the IRS, the DOJ, and the White House itself to silence its critics.

The creation of a modern day Nixonian ''enemy's list'' is currently in full swing and, frankly, the American people should not stand for it. As I have said before, no individual or group in this country should have to face harassment or intimidation or incur crippling expenses defending themselves against their own government simply because the Government does not like the message they are advocating. But that is what we are seeing.

My own view has always been, if you cannot convince people of the wisdom of your policies, then you need to come up with some better arguments. Instead, the left has resorted to tactics such as the pending legislation. This legislation is an unprecedented requirement for groups to publicly disclose their donors, stripping a protection recognized and solidified by the courts. As a result of this legislation, advocacy groups ranging from the NAACP to the Sierra Club, to the Chamber of Commerce, all of which already disclose their donors to the IRS, would now be forced to subject their members to public intimidation and harassment. Why? For supporting organizations and groups whose goals they agree with.

Predictably, unions are exempted from the kind of disclosure Democrats now want to impose on everybody else. The so-called stand by your ad provision in an earlier version has done a

David Copperfield and entirely vanished.

I am not advocating for the provision but simply to note its absence, which proves the primary goal of this bill is not good government or transparency but targeted speech suppression. That is what this is about—targeted speech suppression.

I have to give the authors credit, whoever they are. They actually list labor unions as a covered organization in the bill. However, through an elaborate scheme of thresholds and triggers, they might as well have saved the ink, since unions are largely given a free pass by this bill, despite the fact they are, by far, the biggest players in political campaigns in our entire country. No one else comes close—almost all of it, of course, on the Democratic side.

As the Wall Street Journal reported last week, labor unions spent a total of $4.4 billion on campaigns from 2005 to 2011, a staggering amount of money and perfectly within their rights, I would add, under the first amendment.

Let's be clear. The other side may be able to whip the media up into a lather over the increased participation of individuals and groups that do not like the direction this President has taken our country, but the big money is coming from the left in the form of mandatory dues to labor unions. To the left, big money from individuals and corporations is a problem. But the nearly $800 million spent by unions in 2008, oh, that is just fine and dandy—as long as nearly 100 percent of it goes to their own campaigns.

As supporters of this legislation have readily admitted, the real target of this bill is to protect themselves from criticism over their wildly unpopular policies and positions. This is precisely why this legislation has been opposed by business groups from coast to coast and opposed by everyone from the NRA—which is key voting this vote—to the ACLU, to the U.S. Chamber of Commerce. I greatly appreciate all the effort these folks have put into educating and advocating on this issue.

I will certainly do everything in my power to protect the first amendment rights from DISCLOSE, the sequel, and I ask my colleagues on both sides of the aisle to join with me in voting no. We have many serious problems in this country. Too much free speech is not one of them.

Democrats can call this bill whatever they want, but they cannot conceal its true intent, which is to encourage their allies and discourage their critics from exercising their first amendment right to speak their mind. If Democrats do not like the level playing field ensured by the first amendment and reaffirmed by Citizens United, they should do a better job convincing the American people of the wisdom of their policies and focus on real problems instead of inventing ones that do not exist. To this point, I once again urge our friends to put the political games aside and do something now about the fiscal cliff that is approaching before it is too late. Our Nation has been mired in an economic coma for years. More people signed up for disability last month than found a job. The number of Americans on food stamps continues to climb. It is all about to get worse, and we have a President who is on a single-minded crusade to punish business owners even more.

Republicans have proposed serious, concrete ideas for addressing the problems we face, but we cannot do any of it if the President and his Democratic allies in Congress refuse to join us. Unfortunately, that is where we are. Democrats have made their priorities perfectly clear and, sadly, the American people they were elected to serve appear to be very much at the bottom of the list.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

The Senator from Rhode Island.

ORDER OF PROCEDURE

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Senator from Arkansas now be recognized to deliver remarks regarding a casualty from his home State—for which I will take this opportunity to send my condolences and the condolences of the people of Rhode Island—and at the conclusion of his remarks that I be recognized.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BOOZMAN. Mr. President, I thank the Senator for yielding me a few minutes.

The ACTING PRESIDENT pro tempore. The Senator from Arkansas is recognized.

HONORING OUR ARMED FORCES

SERGEANT MICHAEL STRACHOTA

Mr. BOOZMAN. Mr. President, we are aware that our freedoms are not truly free and our soldiers give the greatest sacrifice in freedom's defense. The sacrifices of Americans in uniform and their families embody the courage, honor, and patriotism that we must always remember.

Today I am here to pay my respects to Army SGT Michael Strachota, an Arkansas soldier who sacrificed his life for the love of this country in support of Operation Enduring Freedom.

Sergeant Strachota graduated from Pine Bluff High School in Pine Bluff, AR in 2002. In 2007 he enlisted in the Army and was assigned to the 96th Transportation Company, 180th Transportation Battalion, 13th Sustainment Command at Fort Hood, TX.

Sergeant Strachota was aware of the dangers he faced having served a previous deployment to Iraq in 2009. His family says that Michael was proud of his job and recalled to Arkansas newspapers how excited he was about his position and how he wanted to pursue a new direction in the military as an Army Ranger or pilot.

Sergeant Strachota's family said he was known for his friendly, out-going, and generous nature and his love of the outdoors and riding motorcycles. Most of all he was devoted to his family. He delayed his R&R to be home for his son's birthday on July 5th.

Sergeant Michael Strachota answered the highest call for this country. He is a true American hero. I ask my colleagues to keep his wife Lauren, son William and the rest of this family and friends in their thoughts and prayers during these difficult times. I humbly offer my sincerest gratitude for his selfless service and patriotism for this Nation.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, I rise to speak about the DISCLOSE Act of 2012, legislation that will shine some much needed light into the flood of secret money that is now polluting our elections. I would like to open with thanks to Senators CHUCK SCHUMER, MIKE BENNET, AL FRANKEN, JEFF MERKLEY, JEANNE SHAHEEN, and TOM UDALL for their hard work in our task force that developed this legislation. I look forward to continuing to work with them through this debate.

On Thursday, Majority Leader REID moved to proceed to this vital piece of legislation, and we will vote on it this evening. I thank the leader. I and many of my colleagues are looking forward to the opportunity to make the case for this important measure. But in a sense, for the American public, the case has already been made. As anyone who watches television knows, our airwaves are filled with political attack ads. The organizations paying for many of these ads have patriotic and benign-sounding names with words such as ''prosperity'' and ''freedom'' and ''future'' frequently to be found. These names sound harmless, but all too often the ads are actually paid for by secret special interests, such as billionaires and wealthy corporations seeking secret special influence in our democracy. In the process, they drown out the voices of regular American families who wish to participate in elections.

The Republican leader indicated we were going after the impression of mischief where there is none. Many Americans certainly have the impression of mischief.

As U.S.A. Today put it last week in an editorial supporting this DISCLOSE Act:

> Everybody's watching what's expected to be by far the most expensive presidential campaign in history, and not without a dose of horror. Freed by the Supreme Court from spending limits, all manner of special interests are opening the spigots to buy influence.

Here is how my home State paper, the Providence Journal, explained the Citizens United decision that unleashed this torrent of special interest money.

> The [Citizens United] ruling will mean that more than ever, big-spending economic interests will determine who gets elected. More money will especially pour into relentless attack campaigns. Free speech for most

individuals will suffer because their voices will count for even less than they do now. They will simply be drowned out by the big money.

I think the Providence Journal hit the nail right on the head. What has happened since the Citizens United decision has, in fact, proved them right. Senator JOHN MCCAIN said earlier this year:

> The United States Supreme Court—in what I think is one of the worst decisions in history—struck down the restrictions in the so-called McCain-Feingold law, and a lot of people don't agree with that, but I predicted when the United States Supreme Court, with their absolute ignorance of what happens in politics, struck down that law, that there would be a flood of money into campaigns, not transparent, unaccounted for, and this is exactly what is happening.

Senator MCCAIN is right. This is exactly what is happening. It is not an impression of mischief, it is mischief on the loose.

Richard Posner, a leading conservative legal scholar and a Federal judge, recently said:

> Our political system is pervasively corrupt due to our Supreme Court taking away campaign-contribution restrictions on the basis of the First Amendment.

Our political system is pervasively corrupt. This is from a conservative Federal judge.

The impact of Citizens United has been very clear. In the 2010 midterm elections, the first after Citizens United, there was a more than a fourfold increase in expenditures from super PACs and other outside groups compared to 2006—$69 million up to $305 million—with nearly three-quarters of political advertising coming from sources that were prohibited from spending money back in 2006. Also, in 2010, those 501(c)(4)s and (c)(6) not-for-profit organizations spent more than $135 million in unlimited and secret political contributions. Anonymous spending rose from 1 percent of outside spending in 2006 to 44 percent in 2010.

We are already seeing the influence of money on the 2012 elections. Super PACs and other outside groups have spent over $150 million in this election cycle, about twice of what was spent in the same period of 2008 during the last Presidential election.

Nondisclosing groups, said the New York Times, ''have accounted for two-thirds of the political advertising bought by the biggest outside spenders so far in the 2012 election cycle . . . with close to $100 million in issue ads.''

Campaigns are no longer waged by candidates and parties fighting over ideas, they are now waged by shadowy political attack groups posing as social welfare organizations run by the likes of Karl Rove and other political operatives and fueled by millions of undisclosed dollars from secret special interests. When these secret special interests take over our elections this way, it drowns out the voices of regular individual Americans. It also puts in jeopardy some of the key pillars of a strong middle class, pillars such as Medicare, Social Security, and Pell grants that have paved the way for generations to achieve the American dream but have always been the targets of special interests.

These special interests have motives. They have motives to spend this kind of money. If those motives were good for America and were welcomed by the average American, they wouldn't need and wouldn't want to keep them secret. We need to ask ourselves a very important question: What are they hiding? Why do they demand secrecy? Whatever the answer, one thing is clear: Americans who worry that Washington is too beholden to special interests now need to be concerned more than ever. Hang onto your wallets, here come the special interests, and you won't even know who they are.

As recently reported in the New York Times, secret spending groups have accounted for two-thirds of this advertising. Two-thirds of ad spending from groups, other than candidates or parties, has come from secretive corporations and billionaires whose names and agendas the voters may never know and who will have no accountability for how that money is spent. Impression of mischief, indeed.

Of course, when we don't have accountability, there is no limit to what people will say. One of the restraints on the vitriol and the filth that is so often part of the American political debate is that candidates have to stand by their ads. If someone says something that is awful, if they engage in relentless negative attacks, voters may charge them a price for that. They may find that unwelcome. That, of course, disappears when the name behind the ad is attached to no living person or corporation. It is just an entity, a sham, a phony, a shell.

How has this worked out? Not well for the American public. An April study found that about 70 percent of ads in this election cycle have been negative. That is up from only 9 percent through the same period in 2008. In 2008, 9 percent of ads in that time period had been negative. In this cycle, 70 percent have been negative. Over the last 6 months, if we look at the four top-spending political 501(c)(4) organizations, the ones that don't have to disclose their donors, they spent an estimated 85 percent of their election spending on ads containing deceptions. So 70 percent of the stuff out there is negative, up from only 9 percent, and 85 percent of the big spenders are spending their money on ads that have been determined to be deceptive.

The names of the organizations sound lovely: Americans for Prosperity, American Future Fund, American Energy Alliance, and Crossroads GPS. Without knowing who funds these shadowy groups, the American voter has no idea what mischief they are up to.

This is all a result of the Supreme Court's disastrous and misguided decision in Citizens United v. Federal Election Commission. This is the decision that opened the floodgates to unlimited and secret corporate and special interest money pouring into our elections.

This chart shows how easy it is under our current system for wealthy interests to skirt existing disclosure rules and spend secret millions in election ads. This amounts to a form of legalized political money laundering or, to use the phrase Senator MCCAIN and I used in our brief to the Supreme Court, ''identity laundering.''

Super PACs are supposed to disclose their donors under current law, but that can sometimes be weeks or months after a deceptive ad runs. If a donor wants to avoid even that disclosure, it can set up a shell corporation, which may be nothing more than a P.O. box someplace, and send the money through that super PAC through a shell corporation without a real name showing up on a disclosure form. They just launder it through the shell corporation, and the next thing they know the money is doing their work.

They can also pass the money through a 501(c)(4) social welfare organization. I put the words ''social welfare'' in quotes because that is the IRS phrase that is used for these organizations. There is very little social welfare being accomplished by the big political donor groups known as social welfare associations. The IRS gives nonprofit status to these groups whose primary purpose—and in many cases their only purpose—is to shield big spenders from having their identities disclosed. In many cases, these 501(c)(4) so-called social welfare groups are so closely affiliated with the super PACs that they have all the same staff and the same office space. It is a 501(c)(4) independent social welfare organization for the IRS with the same staff and the same office space as a super PAC. Please. Of course, the 501(c)(4) groups still don't have to disclose their donors, even when they are the same staff and the same office as the super PAC.

On this chart, we see the money raised by one of them, Citizens United, by Republican political operatives, including Karl Rove. They raised money through the Crossroads PAC. It is a super PAC, and it is supposed to disclose its donor. It has attached to it Crossroads GPS, a 501(c)(4) group that is not the super PAC and it can maintain complete secrecy for its donors. Guess which one has raised the most money. It is an easy question. It is the 501(c)(4) group that doesn't have to disclose its donors. The group raised $76.8 million through 2011 as opposed to only $46.4 million raised by its sister super PAC. This is by no means a unique situation.

As the New York Times wrote in an editorial last Sunday in support of the DISCLOSE Act, ''Corporations love the secrecy provided by Mr. Rove's group because it protects them from scrutiny

by nosy shareholders and consumers.'' They want a big influence on elections but without leaving any tracks.

An unnamed corporate lobbyist told the newspaper Politico earlier this year that nondisclosure is always preferred by corporate donors. Why is it preferred? Because it makes it impossible for the public and law enforcement to track down the corrupting influence of the money that these corporations spend in elections. The DISCLOSE Act puts an end to this nonsense. It puts an end to using 501(c)(4) groups and shell corporations to shield the identities of big donors.

One thing that should not be lost in the discussion of anonymous spending is the fact that there is one person to whom this spending is never anonymous; that is, the candidate who is either benefited or punished. Although the donors have managed to hide their identities from the public, they can sure tell the candidate how much money they are putting in the candidate's super PAC and, by the way, what position they want that candidate to take on issues. What this creates is a perfect recipe for corruption—wealthy corporations, individuals, and special interests secretly spending millions of dollars to influence a candidate in ways the public never sees.

A rich donor can secretly threaten massive spending against a candidate without even putting up the money. If the candidate doesn't take the right position on an issue, then they can pull the trigger, but they can make the threat quietly.

Political scientist Norm Ornstein recently said:

> I had this tale told to me by a number of lawmakers. You're sitting in your office and a lobbyist comes in and says, ''I'm working for Americans for a Better America. And I can't tell you who's funding them, but I can tell you they really, really want this amendment in the bill.'' And who knows what they'll do. They have more money than God.

If the candidate complies, of course, the expenditure is never made, there is no paper trail, no trace of that threat. Yet the system has been corrupted. Let's also dispense with the fiction that this spending is independent. The whole rationale for unlimited spending was that it was to be done independently of candidate campaigns. The reality is that super PACs are anything but independent. Campaigns and super PACS share fundraising lists, donors, former staff, and consultants. Candidates appear at fundraisers for their super PACs. Super PACs recycle ads that were originally run by the candidates. They share film. They are free to act as the evil twins of candidate campaigns, as one FEC Commissioner put it, raising unlimited, secret money, and then spending it on massive amounts of advertising—most of it negative—to benefit their preferred candidates.

Our campaign finance system is broken, and it lends itself to corruption in new and unprecedented ways. Immediate action is required to fix it. Today we are debating a bill that will at least bring some transparency and accountability into this election spending. This should not be a Democratic issue or a Republican issue, and in the past, it has not been. It has always had bipartisan support because it is about protecting our Democratic process. We need to pass the DISCLOSE Act now.

The USA Today editorial said:

> Citizens United left the public only one way to protect itself from the rising threat: Disclosure. At the federal level, this would be achieved by the DISCLOSE Act.

I thank USA Today for supporting this bill.

The Supreme Court also made it crystal clear in this very Citizens United decision that disclosure was an appropriate and even a necessary part of a healthy campaign finance system. Here is what Justice Anthony Kennedy wrote, writing for the majority:

> [P]rompt disclosure of expenditures can provide shareholders and citizens with the information needed to hold corporations and elected officials accountable for their positions and supporters. Shareholders can determine whether their corporation's political speech advances the corporation's interest in making profits, and citizens can see whether elected officials are in the pocket of so-called moneyed interests.

The new version of the DISCLOSE Act will do exactly this. It says nothing more and nothing less than when corporations and other wealthy interests spend money—more than $10,000—to influence our elections, their identities must be disclosed.

There is no question where the American people stand on this issue. Americans of all political stripes are disgusted by the influence of unlimited, anonymous corporate cash in our elections and by campaigns that succeed or fail depending on how many billionaires the candidate has in his pocket—or advisers, perhaps. More and more, people feel their government responds only to wealthy and corporate interests. They see their jobs disappear. They see their wages stagnate. They see bailouts and special deals for the big guys. And they lose faith that their elected officials will listen to them.

Six in ten Americans say the middle class will not catch a break in this economy until we reduce the influence of lobbyists, big banks, and big donors. Seven in ten Americans, nearly, including a majority of both Democrats and Republicans, agree that ''new rules that let corporations, unions, and people give unlimited money to super PACs will lead to corruption.'' Notwithstanding what the NRA and the chamber and other big DC lobbying powerhouses want, they are at odds with the regular American people. Indeed, one in four Americans says they are actually less likely to vote because big donors to super PACs have so much more influence over elected officials than average Americans.

These numbers should be a call to arms for anyone who believes our American democracy is one of our world's shining jewels and should be scrupulously, carefully, ardently protected. Indeed, people are answering this call to arms in numbers that are increasing every day.

I have with me today here on the Senate floor 213,000 Americans—213,000 citizen cosponsors of this DISCLOSE Act, which were collected by CREDO Action. My colleagues can leaf through them and see people from Apple Valley, MN; from San Francisco, CA; from Ashland, OR; from Austin, TX; from Long Beach, NY; from Imperial, NE; from Yorktown Heights, NY; from Brick, NJ; from Schaumburg, IL; people from all across the country—nearly a quarter of a million of them now—coming from all 50 States, and more than 1,000 Rhode Islanders are in this group. Unlike the corporations and the billionaires who are spending hundreds of millions of dollars to buy our elections and who insist on doing it in secret, these regular people are unashamed to stand up for what they believe in. Their pride in civic engagement reflects the best values of America, and their numbers show that this is an issue where a broad cross-section of Americans demand a change to what is happening in our elections.

Justice Antonin Scalia has written:

> Requiring people to stand up in public for their political acts fosters civic courage, without which democracy is doomed.

Our friends who have signed on as citizen cosponsors have that courage, and the biggest campaign spenders in the world should as well. Frankly, even those big campaign spenders should be patriotic enough to understand, as Justice Scalia did, that democracy is doomed without civic courage, and they should step up on their own. But, instead, they are hiding behind the rules and hiding their identities and trying to buy influence.

I will conclude by saying that prior to Citizens United, there was a long bipartisan tradition supporting laws that require disclosure of spending in elections. This bipartisan consensus may be reemerging. Senator JOHN MCCAIN of Arizona and I recently filed with the Supreme Court a brief that urged the Court to reconsider the flawed premise of its decision in Citizens United—the false premise that independent expenditures can't lead to corruption or the appearance of corruption. As the statistics about anonymous spending and public perception I have cited make clear, this premise has been fully discredited.

Although the Supreme Court declined this opportunity to put our elections back on a saner path, I am proud to have worked in a bipartisan fashion on that brief with Senator MCCAIN, who has long been a leader in this Congress and in this country on campaign finance issues. I hope our partnership will mark the beginning of greater cooperation across party lines on this issue of vital importance to our democracy.

There are some misconceptions about the act that have colored the public debate. We plan to explain during the course of the debate why the critics of this bill have gotten so many things just plain wrong. This act contains only the most basic provisions requiring outside groups to disclose campaign-related fundraising and spending. The legislation has been streamlined from the DISCLOSE Act that nearly passed the Senate in 2010. It places fewer burdens on covert administrations. It contains no prohibitions on spending, no special exemptions for any group or type of group. Contrary to what the Republican leader said, it does not require grassroots organizations to disclose their donors, and it treats every organization exactly the same right across the board.

Some have complained, such as a Republican witness in the Rules Committee hearing on this bill, that the so-called stand-by-your-ad requirements originally in the bill were too burdensome. He described them, actually, as radical. So we removed them. We have tried to accommodate. I know that many of my colleagues, including Senator RON WYDEN, who authored this stand-by-your-ad legislation and who has heroically fought for it for many years, remained very supportive of these provisions, and I hope we will be able to reintroduce them at another time. But we didn't, so that complaint should be closed off. Some complain that this was just an attempt to influence this election. Well, its effective date is January 1, 2013, so it will not, to the regret of many, influence this election.

According to Republican former FEC Chairman Trevor Potter, the DISCLOSE Act of 2012 is ''appropriately targeted, narrowly tailored, clearly constitutional and desperately needed.''

I stand ready to work with any of my colleagues, Democrats or Republicans, who want to make this bill better, but we can't use complaints—particularly unjustified complaints—as an excuse to do nothing.

While the status quo of unlimited secret money may work to benefit some politicians for the moment, in the long run it will hurt us all, regardless of party. Unlimited money is not a force that anyone can ultimately hope to control, and unlimited secret money is even more dangerous. More important, the American people, who are already beginning to lose faith in our electoral system, can reasonably fear that their elected officials will only care about the anonymous donors writing eight-figure checks in deals and gifts that they will never see.

Many of my Republican colleagues in the Senate know this, and they have supported disclosure in the past. Senator MITCH MCCONNELL, the Republican leader, for instance, was once a great advocate for disclosure. As he said in 2000, ''Republicans are in favor of disclosure,'' adding, ''Why would a little disclosure be better than a lot of disclosure?'' That question is as timely today as it was then.

I hope my Republican colleagues will join us in passing this important piece of legislation. Help us restore the fundamental principle of a government of the people, by the people, and for the people.

The Washington Post wrote yesterday in an editorial supporting this DISCLOSE Act:

> We'd like to see a few courageous Republicans rise in the Senate on Monday and declare: Enough is enough.

If our friends across the aisle decide to block this legislation which clearly reflects the will of the American people, I am prepared to force this issue by debating this bill long into the night. If they are unwilling to join us in our mission to shine a light on secret money elections, we will keep the lights on here.

I urge my colleagues to support the DISCLOSE Act of 2012.

I thank the Presiding Officer, and I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. KYL. Mr. President, I ask unanimous consent to speak in morning business for 15 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

FISCAL POLICY

Mr. KYL. Mr. President, today I wish to speak about two related subjects. Both are very much in the news, and both relate to the fiscal condition in the United States and what happens on January 1 if the U.S. Congress and the President allow a tax increase to be imposed upon the American people that will amount to the largest tax increase in the history of our country—about $4.5 trillion over 10 years. That tax increase is slated to go into effect unless we stop it. The effect of that tax increase on economic growth, on job creation, and on our small businesses and families will be devastating unless we act. The other subject, which is also pertinent to tax policy, is a subject that has been raised by many in the Obama Presidential campaign relating to outsourcing of jobs. Let me speak to that first because it has a direct relationship to this question of taxation.

In today's Wall Street Journal, there is an op-ed piece by Arthur Laffer and Ford Scudder called ''The Tax Cliff is a Growth Killer.'' Let me quote just two sentences from it:

> The United States faces economic collapse thanks to massive tax increases on Jan. 1, and continued deficit spending for years on end.

They go on to say:

> The blunt reality is that we cannot have a prosperous economy when government is overspending, raising tax rates, printing too much money, overregulating and restricting the free flow of goods and services across national boundaries.

Now, what does this have to do with outsourcing? There has been criticism of companies that send jobs to another country or that hire people in other countries to do work for them. The same thing can be said when a business no longer expands in the State in which it is headquartered or operating and moves part of its business to another State. We have seen our States actually compete for business. The reason they do this, in many cases, is because the business conditions under which they operate in the first State are no longer conducive to competition, for them to be able to make products or provide services that are competitive with those who are working to compete against them. So they have to go where labor is cheaper, where the costs are less, where the regulation is not as onerous, and where taxes are lower, perhaps—in other words, where the conditions for doing business are more favorable so they can continue to compete.

The same thing is true when jobs are sent overseas. The reality is American businessmen are not sitting around wondering how they can be evil, how they can fire American workers, how they can go overseas to do business. It is much easier to stay right here in the good old USA. For a whole lot of reasons, they make a lot of sacrifices to keep their businesses here. But there comes a point in time when American tax policy, regulatory policy, and the uncertainty of doing business here finally gets to the point where—in order to stay in business, in order to remain competitive—they have to find places elsewhere where they can do their work that enables them to remain competitive.

When we go to the store, and we are looking at the goods on the shelf, and we see the very same thing, where in one case it costs $5 and in the next case it costs $10, chances are we are going to buy the $5 product. If a company has to make that product overseas in order to stay competitive, that is exactly what they are going to do. It ends up helping the American consumer. It is not good for American workers who cannot work in that particular industry.

But what is the cause for it? Is it because there are entrepreneurs out there, business folks—your neighbors and mine—who want to somehow hurt American workers, who are not patriotic or who are evil people? Think about it. The answers, of course, are no. The only reason they are hiring work to be done in foreign countries is because that is how they can stay competitive, how they can offer that same product for $5, as their competitor does.

What causes them to have to do that? Well, the first thing is American tax policy. We have the highest corporate tax rate in the world. Of all industrialized countries, we are No. 1. In this case, No. 1 makes it more difficult to do business. We have the most progressive tax system; that is, the people at the highest end pay the highest amount of taxes of anyone in any country in the industrialized world. When

you take the corporate tax rate and add to it the capital gains and dividends, we have the highest tax rate—the integrated tax rate is what they call it—in the industrialized world for dividends and the second highest for capital gains.

What about regulations? We impose far more in the way of regulatory burdens on our businesses—ranging from environmental regulations to labor regulations, you name it—than most of the other industrialized countries do.

What about uncertainty? Well, we have this new law called ObamaCare that has put a tremendous amount of burden on American businesses. They are either going to have to continue to provide insurance for their employees or pay a fine. They have to pay new taxes. There are some $800 billion in taxes under ObamaCare—some 21 different taxes.

The problem here is not that there are evil businessmen who hate American workers. They bend over backwards to keep their business here; it is a lot easier. But the reason sometimes they have to go abroad is because their government treats them unfairly compared to their competitors overseas. We tax them too much. We regulate them too much. And there is too much uncertainty.

So when we are debating this subject about outsourcing, about people abroad making products that are then sold in the United States, ask yourself the question: Why would an American company do that? The answer is, they do it when they have to, when their own government's policies make it impossible for them to compete effectively here in the United States.

That leads to the second. Why would the President be proposing to add more taxes, both on American businesses and American families, at a time when we are in the middle of a very severe economic downturn, and when the President himself a year and a half ago said: To raise taxes under these circumstances would be a blow to the economy? Again, he said: You don't raise taxes in a recession.

When he said those things, our gross domestic product growth was about 3 percent. We were growing at a rate of about 3 percent. Today, it is under 2 percent, and we still have 8.2 percent unemployment. So the circumstances today are, if anything, worse than they were a year and a half ago when the President said: We should not raise taxes because it will be a blow to the economy. You don't raise taxes in a recession.

So why would the President be proposing it now? And what is he proposing? He says we should raise taxes on any individual who makes over $200,000 a year and a family who makes over $250,000. We should raise capital gains taxes to the rate of 23.8 percent; dividends the same; the death tax to 45 percent. So your dad created a business, built it up; he passed away, you and your sister are the heirs, and the day he dies, Uncle Sam says: That will be 45 percent of the value of the business, please, minus whatever the exemption is. It is unconscionable we would do that in this country.

When the President was asked by Charlie Gibson in one of the Presidential debates, when he was campaigning the first time: Senator Obama, would you raise taxes on capital gains even if it did not bring in any more revenue—because economists all agree that frequently raising the rate actually results in less tax collection because people do not sell the property that would be subject to the tax under those circumstances—what did he answer? He said, yes, he would still raise it, even if it did not bring in more revenue. And the reason is because he wanted to redistribute the wealth from people who made money to other people to whom it would be given, presumably.

So this is not about deficit reduction as much as it is about a theology that we need to raise taxes, and we need to raise it on people who are the productive, successful people in our society who make money.

If you take the top quintile of taxpayers—the top 20 percent, high income earners—they already pay 90 percent of the taxes in the country. Is it fair that top 20 percent should pay 90 percent of the taxes? Well, you can argue whether it is fair, but I think for the President to say that is unfair, they should pay even more, raises the question: Well, how much more? Should they pay all of it? Should 20 percent of our citizens pay all of the taxes for everybody else? Nobody else has to pay anything? As it is, the rest of us only pay 10 percent.

So what is fair? Why is it fair to take away from people what they have earned and what they want to save in order to give it to somebody else or to have the government spend the money as if the government was wiser in spending money than the citizens are?

The reality is the people who are successful, who make money, create capital, which is then invested in businesses, and that investment promotes job creation and economic growth, raising the gross domestic product for all of us. That is the economics of success and it is the opportunistic society this country has held sacred for over two centuries. Give people an opportunity to succeed, and when they do, do they put their money—the money they earn—do they put it in a mattress? Well, not anymore. You either put it in a bank or you invest it with a mutual fund or in some other kind of investment.

What happens when that money is put in the bank or in the mutual fund? It creates capital for somebody else to use, to create a job, to invent a new product, whatever it might be. It helps business expand.

So why would you change your mind, a year and a half after you said it would be a blow to the economy, to now suggest raising taxes? And who are these people who make $200,000? Well, it turns out about a million of these people—940,000, to be exact—are business owners. These are the small business folks who create the jobs—most of the jobs coming out of the recession. In fact, they account for 25 percent of all jobs in America. A quarter of all of the jobs are by these very folks on whom you are going to raise the taxes.

I know some people said: Well, that is only a small percentage of the business owners, it is only 3 percent. Yes, and that 3 percent accounts for 53 percent of the income taxes paid. In other words, these are the businesses that are creating the jobs. They employ a quarter of all of the people in country. They are paying 53 percent of the taxes in this tax bracket. The reality is, when raising taxes on that group, you are going to make it more difficult for them to grow their businesses, to add more people.

Here is an example. A woman by the name of Karen Madonia, who is the CFO of a family business in Aurora, IL—it is called Illco, and it supplies ventilation and heating and air conditioning and refrigeration equipment—testified before the House Small Business Committee in May. Among the things she said was—and I am quoting her now:

> We don't have money sitting in the bank to pay more taxes—all our profit is invested in the business. If we have to pay more taxes, that means we can't hire workers or buy trucks and inventory.

That is typical of small businesses. The money is plowed back into the business. And when the owner passes away, it goes to his heirs—and then subject to the kind of tax we are talking about here? That would be devastating to this kind of business.

One of the objections from those who support the President's idea of raising taxes is that: Well, the Bush tax cuts benefited the wealthy more than anybody else. Bear in mind that the Bush tax cuts applied to everybody. That is the tax rate that has been in existence now for a decade, and everybody's taxes were reduced to some extent.

They say: Well, that contributed to the deficit. How much did it contribute to the deficit? The Congressional Budget Office, nonpartisan, recently issued a report, and in that report they calculated the difference between the projections of a surplus and then the resulting deficit and what was the reason for that. Do you know what they found? That the amount of tax relief to this top 20 percent of taxpayers—the high income earners—accounted for all of 4 percent of the deficit. And how much did the new spending and the interest cost on that spending account? Over 12 times as much. So the reality is the Bush tax cuts, which helped everyone, did not help the wealthy more than everybody else, did not contribute to the deficit, and, in fact, those taxpayers are now paying 94 percent of income taxes, up from 81 percent before

the Bush tax cuts went into effect. So that high income group is paying more now in taxes than it did before the Bush tax cuts went into effect.

My point here is, when the President demagogs this issue, suggesting that somehow it was only the rich who got the benefit of the Bush tax cuts and we have to take that money away from them, they are paying more than they did before, and it only accounted for 4 percent of the deficit. And these are the very people who are creating the jobs in America today. So why would we want to raise taxes at this point on anybody, including on this group of people?

My final point: Again, the nonpartisan Congressional Budget Office has issued a report in which they say that this fiscal cliff—the combination of across-the-board sequestration and the expiration of the existing Tax Code on January 1—will result in a new recession; that we will have growth next year of only one-half of 1 percent if we allow that to happen. Why would the President be willing to raise taxes on America and take a chance that we are going to drive ourselves even deeper into economic trouble than we already are?

I urge my colleagues to work together to forestall these new tax increases on all Americans and to forestall the sequestration—a combination of which will drive us back into recession.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico.

ORDER OF PROCEDURE

Mr. BINGAMAN. First, Mr. President, I ask unanimous consent that following my remarks, the Senator from Utah, Mr. HATCH, be recognized.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BINGAMAN. Mr. President, I came to speak on the DISCLOSE Act. I would say parenthetically that I congratulate my colleague from Arizona for his statement earlier—a spirited defense of those U.S. business leaders who choose to shift jobs overseas. That is a subject for another day. I will not engage in that debate today, but I think it admirable that he feels compelled to make that case here on the Senate floor today.

I want to speak in support of the DISCLOSE Act. If there is one thing that Democrats and Republicans should be able to agree on, it is that our campaign finance system is broken. My colleague from Rhode Island made that point earlier, and I certainly agree with that.

With the Supreme Court's decision in Citizens United, corporations, unions, and other groups are able to raise millions of dollars through secret contributions and spend unlimited amounts of money to influence Federal elections, as long as they do not directly coordinate with a candidate.

According to the Federal Election Commission, it is expected that something over $11 billion will be spent over the course of the 2012 elections. That is about twice the 2008 level of spending. This is a staggering amount of money, and the source of much of that money will be completely in the dark. As a result, extraordinarily well-financed special interest groups dominate the airwaves, and it is nearly impossible for the average citizen to know who is behind campaign ads. In fact, it is nearly impossible for experts to know who is behind particular campaign ads.

This is not good for public discourse, and it is not good for our democracy. In a healthy democracy, voters need to be able to make informed decisions about the information that is presented to them. The lack of transparency that currently exists in our political system makes that incredibly difficult.

I strongly disagree with the Supreme Court's ruling in the Citizens United case, but the reality is that short of a constitutional amendment or a decision by the Court to reverse its opinion—both occurrences are unlikely anytime in the near future—the ability of Congress to restrict independent expenditures is very limited.

There is something we can do now that would make a difference. We can enhance transparency with respect to the high-volume spending that is influencing our elections. We may not be able to stop the flood of unlimited spending, but we can shed some light on the process and enable the public to at least see where the money is coming from.

The enactment of legislation requiring greater transparency about who is spending on campaigns was specifically called for by the Supreme Court in the Citizens United decision. The Republican leader in the Senate has argued against the DISCLOSE Act on the theory that it would squelch political speech.

I ask unanimous consent to have printed in the RECORD following my remarks an opinion piece in Politico this morning entitled, ''MITCH MCCONNELL dead wrong on DISCLOSE Act.'' It was written by Adam Skaggs, the senior counsel for the Democracy Program at the Brennan Center for Justice at the New York University School of Law.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BINGAMAN. In that opinion piece Mr. Skaggs points out that there is no legal or logical basis to support the Republican leader's argument. The DISCLOSE Act is an important step in the direction of requiring transparency. The legislation would require certain organizations that make more than $10,000 in campaign-related expenditures to file a disclosure report with the Federal Election Commission and to report the names of any donors who contributed over $10,000.

About 93 percent of the money raised by super PACs in 2010 through 2011 came from donors giving over $10,000, and this legislation would shed some light on where this money is coming from. The disclosure requirements apply to corporations, to labor unions, to 501(C)(3) nonprofit organizations, and to 527 election advocacy organizations, but they would not apply to 503(c)(3) charitable organizations.

The legislation also includes mechanisms to protect legitimate nonpolitical donations from disclosure and prevents funding sources from being hidden by laundering funds through third-party groups. It is clear our campaign laws are outdated. They are in desperate need of revision. Frankly, I wish there was a consensus in Congress to make more fundamental reforms to our campaign finance system than we are considering today. Unfortunately, this is not presently the case, but I hope that we could build bipartisan support for some basic disclosure provisions and for this narrowly tailored bill that is pending in the Senate.

A much more comprehensive version of the DISCLOSE law was filibustered by Republicans in 2010. The revised version we are currently debating has been narrowed significantly. The provisions banning campaign spending by foreign entities and government contractors were removed. Corporate campaign spending is no longer required to be reported to shareholders, and lobbyists will not have to report their campaign spending in their annual disclosure reports under the bill being considered in the Senate.

The new bill also raises the disclosure trigger from $600 to $10,000 to focus only on large donations and to reduce the burden on organizations. The newest version dropped the ''stand-by-your ad'' provision that required the listing of donors in TV and radio ads.

I am not unsympathetic to first amendment concerns regarding the rights of politically active groups that want to be engaged in the discussions regarding the future of our country, but enabling corporations and special interest groups to use what are essential shell organizations for the simple purpose of spending vast sums of money to influence elections, and to do so in secret, is incredibly harmful to our democracy.

Requiring the disclosure of large donors is a reasonable mechanism to maintain the integrity of our electoral system without infringing on the ability of organizations to actively participate. I urge my colleagues on both sides of the political aisle to take this opportunity to support the modest but important reforms that are included in the DISCLOSE Act.

I yield the floor.

EXHIBIT 1

[From Politico, July 15, 2012]

MITCH MCCONNELL DEAD WRONG ON DISCLOSE ACT

(By Adam Skaggs)

Senate Minority Leader Mitch McConnell (R–Ky.) has launched a full-throated attack

on the DISCLOSE Act, which Democrats are set to bring to the Senate floor on Monday. DISCLOSE supporters say it ensures transparency and accountability in U.S. elections. McConnell, however, contends it's a vehicle for intimidation that will squelch political speech and let the Obama administration compile an ''old-school enemies list'' to punish critics.

Central to McConnell's strongest indictment is that the bill is a lawless end run to get around the Supreme Court's Citizens United decision. McConnell seems to suggest the Democrats' actions are not only wrong—they're un-American.

But McConnell's critique fundamentally mischaracterizes the relationship between the Supreme Court and other branches of our government. By intimating that it is illegitimate for the legislative and executive branches to develop policy in response to Supreme Court decisions, the Senate leader displays ignorance of the basic hydraulics in the founders' system of separated powers.

Indeed, suggesting that enhanced disclosure undermines Citizens United takes what Justice Antonin Scalia might call ''a particularly high degree of chutzpah.'' The decision endorsed robust disclosure—by a near-unanimous, 8–1 vote.

''The First Amendment protects political speech,'' Justice Anthony Kennedy wrote for the majority, ''and disclosure permits citizens and shareholders to react to the speech of corporate entities in a proper way.''

McConnell, by arguing that disclosure undermines the First Amendment, is in fact turning Citizens United on its head.

He also misrepresents the relationship between branches of government. To be sure, the role of the elected branches is distinct from that of the judiciary. It is emphatically the job of the courts to say what the law and Constitution mean, and the President and Congress may not trump the Supreme Court's interpretation. But once the high court announces its interpretation, it is appropriate, sometimes even expected, that elected officials develop new statutes and policies that fit the new parameters.

That is exactly what Congress is seeking to do with DISCLOSE. Citizens United posited the benefits of a ''campaign-finance system that pairs corporate independent expenditures with effective disclosure,'' explaining that ''disclosure of expenditures can provide shareholders and citizens with the information needed to hold corporations and elected officials accountable for their positions and supporters.''

But, because of numerous loopholes in current law, effective disclosure exists today only in theory—not reality.

The proposed law would remedy that deficiency by requiring groups that run campaign ads to disclose their major contributors—while letting donors who earmark contributions for nonpolitical purposes remain anonymous. The bill represents a clear constitutional exercise of congressional power—consistent with the guidelines laid out by the court in Citizens United.

This back-and-forth dialogue among the branches of government, driving the creation and development of law and public policy, is healthy, even essential, for democracy. This policymaking in response to Supreme Court decisions is also routine—contrary to McConnell's specious argument.

After the court read the Civil Rights Act to limit certain gender discrimination claims, for example, Congress responded by passing the Lilly Ledbetter Fair Pay Act to extend the statute of limitations for such claims. In another case, soon after the court struck down the military commissions the Bush administration had set up to try Guantanamo detainees, Congress passed the Military Commissions Act to create new panels it hoped would pass muster before the high court.

Policymaking in the states follows the same dynamic. After the Citizens United decision, more than 10 states responded by amending their laws—many to require disclosure of the new corporate political spending that the ruling enabled.

There is nothing out of the ordinary—and certainly nothing untoward—about these or countless other examples of lawmakers responding to legal precedent. The only remarkable thing is McConnell's contention that this legislative action is somehow illicit.

In fact, legislative responses to Supreme Court rulings can sometimes be necessary. When a court rests its decisions on a policy assumption that turns out to be wrong, elected officials have an obligation to address that discrepancy. Citizens United conditioned corporations' right to unlimited political speech on transparency—pairing corporate spending with ''effective disclosure''—so voters could better understand what groups are trying to influence their votes.

By passing DISCLOSE, Congress can ensure that reality conforms to the idealized disclosure system that the Supreme Court assumed existed.

While they're at it, Congress should address one more Citizens United problem. The ruling allows corporations to make independent expenditures because, it said, spending wholly independent of candidate campaigns could not lead to corruption.

Unfortunately, much of the outside spending now dominating the 2012 election has come from candidate-specific super PACs, functioning like de facto arms of the candidate campaigns. About as far from ''wholly independent'' as can be imagined.

Congress should adopt meaningful coordination rules to police the ties between campaigns and super PACs—and ensure that groups claiming to be ''independent'' really are.

It is not an ''end run'' around a Supreme Court ruling that embraced transparency and independence for Congress to ensure transparency and independence. Despite McConnell's 'Chicken Little' rhetoric, it's what democracy is about.

The ACTING PRESIDENT pro tempore. The Senator from Utah.

FISCAL POLICY

Mr. HATCH. Mr. President, today the Senate is taking more time to debate a bill that will have little consequence for the American people—all people, that is, but those who work in the White House on President Obama's reelection campaign.

We are in our 41st straight month with unemployment above 8 percent, but the Senate is again taking up precious time—time that could be devoted toward creating jobs—to address legislation that is instead designed to create votes for the President's flagging reelection efforts. I would be outraged at this partisan display if it were not so pathetic, but in the end I think the American people will have enough outrage to spare.

It is important for the American people to know what the Senate Democratic leadership considers pressing business. Today the world's greatest deliberative body, the Senate, takes up one of the most deliberately political pieces of legislation you will ever see. Meanwhile, my friends on the other side of the aisle are now saying that when faced with the choice of addressing the fiscal cliff we are facing at the end of this year by raising taxes on small businesses, they will take their stand with tax hikes.

This is remarkable. Rather than stop the country from going over the fiscal cliff and preventing the expiration of the 2001 and 2003 tax relief, they are prepared to ''Thelma and Louise'' the American economy right off the cliff.

This is an astonishing admission, but it is not surprising. We hear from the other side about Republican orthodoxy on tax relief, but we rarely hear them come clean about their own economic orthodoxy. Occasionally it emerges for all to see.

On Friday in Virginia the President let his real views on economic matters slip. Here are his views on business owners.

> Somebody helped to create this unbelievable American system that we have that allowed you to thrive. Somebody invested in roads and bridges. If you've got a business—you didn't build that. Somebody else made that happen.

Well, the President is right that somebody did make that happen. The people who made it happen are called taxpayers. The President seems to think the Department of Transportation just made those roads and bridges happen, but that is not how it works. Nothing happens in this country—no roads, no bridges, no firefighters, no military, no public schools, no nothing—without taxpayers footing the bill.

Much of that financing comes from the very small businesses on which President Obama was lecturing on Friday and on which he and his allies are desperate to raise taxes. Their economic philosophy appears to be that government is the engine of the economy when, in fact, the government ceases to exist without economic growth and the tax revenues that fund all of these investments the President wants to spend on.

With this bizarre world view, it is not surprising that President Obama and Senate Democrats think it is more important to raise taxes on over 1 million small businesses than it is to prevent a recession and encourage job growth. If we do not address this fiscal cliff, taxes will go up by over $4.5 trillion over the next 10 years. The President's former Director of the Office of Management and Budget has suggested this might throw us into a recession. The Federal Reserve has suggested this dire outcome as well. But instead of dealing with it by extending the existing tax rates, the President and Senate allies are playing chicken with the economic recovery. They are playing games not only with the economy, but they are playing games with peoples' livelihoods. This is a disgrace.

The American people understand that tax increases in the name of deficit reduction wind up being tax increases to fund larger government.

That has been the history of my 36 years here, and the American people have the last say on this matter. A recent poll found that a majority of the American people want all the 2001 and 2003 tax policy extended—all of it. Then we can undertake fundamental tax reform. Why can't we do that? What is the other side's objection?

There is no real policy objection. The only real objection is that it diverts the President and his Democratic allies from their real pressing business, which is apparently getting the President reelected. Here we are debating another bill that will do nothing to create a job and nothing to get our economy moving again.

The politically motivated bill du jour is the DISCLOSE Act. I oppose this legislation on policy grounds, but just as importantly, I oppose the majority's ongoing effort to convert the U.S. Senate into a vessel for President Obama's political campaign. The majority knows this legislation will not pass in the Senate, or at least they should know, given the fact this Chamber has already rejected this legislation. What is worse is that it appears that the majority does not even want this legislation to pass. What they want and what has become too common in the Senate these days is another dog-and-pony show—another opportunity to demonize the business community in service of the President's class warfare campaign theme.

My friends on the other side of the aisle would have you believe the Supreme Court's Citizen United decision has paved the way for a corporate takeover of our election system, that corporations are spending untold millions to influence elections with no accountability.

What they will not tell you is that increased spending by super PACs in this campaign cycle has nothing to do with Citizens United. While they are touting the benefits of increased disclosure, they conveniently leave out the fact that super PACs are already required to disclose their donors and that the Supreme Court in Citizens United no less actually upheld those disclosure requirements.

Furthermore, and contrary to the majority's talking points, Citizens United has not led to a dramatic increase in corporate campaign spending. Yet the majority argues that the dangers of corporate campaign spending are ever present and, as a result, we need to know the names and addresses of individual donors to such campaigns.

So with the dangers to democracy of corporate giving and the negative impact of Citizens United largely straw men, what is the purpose of our debating this bill today? Clearly, this effort is more about discouraging political speech than on transparency. It is just another effort on the part of the Obama administration and their congressional allies to intimidate those who disagree with the President's policies. Not able to defend these policies, it is critical that the President discourage those who would criticize them.

We saw this last year when the President issued an Executive order that would, in effect, give the President the authority to deny government contracts to certain companies based on their donations or political engagement. Earlier this summer, the IRS requested confidential donor information from organizations applying for tax exempt status, information that is protected by Federal law—the confidentiality of which is protected by Federal law.

This past June I was joined by a number of my colleagues in expressing our concerns about these questionable IRS practices, and we are still awaiting a response. Liberal advocacy organizations have publicly stated that they plan to use campaign disclosures to intimidate and embarrass those who have donated to opposing campaigns. As we have seen in several recent news reports, many political operatives have already done so.

The DISCLOSE Act would make this type of political intimidation easier and more common. So given the other side's track record when it comes to ''transparency,'' I hope they excuse me if I am a bit skeptical when they claim this is about good government and not about punishing political opponents.

If the majority wanted us to take them seriously in this effort, they would have at least included provisions that would apply the same type of standards to the labor unions who have, for decades now, bankrolled Democratic election campaigns on the local, State, and Federal levels—and to the tune of billions of dollars, and they are the best political operatives in the business. It is no accident that the unions are far more likely than corporations to engage in the type of advocacy and political spending the majority is deriding in this debate.

Yet while the language of the DISCLOSE Act ostensibly applies to union spending, the unions' bottom-up business model of funding their political activities would continue unabashed under this legislation without a single additional disclosure on the part of most unions.

This can hardly be a coincidence.

Mr. President, in Citizens United, the Supreme Court reaffirmed that money spent in the political process is protected by the first amendment. While this may be accompanied by spending and speech that some find objectionable, such is the natural byproduct of living in a country that has a first amendment.

While colleagues are free to lament the results, they should not use this occasion as an opportunity to silence citizens who oppose their agenda and discourage their critics from speaking out. Because the DISCLOSE Act seems designed for that very purpose, I urge my colleagues to vote no on cloture.

As much as I disagree with the decision of the Senate leadership to play political small ball when there are pressing fiscal issues facing this country, I appreciate their desire to shift the debate to politically expedient legislation. The fact is, from a policy perspective this administration has come up wanting again and again.

Last week the President, when asked to evaluate the failings of his administration, claimed he had focused too much on policy. This is like a recent college graduate saying at a job interview that one of his biggest shortcomings is that he cares too much and sometimes works too hard.

Give me a break. For all of the trillions in new spending and tax hikes, there is apparently nothing in the President's policy record worth defending. In fact, their modus operandi is to avoid any discussion of any policy at all, pretend the last 4 years did not happen, pretend the stimulus did not happen, pretend the efforts of cap and tax and union card check did not happen, pretend ObamaCare did not happen, and, instead, just smear the opponent.

When the President said his administration needed to focus less on policy and more on storytelling, I guess this is what he had in mind: Rather than defend his own policies, he and his campaign surrogates would develop a storyline that smears their political opponent. That is all fine and good. As they say, life is about choices, but let's not sugarcoat this decision. It is an ugly one, and the President will have to live with it.

Should the President be forced to defend his record, he would have a lot of explaining to do. Just last week we learned another doozy from his administration.

In essence, by the stroke of a pen—and against the clear intent of bipartisan majorities of the American people, Congress, and the law itself—President Obama's administration has attempted to undo welfare reform, one of the signature bipartisan policy achievements of the last 20 years.

Nearly 16 years ago, on August 22, 1996, after two vetoes, then-President Bill Clinton finally signed the Personal Responsibility and Work Opportunity Reconciliation Act—otherwise known as welfare reform. This landmark legislation, the product of the Republican-controlled Congress, ended the entitlement to welfare and replaced it with a block grant to the States. This block grant, known as the temporary assistance for needy families—or TANF—provided States with unprecedented control over welfare programs in exchange for meeting Federal work standards.

Since enactment of welfare reform, welfare caseloads have dropped dramatically. Families receiving welfare have dropped by nearly 60 percent. People got jobs who were unemployed for years, and they gained self esteem from working.

Welfare reform remains popular and is often cited as the most significant

domestic policy accomplishment in decades. The core philosophy behind welfare reform is the emphasis on work and moving from dependency to self-sufficiency.

Despite the popularity of welfare reform, programs created under TANF have languished. As more States were able to get credit toward the Federal work requirement based on the declining caseloads, TANF increasingly became less of a welfare-to-work program and more of a funding stream to prop up other social programs.

In 2005, the nonpartisan Government Accountability Office reported that several States listed as part of their definition of a ''Federal work activity'' under TANF some of the following: One, bed rest; two, personal care activities; three, massage; four, exercise; five, journaling; six, motivational reading; seven, smoking cessation; eight, weight loss promotion; nine, participating in parent-teacher meetings; ten, helping a friend or relative with household tasks and errands.

My gosh.

The Deficit Reduction Act of 2005, which then-Senator Barack Obama opposed, attempted to refocus State efforts on getting individuals engaged in work and closing these work activity loopholes. The funding authority for TANF expired at the end of fiscal year 2010.

The Obama administration has not proposed a comprehensive reauthorization of TANF, and TANF has continued under a series of stop-gap extensions. Late last week, the Obama administration quietly released ''guidance'' to the States, informing them that the administration had granted itself authority to waive work requirements in TANF, ''including definitions of work activities and engagement, specified limitations, verification procedures and the calculation of participation rates.''

In the 16 years since the creation of the TANF, no administration has concluded that they have the authority to waive TANF work requirements. The provision in the Social Security Act, section 1115, which allows certain waivers, does not cite the section of the law that includes the TANF work requirements. In an attempt to justify the waiver scheme, the Obama administration cites a reference in section 1115 to a provision dealing with a TANF State plan. Because the State plan section refers to the work requirements, according to the Obama administration, this allows them to waive TANF work requirements.

Mr. President, if this sketchy logic is allowed to stand, a case could be made that there is virtually no domestic social program whose rules and protections cannot be waived. For example, since Medicaid is referred to in section 1115, and since the foster care programs are referred to in the Medicaid statute, a case could be made that under the administration's sketchy logic the protections for children in foster care could be waived.

This executive overreach is a very serious matter with major long-range implications. The Obama administration, through this waiver scheme, is attempting to unilaterally disarm the legislative branch of the government and accomplish by executive fiat what they never even attempted to do through the regular legislative process.

This administration has consistently demonstrated a flagrant disregard for the constitutionally mandated coequal branch known as the legislative branch. This is but the latest in a series of decisions that demonstrates the administration's sheer arrogance in attempting to bypass Congress without legal warrant.

To be clear, disregard of Congress's power to make the laws under which we live is disregard for the American people. The essence of Republican governance is that the American people have a say in what the laws are. That say comes through their elected representatives, not some unelected bureaucrat putting out guidance that is in flat contradiction to the wishes of the people's representatives and the clear text of the law that is supposedly being enforced.

Ours is a government of laws, not of men. With this action, the administration has shown that it will not let the constitutional prerogatives of Congress or the actual intent of the law stand in the way of their policy goals.

We cannot let this stand. I, for one, have no intention of letting it stand. Let me just say when we did the temporary assistance for needy families bill, one of the most important provisions in that bill was the work activity provision. Because people had to go to work after a certain period of time—during which we gave them help, money, subsidization, and did all the necessary things to help them go to work—literally about 60 percent to two-thirds of those who had been on welfare, some for generations, went to work and gained self esteem by supporting themselves.

I, for one, have no intention of letting it stand. I will shortly introduce legislation to halt this risky scheme and attempt to gut welfare reform. I urge colleagues to stand with me. Nothing less than the constitutional viability of the Congress is at stake.

I can imagine if Senator Byrd, who was the majority leader for many years and became the principal rules person on the Senate floor for most of my service—if he were here today he would be having a fit over this type of arrogance by this administration or any other administration, Republican or Democrat. He would be standing for the rights of the Senate.

I caution my colleagues on the other side that it is time for them to stand for the rights of the Senate and the House—this legislative body called the Congress. We have to quit this and quit relying on an out-of-control administration to do Executive orders that modify what is really legislation passed by this branch of government, which is supposedly coequal.

I hope we will all fight. Our country will be better off if we do.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts is recognized.

Mr. KERRY. Mr. President, what is the parliamentary situation?

The ACTING PRESIDENT pro tempore. The Senate is considering the motion to proceed to S. 3369, the DISCLOSE Act.

Mr. KERRY. Senators are permitted to speak on the previously agreed-upon time?

The ACTING PRESIDENT pro tempore. There is no time.

Mr. KERRY. Mr. President, I appreciate the opportunity to say a few words about the DISCLOSE Act, which we are debating on the floor of the Senate.

I have been involved in this issue of campaign finance reform since I first entered politics, when I first became involved in the political discourse of our country in the late 1960s and early 1970s—a long time ago now.

With 27 years as a Member of the Senate, I have seen this debate over money in American politics. I have seen it endure its highs and also its lows.

Looking back in history, I can remember back in 1990 when we summoned 59 votes in the Senate—mostly Democrats, which will tell you a lot about this issue, and 4 Republicans, including Senators Cohen of Maine; Jeffords of Vermont; MCCAIN of Arizona, who is still here and fighting on this issue; and Senator Pressler from South Dakota. We passed a restraint on spending in American politics, a balanced bill which would have, in fact, required disclosure and limitations on spending, with a certain ability of people to be able to be held harmless if people were millionaires and spent extraordinary amounts of money. It made the playing field in America fair, and it gave the best opportunity for the American citizen—about whom this entire exercise is supposed to be focused—an opportunity to know they were not going to be bombarded with unbelievable amounts of money that distort the American political debate. We thought we had a chance, but unfortunately that bill was vetoed by the President.

It is not a coincidence that only four Republicans supported that bill. It is not a coincidence today, as we come to the floor of the Senate, that maybe no Republican or very few—very few, I think is a fair way to say it—will be willing to vote to disclose where our money comes from.

We are not even here seeking a limitation on the amount of spending. We ought to be, but we are not. We are here simply trying to get the American people the right to know who is giving the money, who is paying these millions of dollars in order to affect the

debate in America and, in most cases, I will tell everyone, frankly, to distort the debate. I believe the amount of money in American politics today is stealing America's democracy. It is robbing Americans of the right to have the kind of representation and the kind of discussion Americans deserve.

When I was first here back in 1985, we were working with people such as Bill Bradley from New Jersey and David Boren from Oklahoma and JOE BIDEN, now the Vice President, obviously, and George Mitchell, the former majority leader and Senator from Maine, all of whom were dedicated to trying to take the big money out of politics and replace it with a public match for Senate and House races. Fundamentally, the status quo won. The status quo stopped us, and the status quo is winning today.

In response to the soft money scandals—maybe people have forgotten we had our scandals in the 1990s—we finally passed the McCain-Feingold bill, modest as it was. All it did was put a ban on soft money, the soft money, which is the big amounts of money that get poured into the political system. That ban had the unintended consequence of pushing everybody to look for the biggest loophole they could find, and they found a loophole. The 527 groups, as we have come to know them, came out and the debate was again taken away from the candidates and given to outside groups that had huge amounts of money.

A lot of Americans are not aware of that. A candidate could be running and have one thing he or she wants to actually say, but outside groups can come in with enormous amounts of money and completely flood the ability of a candidate to control the message of that particular campaign and certainly have a profound impact on it. Never did we imagine then, however, that with one decision, the Supreme Court would tilt the voice of our democracy and our discourse so heavily in favor of large unaccountable interests at the expense of the average American. That, my friends, is what happened when the Supreme Court made the Citizens United decision, which is certainly the worst decision in 100 years, if not more.

What we are talking about today is a system that is simply broken. It is as fundamentally broken as the campaign system in our country has ever been. I worry personally, deeply, about what it has done to our ability to govern in the public interest and what it does today to threaten the ability of this institution to function.

In explaining why she is leaving the Senate, our Republican colleague Senator SNOWE wrote: This body is not living up to what the Founding Fathers envisioned. She spoke of our Founding Fathers' vision for the Senate, where we could reach consensus in an orderly manner. There is nothing orderly and there is no consensus. Does anyone believe we can make that kind of Senate occur today, given the kind of campaign finance system we have, where all our time—or a huge amount of our time is a fairer way to say it—is spent raising money? I have heard the majority leader and the minority leader complain they can't have Senators here Mondays, Fridays, and other periods of time because everybody is governed by the campaign schedule. We now have secret donors who blow candidates out of the water with on-air distortions that are simply mind-boggling. I lived through many of those distortions in 2004, when I ran for President, so I know what I am talking about when I talk about the power of the lie with a lot of money put behind it. I don't think anybody here believes the amount of money in the system today doesn't have the ability to drown out the voices of people who get into public service in order to get things done but who don't have that kind of money and don't have access to that kind of money.

Frankly, the fundamental reason why there is such a disparity between the numbers of Democrats who want to have a fair playing field and the number of Republicans who vote against campaign finance reform is, obviously, they have a lot more money. Corporations have a lot more money, big billionaires who don't want to be taxed in a fair way in America have a lot more money to throw at the system. So we have one guy out in Las Vegas who can put millions of dollars behind a candidate for President and keep a candidacy alive when normally it would have died long ago. The only life it had was the money. That is what happens today.

That is not what the Founding Fathers intended for this institution. Ours is a system where billions of dollars can be spent by any millionaire or billionaire or the largest corporations in the world to distort our democracy, diminish the voices of candidates, pollute our airwaves with spending whatever and wherever, and the average American doesn't even get to know where the money is coming from. They have the ability in the United States of America to do it secretly—secretly. It is secret money. The sources are unspecified and the American people don't know who is behind it.

I think it is an insult to the freedom every Senator extols the virtues of all the time in this Senate. It is an insult to the notion regarding our liberty and our equality and our fairness. It violates the rules of honorable discourse and debate, and it is a threat to every single public servant running for office in this Nation because it means their ideas can be drowned by the dollars.

I got an e-mail the other day from somebody in another country who e-mailed me and said: You guys are beginning to look like the oligarchies of the world, where the amounts of money buy anything they want.

The increased influence of special interest money, big money in our politics is robbing the average citizen of their ability to be able to set the agenda. The agenda is set by the money because the money is what runs the campaigns. As a result of the Supreme Court ruling in Citizens United, all any CEO or billionaire has to do is turn over billions of dollars to somebody who goes out and runs a media campaign.

Senator MCCAIN, as we all know, feels passionately about this issue. He recently said: ''I think there will be scandals associated with the worst decision of the United States Supreme Court in the 21st century.''

I agree with Senator MCCAIN. There already are scandals, but not everybody sees them. But I will tell you this, a lot of Senators know exactly what they are.

This imbalance we have will result in escalating media wars, where candidates are reduced to mere proxies in the process. Somewhere, at some time, those winning candidates are going to be asked to pay up on some special interest need or to tow the line on an agenda that is set by a kind of new terror that enters into our politics.

All one has to do is think about the trajectory we are on today. Will Rogers once said that ''politics has gotten so expensive that it takes a lot of money to even get beat with.'' That has never been more true. Will Rogers would be stunned by the amount of money in politics today.

In 2008, a record total of $5.2 billion was spent in Presidential, Senate, and House races. That broke the 2004 record the year I ran of $4.1 billion, and that broke the 2000 record of $3.1 billion. In other words, every single year more and more money. But now, in 2010, in the first campaign after Citizens United, there was a fourfold increase in the expenditures from super PACs and other outside groups compared to 2006—fourfold increase—in a 2-year period of time. Anonymous spending—anonymous spending—rose from 1 percent of the outside spending to 44 percent in a 2-year period of time.

That is what we get when the Supreme Court of the United States rules in a 5-to-4 decision—one vote—that corporations and big interests have the same rights to speech as individuals. I mean it is stupefying to think about it. I remember from law school that a corporation was a fictitious entity—a fictitious entity—created to provide a veil of protection for the people who form it in order to permit commerce in America. Nobody ever created a corporation with the notion it would have the same rights as a person. Corporations don't get married. They don't have kids. They don't cry. Sometimes, I suppose, when Wall Street falls apart, a few people may. But the notion that somehow corporations can have the same rights of people is an insult to the drafters of the Constitution of our country and the corollary that somehow they, therefore, get to spend the same amount of money in an election cycle as an individual.

As a result, we are now seeing a spending blitz by shadowy groups that is projected to reach billions of dollars—money that is impossible to trace to its source, money that is kept in shadows, away from the average American's ability even to ask who is paying the bills for those ads, who is behind those ads, whose interests do those ads represent? The sums of money we are talking about will mean little to the corporations compared to what they may get in return, and that is what this is all about: blocking legislation, blocking a regulation, preventing a change in the tax law that takes away a preference that has no relationship to today's economy.

There are hundreds of examples, and I have seen them through the years, where money drives the agenda of the Congress and of our politics, way in excess of what it ought to be when we measure it against the real concerns of the average family trying to make ends meet or find a job in America.

Today, we will vote on a bill—a vote that ought to go unopposed by any Member of this institution who swore to uphold the Constitution of the United States—and this vote could go a long way toward making the fight between the public interest and corporate interest, if not fair, at least transparent. The American people are smart and, given that opportunity, will begin to make some judgments about exactly what is at stake.

The DISCLOSE Act is not an act to amend the Constitution. It doesn't even overturn the decision of the Supreme Court that equated the right of corporations to people, nor does it constitute campaign finance reform. It is none of those things. Those would be structural solutions. I, frankly, am for them. I think we ought to do them. I think we need a constitutional amendment at this point in order to rectify what the Supreme Court has had difficulty discerning. But all the DISCLOSE Act would do is shed light on who is giving money—transparency.

This bill ought to receive unanimous support. It is an effort to shine the disinfectant of sunlight on corporations and faceless organizations trying to buy and bully their way into influence in Washington through campaigns that are run against the Members who disagree with them. All we need to do is look at the amount of money that has been spent against some of our colleagues who are running this year—millions of dollars dumped in anonymously in these States to try to affect those races.

In short, the DISCLOSE Act requires corporations, organizations, and special interest groups to disclose their political advertising just like a candidate for office does. That is all it requires. What could be more normal in America, what could be more American than allowing the American people to know who is trying to speak to them? I don't think it is radical, and I don't think it is prohibitive. It simply removes the fallacy that Americans are voluntarily somehow organizing to pursue some public interest. That is a farce. That is not what is happening in these instances. The truth is that Americans aren't organizing or mobilizing to bring you the vast percentage of the advertisements that are seen on TV. The truth is that corporate special interest money is being compiled and targeted to pursue a special interest and send a loud televised message to those who disagree with them that they are going to be punished and tempered. And not only is it going to tip elections, it is going to cripple the legislative process.

When the Citizens United decision was handed down, the voices that were seeking corporate largess said at that time that it is not going to have any impact. They said we need not worry about funneling new funds to candidates. But the truth is that Karl Rove has admitted that based on the Citizens United decision, he formed two new groups to influence the 2010 elections with $52 million worth of ads bankrolled anonymously by special interests. And now that the Supreme Court has opened that door to these anonymous ads, similar groups are already planning to spend approximately $300 million on the election this fall.

So whether or not you agree with the message those ads and organizations are sending, at a minimum you ought to support the idea that these messages should be sent openly and that those who send them ought to be held accountable. As I have said before, this ought to be something every U.S. Senator supports.

As chairman of the Foreign Relations Committee, I have the privilege of trying to press our interests in many different parts of the world, and I meet with people in various parts of the world who look back at us and ask a lot of questions of us about our democracy. Increasingly, people are asking whether the United States of America can deliver. Increasingly, people are looking at us incredulously and questioning our political system because we go to the brink over a default on the debt ceiling or because we can't get a budget passed because we don't do the fundamental business. And one of the most profound reasons we don't do that—and I have seen it change here—is that the power of the money, the power to influence the election has a profound impact on what colleagues are prepared to take up, what they are prepared to vote on, and how they are prepared to vote.

It is a dollarocracy that is beginning to call the shots, and the American people know it. That is why they are so disappointed in what is happening—or not happening—in Washington, DC. That is why the ratings for the U.S. Congress are so low—because it doesn't produce, it can't produce, it won't produce. And the money almost guarantees that.

This is not a new fight in our country. Teddy Roosevelt, a Republican, fought this fight in the early 1900s, and he took on the great malefactors of wealth, he took on the concentration of power, and he was the great trust buster. It was an extraordinary period of time in America confronting power.

Back in 1910, in Osawatomie, KS, Teddy Roosevelt said:

> The Constitution guarantees protections to property, and we must make that promise good. But it does not give the right of suffrage to any corporation.

He urged his listeners again and again to demand an especially national restraint upon unfair money-getting, as he called it, and the absence of that restraint, he noted, has tended to create a small class of enormously wealthy and economically powerful men whose chief object is to hold and increase their power.

What Teddy Roosevelt said in 1910 is perhaps even more true today. The reason is that during the 1990s and subsequently, we have created greater wealth in America than during the period when we did not have an income tax. People today are wealthier, comparatively, than the Pierponts, the Morgans, the Rockefellers, the Carnegies, the Mellons, and all of those famous names of the 1900s who helped build this country. Today, the wealth far exceeds that wealth, and the disparity between the average American and the wealthy has grown wider and wider than at any other time in American history. While the average American family sees their income getting squeezed and going down, the upper 1 percent has seen 10, 20, 30 times increases in their income. And that is what is playing out in the American political system today in this Citizens United decision.

All we ask today—although we ought to be asking for more. We know we can't get it now, but at least we ought to be able to get the ability of the American people to know who is putting the money into the system, who is trying to affect these votes, who is trying to set the agenda, whose interests are really at stake. That is what is at stake in this vote today, and I hope all our colleagues will vote for the right to disclose those funds to the American people, who have an inalienable right to know exactly from where they are coming.

The PRESIDING OFFICER (Mr. MANCHIN). The Senator from Texas.

TAX POLICY

Mr. CORNYN. Mr. President, earlier today our colleague from Washington State indicated that President Obama and the Democratic leadership in Congress are willing to accept the largest tax increase in American history and a series of crippling defense cuts unless Republicans will agree to raise taxes significantly falling on the very people we are counting on to get our economy going again and to create jobs. I wish to say just a few words in response.

First of all, Senators on both sides of the aisle understand that a massive tax

increase could well push our economy back into a recession. Senators on both sides of the aisle understand that it would suffocate our investments that are so important to business creation and job growth. Senators on both sides of the aisle understand that middle-class families are already struggling with high unemployment and wage stagnation. And Senators on both sides of the aisle understand that we are living through the weakest economic recovery since the Great Depression. Yet President Obama and his party seem obsessed with raising taxes on the very people who are responsible for most of that new job creation.

Led by the President, these same people are demonizing business owners and demanding that they be punished, while simultaneously demanding that these same people create jobs. It is no wonder that so many Americans are concerned about the future of the U.S. economy. In the meantime, Democratic leaders such as our colleague from Washington State are apparently ready to stand by and allow truly Draconian across-the-board defense cuts even though the President's own Secretary of Defense has said these cuts would hollow out our military and be catastrophic to our national security. It simply amazes and discourages me that some people are willing to play chicken with our economy and our national security in such a cavalier, calculated sort of way.

Given that our country has endured 41 straight months of unemployment above 8 percent and given how devastating these defense cuts would be to our military, I would like to ask our President and my Democratic colleagues a few simple questions. Are you really willing to allow the largest tax increase in American history? Are you really willing to risk the U.S. economy heading backwards into a recession by the combination of these huge tax increases and the $1.2 trillion budget sequestration scheduled for January 2? Are you really willing to tell middle-class families that their needs are less important than the political needs of your party? When it comes to the defense cuts that are part of the sequestration scheduled to go into effect in January of 2013, are you really willing to do what Secretary Panetta said would happen, which is hollowing out the U.S. military? Are you really willing to let Washington gamesmanship compromise our Nation's security? Are you really willing to tell the heroes of Iraq and Afghanistan and our veterans that their needs are less important than the political needs of your party? In short, are you really willing to put election-year politics ahead of the Nation's interests?

I can only hope that this is a temporary aberration and that the answer is really no and that cooler heads will ultimately prevail when the price of inaction becomes even more apparent, but I can't say I am at all confident.

When I hear President Obama tell the American people that the private sector is doing just fine or tell business owners that the government is responsible for their success, I realize the President simply doesn't understand the challenges facing America's entrepreneurs and job creators or the risks they take every day to create jobs. In short, I wonder whether the President really understands and appreciates the free enterprise system. It is clear he doesn't understand the damaging economic effects of misguided government policies, such as ObamaCare. A small businessman named Grady Payne recently told Congress that his 31-year-old lumber company, Conner Industries, based in Fort Worth, TX, could be ''legislated out of existence'' if the President's health care law is allowed to stand.

Whenever I head home to Texas and speak to business owners such as Mr. Payne, I hear the same complaints. People are worried that the primary engine of American job creation is being held back by regulatory overreach, a woefully inefficient and unfair Tax Code, and widespread uncertainty about the future of government policies. These are not Republican concerns or Democratic concerns, these are concerns that affect every man, woman, and child in this country but especially those who own a business, those who want to start a business, and those who are looking for a job. We all know these problems are going to have to be addressed sooner or later. My preference is that we address them sooner and not later if America is going to remain competitive in the global economy and reduce the painfully high unemployment rate. After all, these were the problems we were sent here to solve.

I hear time and time again: Well, an election is coming up. This is an election year. We can't do it in an election year.

But we have had an election every 2 years since 1788. It would be a gross dereliction of our duty if Congress and the President were to give up on making important decisions in the last 6 months before the next election. Just imagine what the American people must think. I take that back; I know what they think because they are constantly telling me how frustrated they are with Congress and Washington, how dysfunctional it is, how they do not believe their political leaders are listening to them or hearing them when they say they need help to allow this great engine of job creation off the mat and to allow it to get back to work and to allow them to get back to work as well. But it is not going to happen when the President and his party are willing to play chicken with a recession.

My constituents, similar to all our constituents, all 320 million or so Americans, have to make important decisions about their families every day, every week, and every month of the year. Why would it be that Congress and the President could have an extended vacation from making those same kinds of hard choices? It does not make any sense. Beyond that, it is an abdication of our responsibility.

Nobody has said leadership is easy. But right now, on issues of extraordinary importance to our economy and our national security, leadership is what the American people need and leadership is what they deserve, but so far that leadership is AWOL. But hope remains that cooler heads will prevail and that Congress and the President, working together, will do our job to help put America back to work, to remove the uncertainties in the political process.

When my colleague from Washington makes rash statements, threatening our country with a recession unless this side of the aisle agrees to tax increases that would fall disproportionately on the job creators in this country, that is not the kind of cool deliberation or common sense coming together we need when it comes to solving our Nation's biggest economic problems.

I yield the floor.

The PRESIDING OFFICER. President Senator from Maryland.

Ms. MIKULSKI. Mr. President, I rise to speak on the DISCLOSE Act. I rise in very strong support of this bill. I thank the Senator from Rhode Island, Mr. WHITEHOUSE, for his leadership on this bill. He brings such great background, with his legal training, as attorney general and U.S. attorney, well versed on issues of the Constitution and also his very strong commitment that elections should be free and fair and not rigged by big special interests.

Today, we have a vote to protect the voice of ordinary Americans who now more than ever need to be able to trust their political system. But you know what. We have a big problem and it is something called a super PAC. Nobody knows what that means, but I am going to spell it out in plain English.

First of all, a super PAC means we can have unlimited secret money being pumped into our elections. That is not the American way. That is why we are calling our bill the DISCLOSE Act. It is balanced, it is common sense, and it protects the rights of the individual, looking out for the little guy or gal, and also protects the integrity of our political system.

I am a reformer, and I absolutely believe in the Constitution of the United States and that wonderful first amendment. In our country, we can speak our mind and we can organize. I stand before you today because of the first amendment. I fought a highway that would have ripped through Baltimore. I challenged political machines and political bosses. I challenged powerful special interests that were going to make money. But because of the Constitution I had the right to speak my mind, the right to organize—and I did.

In other countries, they take people like me and throw them in jail. With me, because of the first amendment, I

could run in an election, do a sweat-equity campaign door to door, and come to the city council, the Congress, and the Senate. I love that first amendment.

Right now, under the guise of free speech, there are those who say we cannot in any way impede big-buck donors or big special interests from giving what they want and not even saying who they are. I think when Tom Jefferson and John Adams and Charles Carroll sat around Philadelphia writing the Constitution, they did not think the first amendment was about protecting the right of secret donors to rig elections. I do not believe that unfettered influence of super donors and big business with no limits or requirements for disclosure was what the Founders wanted when they wrote that Bill of Rights.

When the Supreme Court decided a case called Citizens United, it opened the floodgates to unlimited secret money. We knew there would be risk and it took no time for it to take root. In the 2010 midterm elections, we saw a fourfold increase in this type of so-called super PAC spending. Three-quarters of that spending came from groups that were previously prohibited. The worst of it, it is all being kept from the American people—who are these organizations and what do they stand for.

At a time when the American public needs a government on their side, they need to know who is working behind the scenes to get people elected. The DISCLOSE Act is simple. It requires a covered organization to file disclosure with the Federal Election Commission within 24 hours after they spend $10,000 or more on a campaign. What is a covered organization? Corporations, labor unions, PACs, and super PACs. This is not a new concept in Congress. We have regulations. If you are a candidate like candidate MIKULSKI, you face limits on donors. During a campaign, I have to say who is giving me money, I have to disclose who is giving me money, and the donor has limits. Whether it comes from a political action committee such as the National Association of Social Workers, which has always supported me, whether it is the American Nurses Association, which has always supported me, they disclose it. So we know it is the nurses; we know it is the social workers.

Also, there are donors whose names appear. Why can that not be true for all campaigns? What is wrong about saying who you are when you are giving more than $10,000 a year? The American public has a right to know. They have a right to be heard, and they need to be represented.

I am a Shirley Chisholm Democrat. She said she wanted a government that was unbought and unbossed. Put me in that Shirley Chisholm Democratic column. Our Democratic process is currently clouded by a cloak of secrecy. The integrity of our political system is important to me. We are not sent to do the business of secrecy or high-dollar bidding on our seat. We are sent to do the work of the people and make their lives better. We owe it to the public to shed light on who gives us money—who they are, how much they give, and what is it that they do. Let's vote in favor of democracy. Let's support the DISCLOSE Act and let's have a Congress that is unbought and unbossed.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, at this moment in time, corruption of America is taking place, but it is not in front of our eyes. The American people have a right to know who is responsible. It is being corrupted by secret money from secret donors. Every day they spend more and more money to buy our elections, but we do not even know exactly who they are. We are talking about a small number of people who are among the richest in America, and they are determined to manipulate the election in order to elect those to high office, including a President, who will pursue their special interests.

When we turn on the TV, we see their handiwork right in front of our eyes. Attack ads that are filled with deceptions about what is happening are undermining our democracy one distortion at a time.

Who is responsible for the fabrications in these ads? We can't know. Unlike the election rules of the past, the names of those funding these operations are hidden from the American people. We see organizations with innocuous names such as Americans for Prosperity and Crossroads GPS fill the airwaves with wild claims. These front organizations provide the curtain that hides billionaires and corporations from sight. We need to pull back the curtain on the sources of secret money. Why shouldn't American citizens know who wants to override our people power with their purchasing power?

Democrats have offered a way to shine the sunlight on who is trying to buy our country. The DISCLOSE Act would reveal the identities of those who pour millions of dollars into efforts to deceive the American people. These groups claim their mission is social welfare, but their sinister intention is to protect their own corporate welfare.

It is clear the Republicans are doing everything in their power to prevent the American people from knowing who is behind this disgraceful mission of deception and dishonesty. So today on the Senate floor I am going to disclose the identities of a couple of people who are among the biggest sources of secret money. I am going to disclose where their money comes from. Here on this placard we see the Koch brothers, David and Charles Koch. They are the powerhouses in this movement to take away the ability of the American people to decide how they vote and who gets into office.

These brothers are worth billions of dollars, and they are unabashed in their zeal to use their fortunes to further their political agenda. It has been reported that these two brothers are putting together a secret group of donors, and they are going to put $400 million in the pot to subvert the upcoming election—$400 million. The Koch brothers and their secret group will use those millions of dollars to flood the airwaves, but when we see the ads, we will not see the names of the Koch brothers or members of their secret group of millionaires. We will see a name, a nice name: Americans For Prosperity. Yes, the Koch brothers' prosperity.

When we look at what it stands for, truly, it stands for siphoning off the votes of the American people, trading them in for cash and picking up their agenda. Registered as a social welfare organization—it is an insult. That is why they are allowed to keep their donors secret. They have told the IRS they are not a political committee.

Who, aside from the Koch brothers, are the donors to Americans for Prosperity? We cannot tell you. They are kept secret. They are allowed to hide behind the curtain.

If these wealthy individuals want to pick our next President, they should have the muscle and the courage to stand and say so; tell everybody what it is they want to accomplish, what they want to do to our democracy. They don't have the courage. They would rather stand behind the curtain and control our election $1 million at a time.

Where do these brothers get all this money? It is interesting. These brothers run a giant international conglomerate, one of the largest privately held companies in the world. This secretive corporation has a huge impact on our lives. Koch Industries controls oil, gas, and chemical companies that do business across the globe.

Now, while we may not notice, their products are everywhere. In fact, their products are in many American homes today. For instance, all of these everyday products are sold by Koch Industries. These Dixie cups are cups that kids drink out of, and they are sold by the Koch brothers. Paper plates that often serve birthday cakes are sold by the Koch brothers. Brawny paper towels that we use to clean the floor when our kids spill things are also sold by the Koch brothers.

You probably haven't heard of INVISTA—it is another company owned by the Koch brothers' global conglomerate—but they do make things you have heard of, such as STAINMASTER carpet and LYCRA fabric for clothes. We think these goods come in handy, we all buy them, but they are also a source of revenue for the Koch brothers, who fund attack ads that pollute our airwaves.

The bottom line is that allows the billionaires who sit on top of global business empires to subvert our democracy. They want to change it. They want to change the character of our

country. They want a few to be able to name the governance of the millions.

Although Brawny paper towels may be able to clean up some spills, they will not be able to clean up what is going on with our electoral process.

The bottom line is this: When the wealthy decide they are going to control our elections, the American people have every right to know it. When these wealthy people decide they want to become kingmakers as well, the public should know what they are up to. Kings went out of America centuries ago, and they are trying to bring it back in some form.

Common sense says our democracy and our country's core are at stake, and we don't want it to happen. I hope the American people see what is going on here and understand that they are not being told what is going on in our society. That is not what America is about.

America's openness has been the bulwark for our society since its founding. Secret societies have largely disappeared from our country, but when they do inevitably appear, it has been to bring instability. Transparency has enabled our Nation to flourish with openness. Our country has become richer as a result of that openness and transparency.

Now, at a critical moment in the history of America, it is shocking to see this abject use of secrecy and power. We should not let them take it. We should not let the few with all kinds of wealth—billionaires, if you will, made on the backs of the American people—take our democracy from the millions. If it weren't for people who manned the jobs, such as cops, doctors, teachers, and the other people in our society, I don't care how smart these people were, they could not have amassed these fortunes. And I don't begrudge them the ability to spend it where they want, but when it comes to the election, we have to tell the truth. We have to have it happen that way. The American people have to know who is going to put the President in the White House in the next administration. We don't want it to change because someone else is hiding behind the curtain and manipulating hundreds of millions of Americans who are going to have to abide by them when these elections are over.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Mr. President, I wish to thank Senator LAUTENBERG.

I was listening to Senator MIKULSKI and Senator BINGAMAN on their comments to try to bring some common sense to our election laws by basically disclosing who contributes to the political process. That is something Republicans and Democrats have been together on for a long time. I don't know what happened. This seems to be an issue that doesn't get bipartisan support.

I particularly wish to thank Senator WHITEHOUSE for his leadership on this issue. He has been talking about this matter of DISCLOSE, along with Senator SCHUMER, since the Supreme Court decision in 2010 with the Citizens United decision.

I must say that I think the Citizens United decision will go down as one of the worst decisions in the history of the Supreme Court of the United States. I say that for many reasons. First and foremost, those who are students of our judicial system and our constitutional separation of powers will understand that the case that went up to the Supreme Court was a pretty narrow case based upon a 30-minute documentary. In that decision of Citizens United, the Court ruled in a very broad way that a corporation has all the rights of an individual in our political system. It is the first time that has happened. It reversed the legislation that had been passed by Congress.

The Framers of our Constitution envisioned that it was the legislative branch of government that would make our laws and policies. The legislature, after a great deal of debate and after many different attempts, passed laws that restricted how much money corporations could put in our political system and how they had to do it in a very open and transparent manner. Then we had a reform bill known as the McCain-Feingold bill that spelled out certain restrictions. All of these cases and laws have been upheld over a long period of time by court decisions.

In Citizens United, the Court not only substituted itself for the legislature but reversed its own precedent in ruling that corporations could literally put an unlimited amount of money into our political system. As I said, I think it was one of the worst decisions in the history of the Supreme Court. It has now unleashed unlimited money in our political system. What corporations and undisclosed sources can now put into our elections will dwarf what individual contributors will make available in the political season.

The Center for Responsive Politics has now said that super PACs and their related organizations have already spent over twice what similar groups spent 4 years ago. We not only have this unleashing of undisclosed corporate funds, we are now seeing the super PACs taking over as the major source of funding of campaigns.

As Senator MIKULSKI just said on the Senate floor, if we run for office and solicit contributions, every one of those contributors is listed on our reports. We make quarterly reports so that the people of the Nation know who is financing our campaigns. They will not know who is financing these ads that are going to appear on television from these Citizens United-type political activities where we don't know where the money is coming from. It could come from a single source who wishes to influence our political system but does not want to be identified in the cause. I really think this compromises our democratic system. I think an individual could literally distort our political system through the use of money, and that is something I hope all of us would be concerned about.

I am now a believer. I think the only thing we can do to overturn the Citizens United case is to support Senator TOM UDALL's constitutional amendment. That amendment gives the Congress the power we thought we had to legislate.

I think the people of Maryland, West Virginia, and our Nation would be surprised to learn that we cannot legislate the limits of what people can contribute in campaigns. They think that is our responsibility, not the Court's. Well, Senator TOM UDALL's amendment would give us the power to do that and overturn the Citizens United case. I hope we could come together to let us have the power we should have. It seems to me that is something both Democrats and Republicans in this body should agree on, that those decisions should be made in the Congress of the United States and not in the Supreme Court or the courts of our land.

The bill we have before us—and I urge my colleagues to let us move forward to the DISCLOSE Act—brings transparency into the campaign finance system. Many of us frequently talk about transparency. Transparency is the most important part of integrity in our system. We talk about a lot of other countries adding transparency to the way they do business. Well, we should have transparency in one of the most fundamental parts of our system, and that is how we conduct our elections. It is key to our democracy.

It is Justice Brandeis who said that ''sunlight is said to be the best of disinfectants.'' I don't understand why we would resist the public knowing who is contributing money to influence our political system.

The DISCLOSE Act has the bipartisan support of the League of Women Voters, Democracy 21, and People for the American Way.

Let me quote from a letter recently sent to Congress by the nonprofit, nonpartisan Campaign Legal Center. It says:

> Hundreds of millions of dollars will be spent to influence the outcome of the elections over the next four months. Neither the candidates being attacked with these millions of dollars nor the public will have complete, accurate, meaningful information about the sources of such money. Only the contributors and the beneficiaries will be in the know. Passage of S. 3369 will mean that in future election cycles those funding these shadow campaigns will be disclosed to the public so that voters can make informed decisions at the polls.

The letter goes on to say:

> As we get closer to the 2012 elections, the amount of federal campaign-related spending using funds from undisclosed sources continues to rise. Especially troubling is the lack of transparency regarding the expenditures of so-called ''Section 501(c) groups'' this election cycle, such as Priorities USA and Crossroads GPS.

I have heard some of my colleagues say: Well, can we constitutionally do

this? Is this allowed for us? After all, Citizens United sort of says anything goes. Well, let me quote from the Citizens United decision—and this is very interesting—where the Court wrote:

> [P]rompt disclosure of expenditures can provide shareholders and citizens with the information needed to hold corporations and elected officials accountable for their positions and supporters. Shareholders can determine whether their corporation's political speech advances the corporation's interest in making profits, and citizens can see whether elected officials are in the pocket of so-called moneyed interests.
>
> The First Amendment protects political speech; and disclosure permits citizens and shareholders to react to the speech of corporate entities in a proper way. This transparency enables the electorate to make informed decisions and gives proper weight to the different speakers and messages.

That is the Supreme Court speaking in Citizens United.

We clearly have the authority to move at least this modest step forward to allow the American people to see who is making these contributions so they can make an informed judgment on election day. We owe it to the citizens of this country to take up and pass the DISCLOSE Act.

Once again, I wish to thank my colleague, who is now on the Senate floor, Senator WHITEHOUSE, for his leadership on this issue. As I said earlier, from day one when the Supreme Court issued its decision, it was Senator WHITEHOUSE who immediately observed that we have to do something to make sure that those who use this process to influence our system—that information is disclosed so the public has the information they need in order to properly judge our elections.

Mr. JOHNSON of South Dakota. Mr. President, I rise today as a proud cosponsor of the DISCLOSE Act.

The Citizens United case opened the floodgates to unprecedented spending from super PACs and outside interests. I am concerned this ruling has effectively given those with the deepest pockets the loudest voice. This is a situation that works to the detriment of our democracy because the flood of secret money is drowning out the voices of working families.

In the elections following the Citizens United case, corporate and special-interest money has poured into our political system. In the 2010 midterm election, there was a fourfold increase in spending from these entities in comparison to 2006. During that same timeframe, anonymous spending by organizations rose from 1 percent in 2006 to 44 percent in 2010.

In response to the surge in secret election spending by special interests, the DISCLOSE Act seeks to restore accountability and transparency in our country's elections. The bill represents an important first step in addressing the many problems created by the Citizens United ruling.

Even the Supreme Court reckoned that greater transparency would likely be needed to mitigate the risk of corruption as a result of its ruling. Therefore, I am baffled by my colleagues who are dragging their heels on such a commonsense measure. Voters deserve to know who is making large donations to influence an election. The DISCLOSE Act would give Americans the information they need to take back control and hold elected officials and large corporations accountable. To those who remain opposed to this bill, I urge you to reconsider your position and support this critically important legislation.

Mrs. FEINSTEIN. Mr. President, today I wish to express my strong support for the DISCLOSE Act of 2012.

This bill is a first step toward restoring some transparency and accountability to our electoral system, an action sorely needed in the wake of the Supreme Court's misguided Citizens United decision.

If the DISCLOSE Act is passed by Congress and signed into law it would put in place the following two new campaign disclosure measures: One, it requires third-party groups to disclose their top funding sources those over $10,000 to the Federal Election Commission; and, two, it requires these independent groups to certify that their activities are not coordinated with candidates or political parties.

Why are these new disclosure requirements necessary?

The DISCLOSE Act is necessary because Citizens United, a narrow 5–4 decision by the Roberts Court, struck down critical parts of the Bipartisan Campaign Reform Act.

Let me be clear: Citizens United upended nearly a century of congressional law and overturned two Supreme Court rulings. It is the reason super PAC is now a household phrase, and the decision troubled me greatly.

The Court held that the first amendment affords corporations and interest groups the right to spend freely millions, even billions of dollars on election ads to support or defeat a particular candidate.

The practical effect of the decision didn't take long to appear. We have already seen how unlimited and opaque special interest money can decide a Presidential primary, and we continue to see the impact during the current general election.

The Citizens United decision has opened the door to unlimited, undisclosed corporate and special interest spending in Federal elections.

In other words, an individual or a corporation can give tens of millions of dollars to an independent campaign effort to slander, impugn, or oppose a candidate or an issue or to support the same anonymously.

Under current law there is no requirement to disclose to the voters or any government agency the names of the individuals who contributed to these campaign efforts.

This is total unlimited and anonymous spending.

Let me repeat: unlimited spending.

It is impossible to exaggerate how far reaching this decision is: it weakens the very essence of our democracy and the integrity of our system of elections.

What does this mean in the real world?

This means an oil company like ExxonMobil, which earned $41 billion in profits last year, can spend unlimited money to defeat candidates who oppose offshore drilling. It means Academi (the company formerly known as Blackwater) and other defense contractors can spend unlimited sums to elect candidates who view their defense positions favorably. And large banks will be free to use their corporate treasury to attack candidates in favor of financial regulation and consumer protection.

During testimony in 2010, Fred Wertheimer of Democracy 21 said it well:

> It would not take many examples of elections where multimillion corporate expenditures defeat a member of Congress before all members quickly learn the lesson, vote against the corporate interest at stake in a piece of legislation and you run the risk of being hit with a multimillion-dollar corporate ad campaign to defeat you.

Since Citizens United, we have seen explosive growth in outside corporate and special-interest expenditures:

The fall 2010 midterm elections ushered in the independent third-party groups, which spent a record $300 million during that election cycle. This amount is quadruple the $69 million spent by outside groups in 2006. Nearly three-quarters of political advertising in 2010 came from sources prohibited from spending money in 2006.

By the summer of 2008, about $70 million had been spent by third-party groups during the Presidential race. According to the Center for Responsive Politics, outside groups are currently on pace to at least triple that 2008 total. An astonishing $167 million has already been spent as of July 11, 2012.

Almost $140 million of this comes from super PACs established in the wake of the Citizens United decision. As of July 11, there are 667 registered super PACs that have already raised more than $244 million.

More money is being spent than ever before, and it is clear that these unlimited sums could be a major factor in the 2012 elections.

Earlier this year, the Washington Post reported that many independent ads for the general election campaign originate from nonprofit interest groups that do not disclose their donors. The analysis found that politically active nonprofit groups with undisclosed donors have spent more than $24 million in the 2012 cycle on political ads.

The public deserves to know who these donors are. The value of transparency was demonstrated vividly in 2010, when Texas-based oil companies funded a ballot measure to repeal California's landmark climate change law, the ''California Climate Change Solutions Act.''

Although the campaign for this measure spent more than $10 million, they were unable to conceal that their funding came from out-of-State sources, led by multimillion-dollar contributions from Texas-based oil companies. This transparency allowed California voters to know the real source of advertisements during the campaign and make a more informed decision. That proposition failed, and, I believe it failed because voters knew who was paying for the ads.

Transparency works. It makes a difference. With public confidence in government at a record low, now is the time for more transparency, not less. We must restore confidence in our government. The Supreme Court made its decision in Citizens United, so there isn't much that Congress can do. But the DISCLOSE Act is an attempt to make clear the effects of Citizens United and ensure that our election process remains transparent.

The public deserves to know who is funding the super PACs and other groups that are airing political ads. When voters know who paid for an ad, they make more educated decisions. The DISCLOSE Act is a step toward making that reality.

Mr. INOUYE. Mr. President, I rise today to speak in support of S. 3369, the Democracy is Strengthened by Casting Light on Spending in Elections, or DISCLOSE, Act.

I joined Senator WHITEHOUSE and some 25 of my colleagues in cosponsoring this bill because it is the right thing to do. I do not believe, as some claim, that the DISCLOSE Act will chill or limit the right to free speech in something as fundamental as advocating for a candidate for elected office. The bill will simply require more openness by those advocating, an important point in our world of radio, television, and the internet. The DISCLOSE Act will help restore transparency and accountability to our electoral process by requiring outside groups to disclose who funds their political activities. It may be worth noting that the bill is not focusing on the average American contributing small amounts of money to her candidate, but rather on those groups who are making donations of at least $10,000. I do not think it is so onerous to ask those contributing such large sums to identify themselves.

But, I must be honest. I was disappointed to learn that the so-called ''stand by your ad'' provision was not included in S. 3369. This provision, which required that the biggest donors of a campaign, or sponsors of a radio or TV spot, be identified during the ad, was what initially caught my attention. In an age where communications are largely anonymous whether it is on Twitter, Facebook, or to a lesser extent, radio and even television, I believe it is only fair that Americans learn who is speaking to them as they are listening. We have moved past those times when a candidate or his supporters would use a soapbox to explain their positions to a crowd, and who is doing the talking is no longer clear.

However, I believe the overarching principle of the DISCLOSE Act sharing the identities of those advocating in an election campaign, whether it be for or against a candidate, or simply an opinion is a necessary part of democracy. I hope my colleagues will agree and vote to support passage of the DISCLOSE Act.

I yield the floor and 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 Vermont.

Mr. LEAHY. I ask unanimous consent that the order for the quorum call be rescinded.

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

EXECUTIVE SESSION

NOMINATION OF KEVIN MCNULTY TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEW JERSEY

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The legislative clerk read the nomination of Kevin McNulty, of New Jersey, to be United States District Judge for the District of New Jersey.

The PRESIDING OFFICER. Under the previous order, there will be 30 minutes of debate equally divided in the usual form.

Mr. LEAHY. Mr. President, before I begin my remarks on the nomination, I wish to speak for a moment about the debate we are having on the DISCLOSE Act. We read the horror stories of secret money going into campaigns. If we can't restrict the amount of money, at least let's know where it comes from. It is bad enough the Supreme Court has said corporations are people, as though having elected General Eisenhower as President, we could now elect General Electric as President, or electing yahoos such as Millard Fillmore as Vice President means we could elect Yahoo as Vice President.

There should be only one secret in an election, and that should be a secret ballot. That should be knowing you are secretly voting for who you want to vote for, and it should be disclosed only if you want it disclosed. As far as paying the bills, the American people ought to know who is paying the bills, how much, and why. Otherwise, we do not have honest elections. It is as simple as that.

Mr. President, today we will vote on only one of the 18 judicial nominations voted on by the Judiciary Committee but that are being stalled for no good reason. I am sure the people of New Jersey and the New Jersey Senators appreciate Senate Republicans finally allowing a vote on this nomination even after 3 months of needless delay. I suspect they would be more appreciative if the minority were also allowing a vote on the nomination of Michael Shipp for another vacancy on the same Federal court in New Jersey and who was also voted out of the Judiciary Committee virtually unanimously 3 months ago. I am sure they would be even more appreciative than that if Senate Republicans would allow a vote on the nomination of Judge Patty Shwartz to fill the vacancy on the Third Circuit Court of Appeals who was voted out of the Judiciary Committee more than 4 months ago, and who has the support of New Jersey's Republican Governor, Chris Christie.

The minority's stalling votes on judicial nominees with significant bipartisan support is all to the detriment of the American people. This has been a tactic that they have employed for the last 3½ years, despite repeated appeals urging them to work with us to help solve the judicial vacancy crisis. We have seen everyone from Chief Justice John Roberts, himself appointed by a Republican president, to the nonpartisan American Bar Association urging the Senate to vote on qualified judicial nominees that are available to administer justice for the American public. Sadly, Republicans insist on being the party of ''no''.

What the American people and the overburdened Federal courts need are qualified judges to administer justice in our Federal courts, not the perpetuation of extended, numerous vacancies. Today vacancies on the Federal courts are more than 2½ times as many as they were on this date during the first term of President Bush. The Senate is more than 40 confirmations off the pace we set during President Bush's first term.

Because they cannot deny the strength of this comparison using apples to apples by comparing first terms Senate Republicans instead try to draw comfort by making comparisons to President Bush's second term after we had already worked hard to reduce vacancies by 75 percent and confirmed 205 circuit and district judges. Their effort is unconvincing and unavailing. In fact, during President Bush's second term, the number of vacancies never exceeded 60 and was reduced to 34 near the end of his presidency. In stark contrast, vacancies have long remained near or above 80, with little progress made in these last 3½ years. Today, there are still 78 vacancies. Their tactics have actually led to an increase in judicial vacancies during President Obama's first term a development that is a sad first.

But the real point is that their selective use of numbers is beside the point and does nothing to help the American people. We should be doing better. I

know that we can because we have done better. During President Bush's first term, notwithstanding the 9/11 attacks, the anthrax attack on the Senate, the ideologically-driven selections of judicial nominees by President Bush, and his lack of outreach to home State Senators, we reduced the number of judicial vacancies by almost 75 percent, down to 29 by this point during his first term and acted to confirm 205 circuit and district court nominees by the end of his first term.

Another excuse from the minority comes across more as partisan score settling than anything else. They claim that having confirmed two Supreme Court Justices, the Senate cannot be expected to reach the 205 number of confirmations in President Bush's first term.

The first and most important point is that those proceedings do not excuse the Senate from taking the actions it could now on the 18 judicial nominees voted out of the Judiciary Committee and ready for final Senate action. That second Supreme Court confirmation was in August 2010. That is almost 2 years ago and it was opposed by most Senate Republicans.

Senate Republicans held down circuit and district court confirmations in President Obama's first 2 years in office to historically low numbers 12 by the end of 2009 and another 48 in 2010 for a total of only 60. We did better last year when Senator GRASSLEY became the ranking member and were able to confirm 64 nominees. Had Republicans not stalled 19 nominations at the end of last year and dragged those confirmations out into May of this year, we, the American people, and the Federal courts would be much better off. As it is, however, the fact remains there are 18 qualified judicial nominations the Senate could be voting on without further delay.

They refuse to acknowledge that in addition to confirming two Supreme Court Justices in President Clinton's first term, the Senate was able to confirm 200 circuit and district court judges. And in 1992, at the end of President George H.W. Bush's term, the Senate with a Democratic majority was able to confirm 192 circuit and district court judges despite confirming two Supreme Court Justices. Republicans have kept the Senate well back from those numbers by only allowing the Senate to proceed to confirm 154 of President Obama's circuit and district court nominees. That is a far cry from what we have been able to achieve in addition to our consideration of Supreme Court nominations when the Senate was being allowed to function more fairly and to consider judicial nominees reported with bipartisan support.

Nor are the nominees about whom we are concerned recently nominated. These are not nominees dumped on the Senate in scores at the end of a presidential term. These are, instead, nominations that date back to October of last year. Most were nominated before March. In fact the circuit court nominees who Republicans are refusing to consider date back to October and November of last year and January of this year. William Kayatta was voted on by the Committee and placed before the Senate by mid April and could have been confirmed then. Richard Taranto and Judge Shwartz have been stalled before the Senate even longer, since March. As I explained in my last statement, Senate Republicans have shut down confirmations of circuit court judges not just in June or July but, in effect, for the entire year. The Senate has yet to vote on a single circuit court nominee nominated by President Obama this year. Since 1980, the only presidential election year in which there were no circuit nominees confirmed who were nominated that year was in 1996, when Senate Republicans shut down the process against President Clinton's circuit nominees. The fact that Republican stalling tactics have meant that circuit court nominees that should have been confirmed in the spring—such as Bill Kayatta, Richard Taranto and Patty Shwartz—are still awaiting a vote after July 4 is no excuse for not moving forward this month to confirm these circuit nominees. Both Mr. Kayatta and Mr. Taranto were voted out of the Judiciary Committee with significant bipartisan support, and Judge Shwartz, a Magistrate Judge and former Federal prosecutor, has the support of Republican Governor Chris Christie.

The American people who are waiting for justice do not care about these excuses. They do not care about some false sense of settling political scores. They want justice, just as they want action on measures the President has suggested to help the economy and create jobs rather than political calculations about what will help Republican candidates in the elections in November.

When Republican Senators try to take credit for the Senate having reached what they regard as their ''quota'' for confirmations this year, they should acknowledge their strenuous opposition to those confirmations for which they now take credit. As recently as 2008, Senate Republicans denied there was a Thurmond rule. They used to say that any judicial nominee reported to the Senate was entitled to a vote and that every judicial nominee was entitled to an up-or-down vote and that they would never filibuster judicial nominees. Well, the Majority Leader has had to file 28 cloture petitions to end their filibusters of judicial nominees. Now they are flip-flopping on their own call for up-or-down votes.

What they are doing now is a first. As I have noted, in the past five presidential election years, Senate Democrats have never denied an up-or-down vote to any circuit court nominee of a Republican President who received bipartisan support in the Judiciary Committee. They are denying votes to William Kayatta, a nominee from Maine supported by his home State Republican Senators, and Robert Bacharach, a nominee from Oklahoma supported by his home State Republican Senators, and Richard Taranto, whose nomination to the Federal Circuit received virtually unanimous support. Even Judge Patty Shwartz, whose nomination to the Third Circuit received a split rollcall vote, has the bipartisan support of New Jersey Governor Chris Christie.

As I have noted previously, in the past 5 presidential election years, a total of 13 circuit court nominees have been confirmed after May 31. It is notable that 12 of the 13 were nominees of Republican presidents.

Today, the Senate will vote on the nomination of Kevin McNulty to fill a judicial vacancy in the U.S. District Court for the District of New Jersey. Like all of the judicial nominees voted on by the Judiciary Committee, he has the support of his home State Senators. His nomination was reported with a nearly unanimous voice vote by the Judiciary Committee nearly 3 months ago, with the only objection coming from Senator LEE's customary protest vote. He was rated unanimously well qualified by the ABA Standing Committee on the Federal Judiciary, the highest possible rating.

Kevin McNulty currently serves as a director and head of the appellate practice group at Gibbons, P.C., a law firm in New Jersey. He served as a Federal prosecutor in the U.S. Attorney's Office for the District of New Jersey for more than 10 years, where he was chief of the Appeals Division for 3 of those years. After law school, he clerked for Judge Frederick B. Lacey of the U.S. District Court for the District of New Jersey. Over the course of his 29-year legal career, Kevin McNulty has tried 12 cases to verdict and has argued numerous cases before the Federal courts of appeal. In 2008, the New Jersey Law Journal named him ''Lawyer of the Year.'' I support this well-qualified nominee.

I, again, urge Senate Republicans to reconsider their ill-conceived partisan strategy and work with us to meet the needs of the American people. With more than 75 judicial vacancies still burdening the American people and our Federal courts, there is no justification for not proceeding to confirm the judicial nominees reported with bipartisan support by the Judiciary Committee this year. We can and we should be doing more to help the American people.

Anyway, I yield the floor, and I suggest the absence of a quorum, with the time equally divided.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. Will the Senator withhold his suggestion for a quorum?

Mr. LEAHY. Of course. I am sorry. I didn't see my friend from Iowa.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I support the nomination of Kevin McNulty to be district judge in New Jersey. Although it is the practice and tradition of the Senate to not confirm circuit nominees in the closing months of Presidential election years, we continue to confirm consensus district judge nominees. Today's nominee is such a consensus nominee, and he will be the 153rd nominee of this President confirmed to the district and circuit courts.

I continue to hear some of my colleagues repeatedly ask the question: What is different about this President that he has to be treated differently than all of these other Presidents? That is a question we often hear.

I will not speculate as to any inference that might be intended by that question, but I can tell my colleagues this President is not being treated differently than previous Presidents. By any objective measure, this President has been treated fairly and consistently with past Senate practices.

For example, with regard to the number of confirmations, let me put that in perspective for my colleagues with an apples-to-apples comparison. As I mentioned, we have confirmed 152 district and circuit court nominees of this President. We have also confirmed two Supreme Court nominations during President Obama's first term. Everyone understands that Supreme Court nominations take a great deal of committee time. When the Supreme Court nominations are pending in the committee, all other nomination work is put on hold.

The last time the Senate confirmed two Supreme Court nominees was during President Bush's second term. During that term, the Senate confirmed a total of only 119 district and circuit court nominees. With Mr. McNulty's confirmation today, we will have confirmed 34 more district and circuit court nominees for President Obama than we did for President Bush in similar circumstances.

During the last Presidential election in 2008, the Senate confirmed a total of 28 judges—24 district and 4 circuit. Today we will exceed the number of district court judges confirmed. We have already confirmed circuit nominees, and this will be the 26th district judge confirmed this year. Those who say this President is being treated differently either fail to recognize history or want to ignore the facts.

Another statistic that is often misused to allege a campaign of Republican obstructionism is the number of days to confirmation. My colleagues on the other side want to focus on one particular phase of the confirmation process—the time from being reported out of committee to actual confirmation on the Senate floor. They ignore the timeline for the rest of that process.

The fact is for both Presidents the average time from nomination to confirmation is roughly equivalent: 211 days for President Bush's judicial nominees and 224 days for President Obama's judicial nominees.

There is another issue I wish to turn to that is repeatedly raised; that is, the vacancy rate—as if Republicans are to blame for that fact as well. Let me review the record and set the facts out for all to hear.

When President Obama took office there were 59 judicial vacancies. I note that at the beginning of 2008 there were 43 vacancies. So the practice for Democrats who controlled the Senate during that last year of President Bush's term was to allow vacancies to increase by more than 37 percent.

By mid-March 2009, when the first Obama judicial nomination was sent to the Senate, there were 70 judicial vacancies. Over the next 3 months, despite the rise in vacancies, only 5 more circuit nominations were sent to this body. By the end of June, when the Senate received its first district nomination, there were 80 vacancies. The failure or delay in submitting nominations for vacancies has been the practice of this administration. Yet somehow people want to blame the Senate, and particularly Republicans in the Senate, for not moving swiftly enough.

By the end of 2009 there were 100 vacancies, with only 20 nominees. In December 2010, more than half of the 108 vacancies had no nomination. At the beginning of this year, only 36 nominees were pending for the 82 vacancies. At present, still more than half of the 78 vacancies have no nominee.

I remind my colleagues once again that all of this process starts not here in the U.S. Senate but in the White House, at the other end of Pennsylvania Avenue. So when one wants to complain about judicial vacancies, start first by looking there, and then to the Democrats who have controlled the Senate during this period.

Because of those delays in nominations and decisions made by the Senate Democratic leadership, only 13 judges were confirmed during President Obama's first year. That was the choice of Democrats, who controlled the White House and the Senate, not because of anything the Republican minority could do. Yet Democrats now argue that President Obama is somehow behind in confirmations, and based upon that flawed logic there is some perceived notion that he is entitled to ''catch up'' on nominations.

The fact is we have confirmed over 78 percent of President Obama's district nominees. At this point in his Presidency 75 percent of President Bush's nominees had been confirmed. President Obama is running ahead of President Bush on district confirmations as a percentage. It is not the fault of the Republicans that this President has fewer nominations. How many times do I have to say it? The Senate can only act on what comes up here from the White House.

Finally, let me respond to some criticisms I have heard or read lately about the Thurmond rule. Last week, in the Los Angeles Times, for example, an editorial with the headline ''Reject the 'Thurmond Rule' '' was based on factual errors and omissions, so I want to correct that. This editorial echoed many of the Democratic talking points that we hear here on the floor.

The suggestion that we are operating any differently than Democrats did in 2004 and 2008 is simply without merit. Democrats stalled and blocked numerous highly qualified circuit nominees during those Presidential election years, including even nominations that had bipartisan support.

For instance, the fourth circuit provides a prime example of the tactics employed by the majority party. Democrats refused to process Judge Robert Conrad, even though he had already been confirmed unanimously as a U.S. attorney and district court judge. Democrats refused to process Judge Glen Conrad even though he had strong bipartisan home-State support. Steve Matthews also had strong home-State support. Yet the Democrats in committee refused to even give him a vote. The Democrats even tried to justify blocking the nomination of U.S. attorney Rod Rosenstein to the fourth circuit by claiming he was doing ''too good of a job''—that is their words—as U.S. attorney to be promoted.

By refusing to give these nominees a vote in committee, the Democrats engaged in what we would refer to as a ''pocket filibuster'' of all four of these candidates to the fourth circuit. This was at a time when the fourth circuit's vacancy rate was over 25 percent.

The bottom line is that the Democratic leadership has invoked the Thurmond rule repeatedly to justify stalling nominees—even those with bipartisan support. And now they do not want us to enforce the rule they helped establish.

But as I have pointed out, this President is not being treated differently. In many respects, he is being treated better. We have even been more fair. And we cannot have two different sets of rules around here. I suppose we could have, but we should not have.

I will now speak to the biographical information of our nominee, Mr. McNulty. Again, I want to make it very clear I support this nomination and obviously congratulate him on confirmation, which I anticipate will happen with broad support in a few minutes.

Mr. McNulty received his BA from Yale University in 1976 and his JD from New York University School of Law in 1983. Upon graduation, Mr. McNulty served as a law clerk to Judge Frederick B. Lacey, U.S. district judge for the District of New Jersey. After his clerkship, Mr. McNulty began his legal career as a litigation associate at Paul, Weiss, Rifkind, Wharton & Garrison. From 1984 through 1987, he worked at the firm handling civil litigation and white-collar criminal defense in both State and Federal court.

From 1987 to 1998, he was a Federal prosecutor in the U.S. Attorney's Office for the District of New Jersey. From 1987 to 1991, he was a member of the Criminal Division, where he prosecuted a variety of firearms, narcotics, fraud and immigration offenses. In 1990, he was selected to head the Organized Crime and Drug Enforcement Task Force, which handled the largest cases in the Criminal Division, including RICO prosecutions. From 1991 to 1992, he prosecuted large white-collar fraud cases in the Frauds Division. In 1992, he was appointed deputy chief of the Criminal Division. In 1995, he was named chief of appeals. In that position, he briefed and argued criminal appeals to the U.S. Court of Appeals for the Third Circuit, supervised other attorneys in the division, served as ethics officer, and acted as general legal adviser to the office and U.S. Attorney.

In 1998, he joined Gibbons P.C., where he presently is a director and chairs the firm's appellate practice. He is also a member of the Business & Commercial Litigation department. His time there is equally divided between appeals and trial work. The majority of his clients are corporations. He handles litigation between commercial entities, typically including anti-trust, securities, patent, and contract disputes, while also encompassing constitutional and other claims.

The ABA Standing Committee on the Federal Judiciary unanimously rated Mr. McNulty as ''Well Qualified.''

I support the nomination and congratulate Mr. McNulty on his confirmation today.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, this is a privilege and an opportunity for me to affirm my support for the confirmation of Kevin McNulty to be a U.S. district judge for the District of New Jersey.

The parties who come before a district court deserve to know that they appear before only the most qualified and impartial judges. That is why the Constitution gives the Senate a solemn duty to provide the President with advice and consent on judicial nominations.

I take this duty very seriously. Today it is my pleasure to come to the floor to confirm my support for Mr. Kevin McNulty for a judgeship on the U.S. District Court for the District of New Jersey.

Kevin McNulty has had an exceptional career and has dedicated himself to the rule of law and public service. That is why I was so proud to have recommended him to President Obama.

I first learned about Mr. McNulty's sterling credentials in 2009, when one of New Jersey's most respected jurists, former chief judge of the U.S. Court of Appeals for the Third Circuit John Gibbons recommended him for a position on the district court bench.

In the years since, I have had the opportunity to meet Mr. McNulty multiple times and have gained a great appreciation for his outstanding reputation in the legal community in New Jersey.

Mr. McNulty leads the appellate practice group at an outstanding law firm based in Newark. The law firm is called the Gibbons law firm. He has argued criminal, commercial, intellectual property, and pharmaceutical matters, displaying his prowess as a litigator.

He is a respected leader with solid judgment. He worked as a prosecutor and was known for being hard working and fair. For more than a decade, he prosecuted criminal cases as an assistant U.S. attorney in New Jersey. He served as the deputy chief of the criminal division and earned a well-deserved promotion to chief of the appeals division. During his tenure with the U.S. Attorney's Office, he served with a number of U.S. attorneys, including a current Supreme Court Justice, Samuel Alito.

Mr. McNulty's academic credentials are as impressive as his professional record. After a successful undergraduate career at Yale University, he excelled at New York University's School of Law, where he was a member of the Law Review.

A few years ago, in 2008, the New Jersey Law Journal honored him as their Lawyer of the Year. I am confident, if confirmed, his work as a judge will earn him similar praise.

This fine nominee is, thank goodness, finally getting the vote he deserves. He is going to be great on the bench. He is eminently qualified and will make an exceptional judge.

In Newark, a Federal courthouse carries my name. When it was dedicated, I requested an inscription that I authored and believe in so deeply be placed on the wall. It reads: ''The true measure of a democracy is its dispensation of justice.'' I firmly believe that there is where we see the equalizer of citizenship in this country. As this quote demonstrates, our country's core is a belief in equal and just representation before the law. Our system thrives because of fair and evenhanded judges. They are the stewards of our democracy, and I know Mr. McNulty will approach this position with thoroughness and honor. So I look forward to hearing my colleagues vote to confirm Kevin McNulty to the U.S. District Court for the District of New Jersey, with the knowledge that we will be sending an outstanding judge to the Federal bench, as we so often have in this Chamber.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, I rise to speak today in support of Kevin McNulty, a distinguished New Jerseyan and an outstanding candidate for the District Court of New Jersey, and I certainly urge my colleagues to vote affirmatively on his confirmation in a few minutes.

A district judge must possess exemplary analytical skills, a strong work ethic, and an extraordinary knowledge of the law. I am proud to say Mr. McNulty has demonstrated these qualities on countless occasions.

He has been the chair of the appeals group in the prestigious law firm of Gibbons. At Gibbons, he has been directly involved in approximately 100 appeals related to a wide variety of legal issues, including pharmaceutical, intellectual property, commercial, and criminal matters.

He has tirelessly fought for his clients' interests. His hard work and dedication, as you heard Senator LAUTENBERG describe, earned him the New Jersey Law Journal's Lawyer of the Year Award for 2008.

Before his distinguished time at Gibbons, he served as the chief of the appeals division of the U.S. Attorney's Office, where he was also the lead attorney for the Organized Crime & Drug Enforcement Task Force, as well as the ethics officer and grand jury coordinator. While at the U.S. Attorney's Office, he was honored with the Federal Law Enforcement Officers Association Award.

He began his professional career as a law clerk for the Honorable Frederick Lacey, U.S. District Judge for the District of New Jersey.

He graduated cum laude and was third in his class at the New York University School of Law. His academic achievement also earned him membership in the New York University Law Review, where he served as articles editor, and membership in the honors society Order of the Coif.

While at New York University School of Law, he was awarded the American Judicial Society Prize, the Pomeroy Prize, and the Moot Court Advocacy Award. It shows the breadth and scope of his intellectual ability.

Outside of his professional career, he has demonstrated an admirable commitment to public service. He is a member of the board of trustees of the Urban League of Essex County. He is a former member of the Third Circuit Lawyers' Advisory Committee. He is coauthor of the Pennsylvania Bar Institute Guide to Third Circuit Practice. He has written and spoken on a whole host of legal topics. He is also an active member of the New Jersey, Federal, and American Bar Associations.

Throughout his career, Kevin McNulty has demonstrated a strong analytical ability, rapid research skills, and an outstanding work ethic, and I believe he is well equipped to serve with distinction as a district judge for the District of New Jersey.

In sum, the breadth and scope of Mr. McNulty's experience and qualifications make him exceptionally well qualified for the position of U.S. district judge.

Finally, I want to take the opportunity to say I am hopeful that our colleagues will agree to move forward on two other New Jersey nominations: Michael Shipp, who has been nominated

to the third district, and Patty Shwartz, who is nominated to the third circuit.

Michael Shipp is a highly respected magistrate judge in New Jersey who has an abiding commitment to the rule of law, a deep knowledge of both criminal and civil law, and a long commitment to public service. Patty Shwartz is also a well-respected magistrate judge who has handled over 4,000 civil and criminal cases. Both of these judges deserve immediate consideration. Their qualifications will make them an exceptional addition to the Federal bench in New Jersey, and certainly I offer my strong support to both of them as we move forward in this process.

I hope after tonight's vote—where we expect this extraordinary candidate to be confirmed—we will get the opportunity to do so also for Judge Shipp and Judge Shwartz.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

LAW OF THE SEA TREATY

Mr. INHOFE. Mr. President, I rise for an announcement. At the conclusion of these votes, I will be making what I think is a fairly significant announcement in terms of 35 Members of this body who have stated they will oppose the Law of the Sea Treaty, which, of course, means it would not be able to be passed this session. So I will be doing that immediately following the votes that take place momentarily.

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. ALEXANDER. 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 question is, Will the Senate advise and consent to the nomination of Kevin McNulty, of New Jersey, to be U.S. District Judge for the District of New Jersey?

Mr. ALEXANDER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. SCHUMER (when his name was called). ''Present.''

Mr. DURBIN. I announce that the Senator from Montana (Mr. TESTER) is necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Nevada (Mr. HELLER), the Senator from Illinois (Mr. KIRK), the Senator from Alaska (Ms. MURKOWSKI), and the Senator from Mississippi (Mr. WICKER).

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

The result was announced—yeas 91, nays 3, as follows:

[Rollcall Vote No. 178 Ex.]

YEAS—91

Akaka	Feinstein	Merkley
Alexander	Franken	Mikulski
Ayotte	Gillibrand	Moran
Barrasso	Graham	Murray
Baucus	Grassley	Nelson (NE)
Begich	Hagan	Nelson (FL)
Bennet	Harkin	Portman
Bingaman	Hatch	Pryor
Blumenthal	Hoeven	Reed
Blunt	Hutchison	Reid
Boozman	Inhofe	Risch
Boxer	Inouye	Roberts
Brown (MA)	Isakson	Rockefeller
Brown (OH)	Johanns	Rubio
Burr	Johnson (SD)	Sanders
Cantwell	Johnson (WI)	Sessions
Cardin	Kerry	Shaheen
Carper	Klobuchar	Shelby
Casey	Kohl	Snowe
Chambliss	Kyl	Stabenow
Coats	Landrieu	Thune
Coburn	Lautenberg	Toomey
Cochran	Leahy	Udall (CO)
Collins	Levin	Udall (NM)
Conrad	Lieberman	Vitter
Coons	Lugar	Warner
Corker	Manchin	Webb
Cornyn	McCain	Whitehouse
Crapo	McCaskill	Wyden
Durbin	McConnell	
Enzi	Menendez	

NAYS—3

DeMint	Lee	Paul

ANSWERED ''PRESENT''—1

Schumer

NOT VOTING—5

Heller	Murkowski	Wicker
Kirk	Tester	

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table.

The President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

DISCLOSE ACT OF 2012—MOTION TO PROCEED—Continued

The PRESIDING OFFICER. Under the previous order, there will be 10 minutes of debate equally divided and controlled between the two leaders or their designees.

The Senator from Florida.

Mr. NELSON of Florida. Mr. President, we are going to divide this among five Senators so I will just take a few seconds to say corporations are having a field day because they can put all this money in to influence the political system while at the same time being anonymous. They do not have to disclose what every other donor has to disclose when they make a political contribution.

Are they interested in my State, in the quality of the representation of my State? I think they are interested in their own agenda and buying elections.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN of Ohio. Mr. President, it is not a shareholder democracy when a $10 million corporate buy effectively drowns out the $5 to $10 to $20 donation that represents real people with real concerns. The DISCLOSE Act would make CEOs do what political candidates do—what we all do—when we pay for political advertising: face the camera and tell the voters we sponsored a commercial. Whether we are Democrat or Republican, surely, we wouldn't want to see our political system, our democratic system, become the puppet of a few large corporations with whatever interest they have—oil or big insurance or drug companies or companies that outsource jobs as their specialty.

I yield the floor.

The PRESIDING OFFICER (Mrs. HAGAN). The Senator from New York.

Mr. SCHUMER. Madam President, the most astounding fact that has emerged since the Citizens United decision is that just 17 people have given over half the money to the Republican super PAC. There is very little disclosure, and there are huge amounts of money cascading in from a small few.

My colleagues, whether one is a Democrat or a Republican, we have to admit this is corrosive to our democracy. This gets further away from the idea that each of us has an equal say than anything that has been done in the last 100 years.

I hope my colleagues will join us in this modest measure, which doesn't even limit how much people can give but simply says they have to disclose; they have to tell they are giving. When ads are disclosed, they are less vicious and there is some semblance of truth that has to float around them.

I urge my colleagues, for the good of this country, the sake of our future, to support this modest, truly modest, piece of legislation.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. Madam President, perhaps the most important three words in our constitution are ''We the people.'' But the whole notion of ''We the people'' is threatened by oceans of dark secret cash, oceans of cash used as a threat on the front end and as an election hammer on the back end. It is simply destructive to our democracy.

Tonight is the night for some profiles in courage to stand for the American system, for democracy, and for the people.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Madam President, in 1822, the Founding Father James Madison wrote:

> A popular government without popular information or the means of acquiring it is but a prologue to a farce or a tragedy or perhaps both. Knowledge will forever govern ignorance, and a people who mean to be their own governors must arm themselves with the power knowledge gives.

A vote for DISCLOSE is a vote to arm the people with the power that knowledge gives, to arm them with the popular information about elections—information necessary to prevent this

great popular government of ours from becoming a special interest farce, information necessary to protect this democracy from the tragedy, as JOHN MCCAIN predicted, of scandal that will result.

Give the American people the information they need to be their own governors. Vote for DISCLOSE.

I yield back the remainder of our time.

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. Madam President, for 40 straight months we have had unemployment above 8 percent and a debt the size of our economy. Yet our friends in the majority want to get us to pass a bill that everybody from the ACLU to the NRA is opposed to, a bill designed to give the government the information to intimidate people who have the courage to stand up to the government and argue against what it is doing.

Not only should we not be doing this in good times but to waste the Senate's time on a proposal totally without merit at a time when our economy is in the tank is the ultimate waste of the Senate's time. I strongly urge a ''no'' vote.

I yield back the remaining time.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Madam President, I wish to use leader time to say we know the Republicans don't like disclosure. We can tell that from the person they are going to nominate for the President of the United States.

The PRESIDING OFFICER. Pursuant to rule XXII, 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 of 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. DURBIN. I announce that the Senator from Louisiana (Ms. LANDRIEU) is necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Nevada (Mr. HELLER), the Senator from Illinois (Mr. KIRK), the Senator from Arkansas (Mrs. MURKOWSKI), and the Senator from Mississippi (Mr. WICKER).

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

The yeas and nays resulted—yeas 51, nays 44, as follows:

[Rollcall Vote No. 179 Leg.]

YEAS—51

Akaka	Gillibrand	Murray
Baucus	Hagan	Nelson (NE)
Begich	Harkin	Nelson (FL)
Bennet	Inouye	Pryor
Bingaman	Johnson (SD)	Reed
Blumenthal	Kerry	Rockefeller
Boxer	Klobuchar	Sanders
Brown (OH)	Kohl	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

NAYS—44

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

NOT VOTING—5

Heller	Landrieu	Wicker
Kirk	Murkowski	

The PRESIDING OFFICER. On this vote the yeas are 51, the nays are 44. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The majority leader.

Mr. REID. Madam President, I enter a motion to reconsider the vote by which cloture was not invoked.

The PRESIDING OFFICER. The motion is entered.

The Senator from Rhode Island.

Mr. WHITEHOUSE. Madam President, I ask unanimous consent that Senator INHOFE be recognized for 15 minutes for his remarks regarding the Law of the Sea, that Senator SHAHEEN and Senator KLOBUCHAR then be recognized, and then for the duration of today's session Senators be able to speak for up to 10 minutes each.

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

The Senator from Oklahoma.

LAW OF THE SEA TREATY

Mr. INHOFE. Madam President, I am about to make a major announcement that I think is very significant and, hopefully, would give us more time to attend to some of the problem areas we are trying to attend to, such as the Defense authorization bill, sequestration, expiring tax cuts, and all the spending bills. The announcement I would make is that we now have a letter containing 34 signatures of those who say: If you bring up the ratification of the Law of the Sea Treaty this year, we would oppose it. So we actually have 35 such signatures.

I want to make a couple of comments. I was going to talk for a little longer, but I know there are a lot of Senators wanting to get the floor. So I will try to do this in a shorter period of time.

First of all, I have been involved in this treaty for a long period of time. Way back during the Reagan administration this treaty that was actually first negotiated back in the 1970s was defeated for a variety of reasons. A lot of people are saying the reasons Reagan opposed it at that time have been answered. That is just flat not true. Ambassador James Malone, who renegotiated the lost treaty during the Reagan administration, stated:

All the provisions from the past that make such a [new world order] outcome possible, indeed likely, still stand. It is not true, as argued by some, and frequently mentioned, that the U.S. rejected the Convention in 1982 solely because of technical difficulties with part XI.

That is the seabed mining portion of it.

The Collectivist and redistributionist provisions of the treaty were at the core. . . .

They are still in there today.

I think it is important to recall what happened in 2004. In 2004, when Republicans were the majority, I chaired the Committee on Environment and Public Works and was also one of the senior members of the Senate Armed Services Committee. At that time the Law of the Sea Treaty passed the Senate Foreign Relations Committee without—I believe it was without a dissenting vote. I think it was 16 to 0. So we started having hearings before the two committees that were my committees, the Environment and Public Works Committee, talking about how this would subject us to other countries imposing their will on us, as well as ramifications that would affect the Senate Armed Services Committee. As a result, of course, we recall it was defeated.

We have this happening again. I do appreciate Senator KERRY and his efforts to get this through. We have had several hearings. They have been pretty lopsided. I believe the count today is there have been 16 witnesses supporting it and some 4 witnesses opposing it. That is not really important because I think it is worth mentioning a couple of things about it but then actually going into the detail as to why, if it is brought up, it could not be ratified during this year or during a lameduck session.

First of all, when I talk to someone about the problems with this I tell them this would cede authority to the

United Nations over 70 percent of the surface of the Earth, along with the air above it. I remember one time a witness came—this was back during the Bush administration which was supporting the treaty, but I asked the question, I said: If you have 70 percent of the surface area, does that mean you also have 70 percent of the air above it? They could not answer that question. Now I think it is pretty well understood that would be the case.

I tell people three things: First of all, we would be submitting our sovereignty, surrendering it to the United Nations, over 70 percent. That really is enough. But when we talk about the fact that for the first time in the history of this country it authorized the United Nations to have taxing authority over the United States of America, people go ballistic. That is something that is not conceivable we would even be considering.

Then when we are talking about the lawsuits, how we have lawsuits we could be facing—let me be a little more specific.

The area that is in controversy in terms of its ability to tax or otherwise get royalties from the United States, would otherwise go to the United States and put those into the United Nations, is an area called the Extended Continental Shelf. That would be in excess of 200 nautical miles offshore. Nothing within this treaty is going to affect this within the 200 miles, but outside it would be.

As it is right now, it is important to understand how the royalties are paid at the present time. The royalties the United States usually collects from the Extended Continental Shelf is an amount between 12.5 percent and 18.75 percent. The reason there is a disparity between those is because the royalties go along with how much money can be made out there if things go well and how deep it is, how far out it is, how expensive it is to drill, and all of that. So the range the United States currently collects is between 12.5 percent and 18.75 percent from the Extended Continental Shelf.

Under article 82, if we pass the Law of the Sea Treaty, at the end of the 12th year, 7 percent of the royalties would be taken away from the United States—that is roughly half the royalties we would have—and given to the International Seabed Authority to redistribute those in accordance with whatever they want to do. It is not specific. This all would take place in Kingston, Jamaica, of all places, where they would make this redistribution of wealth. I have often said that is something the United Nations has always desired; that is, to have the ability to redistribute the wealth.

It is hard to say what amount would fall into the royalties within the Extended Continental Shelf. There is a group that was appointed to try to approximate these things, and they have said it would be in the hundreds of billions or maybe even in the trillions.

For each trillion that would be in production, that would equal about $70 billion that would be taken out of the U.S. Treasury and put into the United Nations, sent to the Seabed Authority in Kingston, Jamaica, to be redistributed around the world in accordance with whatever criteria they would have. That is a huge amount, and it is very significant, and it is specific that the figure would be up to 7 percent after the 12th year. That is a very significant amount.

When we stop and think about it, we have been talking about how we can come up with $1 trillion in the next 10 years. Now all of a sudden we have an amount that could come close to equaling that just from losing our royalties that would otherwise come to the United States of America. Of course, there is the lawsuits. I think this is significant. Under the Law of the Sea Treaty, any country could sue the United States in an international tribunal and not in the U.S. courts.

In other words, we could be subjected to lawsuits from other countries. There are already a number of Pacific Island nations that intend to sue the United States for environmental damage to their seas and air if the United States joins the Law of the Sea Treaty. In other words, we would be voluntarily allowing people to sue the United States on what they would allege to be environmental damages.

The members of the convention and regulations to prevent pollution in maritime is very specific. Article 212 of the Law of the Sea Treaty states to ''adopt laws and regulations to prevent, reduce, and control pollution of the marine environment from or through the atmosphere, applicable to the air space under their sovereignty''—we are talking about the United Nations—''and to vessels flying their flag or vessels or aircraft of their registry, taking into account internationally agreed rules, standards and recommended practices.''

If the EPA—as we found out in their endangerment finding—is able to declare an endangerment, just imagine what they could do under this case. In fact, article 235 states that countries ''are responsible for the fulfillment of their international obligations concerning the protection and preservation of the marine environment. They shall be liable in accordance with international law.''

That is why we have so many of the far-left environmental groups, such as Greenpeace, the Natural Resources Defense Council, the Environmental Defense Fund, and all of them fervently supporting this treaty because they want to use it admittedly to bring the United States and all other countries into conformity with their environmental agenda.

I am going to submit this for the RECORD. It is interesting because we have, for example, Andrew Strauss, who is a law professor and is very well known, who states that the U.S. rejection of the Kyoto Protocol ''makes the United States the most logical first country target of a global warming lawsuit in international forum.''

I commend to the attention of my colleagues the various legal entities that are rejoicing about the fact that they might be able to sue this country.

I ask unanimous consent to have printed in the RECORD a letter signed by 31 Members of the Senate stating that they will object to and vote against any ratification effort that would take place this year. It doesn't restrict it to this year. There are 31 Members.

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

Hon. HARRY REID,
Majority Leader, U.S. Senate,
Washington, DC.

DEAR MR. LEADER, We understand that Chairman Kerry has renewed his efforts to pursue Senate ratification of the United Nations Convention on the Law of the Sea. We are writing to let you know that we believe this Convention reflects political, economic, and ideological assumptions which are inconsistent with American values and sovereignty.

By its current terms, the Law of the Sea Convention encompasses economic and technology interests in the deep sea, redistribution of wealth from developed to undeveloped nations, freedom of navigation in the deep sea and exclusive economic zones which may impact maritime security, and environmental regulation over virtually all sources of pollution.

To effect the treaty's broad regime of governance, we are particularly concerned that United States sovereignty could be subjugated in many areas to a supranational government that is chartered by the United Nations under the 1982 Convention. Further, we are troubled that compulsory dispute resolution could pertain to public and private activities including law enforcement, maritime security, business operations, and nonmilitary activities performed aboard military vessels.

If this treaty comes to the floor, we will oppose its ratification.

Sincerely yours,

Mitch McConnell, Jon Kyl, Jim Inhofe, Roy Blunt, Pat Roberts, David Vitter, Ron Johnson, John Cornyn, Jim DeMint, Tom Coburn, Mike Johanns, John Boozman.

Rand Paul, Jim Risch, Mike Lee, Jeff Sessions, Mike Crapo, Orrin Hatch, John Barrasso, Richard Shelby, Pat Toomey, John Thune, Richard Burr, Saxby Chambliss.

Dan Coats, John Hoeven, Roger Wicker, Jerry Moran, Marco Rubio, Dean Heller, Chuck Grassley.

Mr. INHOFE. I also ask unanimous consent to have printed in the RECORD a separate letter that is signed by Senators PORTMAN and AYOTTE stating essentially the same thing.

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

U.S. SENATE,
Washington, DC, July 16, 2012.

Hon. HARRY REID,
Majority Leader, U.S. Senate,
Washington, DC.

DEAR MR. LEADER: Recently, there has been renewed interest in the United Nations Convention on the Law of the Sea, a treaty

completed in 1982 and modified in 1994. After careful consideration, we have concluded that on balance this treaty is not in the national interest of the United States. As a result, we would oppose the treaty if it were called up for a vote.

Proponents of the Law of the Sea treaty aspire to admirable goals, including codifying the U.S. Navy's navigational rights and defining American economic interests in valuable offshore resources. But the treaty's terms reach well beyond those good intentions. This agreement is striking in both the breadth of activities it regulates and the ambiguity of obligations it creates. Its 320 articles and over 200 pages establish a complex regulatory regime that applies to virtually any commercial or governmental activity related to the oceans—from seaborne shipping, to drug and weapon interdiction, to operating a manufacturing plant near a coastal waterway.

The terms of the treaty are not only expansive, but often ill-defined. Article 194, for example, broadly requires nations to ''take . . . all measures consistent with this Convention that are necessary to prevent, reduce and control pollution of the marine environment from any source, using for this purpose the best practicable means at their disposal and in accordance with their capabilities.'' Article 207 decrees that ''[s]tates shall adopt laws and regulations to prevent, reduce and control pollution of the marine environment from land-based sources . . . taking into account internationally agreed rules.'' Article 293 empowers tribunals to enforce not only the treaty provisions but also ''other rules of international law not incompatible with [the treaty].'' Because the treaty authorizes international legislative and judicial bodies to give shape and substance to these and other open-ended commitments, the United States would be binding itself to yet-unknown requirements and liabilities. That uncertainty alone is reason for caution.

The treaty's breadth and ambiguity might be less troubling if there were adequate assurance that it will be enforced impartially and in a manner consistent with U.S. interests. But that is not so. The United States could block some but not all actions of the International Seabed Authority, a legislative body vested with significant power over more than half of the earth's surface. Further, the treaty's judicial bodies are empowered to issue binding judgments even over U.S. objections. In some cases, the United States could elect to resolve disputes before a five-member arbitration tribunal, in which we would choose two arbitrators. But the United States would have no hand in selecting the decisive, fifth arbitrator, unless it could agree with the opposing party. Other cases would be decided by the powerful International Tribunal, which is even less accountable to the United States. Comprised of 21 foreign judges with no guaranteed U.S. seat, the tribunal can resolve any dispute concerning interpretation of the treaty. It has compulsory jurisdiction over disputes concerning the seabed beyond national borders and power to grant preliminary injunctive relief whenever it deems necessary ''to preserve the respective rights of the parties to the dispute or to prevent serious harm to the marine environment.''

The method of executing tribunal judgments further concerns us. Unlike many international agreements, key provisions of the Law of the Sea treaty are drafted to be ''self-executing,'' meaning that certain tribunal judgments would automatically constitute enforceable federal law, without congressional legislation or meaningful review by our nation's judiciary. As Justice John Paul Stevens noted in a concurring opinion in Medellin v. Texas, the Law of the Sea treaty appears to ''incorporate international judgments into domestic law'' because it expressly provides that decisions of the tribunal '' 'shall be enforceable in the territories of the States Parties in the same manner as judgments or orders of the highest court of the State Party in whose territory the enforcement is sought.' '' In other words, the treaty equates tribunal decisions with decisions of the U.S. Supreme Court. This means that private litigants will likely be able to invoke tribunal judgments as enforceable in U.S. courts—against the government and possibly against U.S. businesses. The United States will have no lawful choice but to acquiesce to tribunal judgments, however burdensome or unfair.

The treaty could also spawn international environmental tort claims directly against U.S. businesses and citizens. A federal law called the Alien Tort Statute (ATS) gives courts the power to hear ''any civil action by an alien for a tort . . . committed in violation of the law of nations or a treaty of the United States.'' Remarkably, even though the U.S. has not yet ratified the Law of the Sea treaty, the treaty has already been invoked as a basis for ATS litigation targeting industrial activities. In a 2002 lawsuit brought by residents of Papua New Guinea against a mining corporation, a federal district court in California held that the plaintiffs had stated a valid ATS claim under the environmental provisions of the Law of the Sea treaty. A panel of the Ninth Circuit agreed. Accession to the treaty would only strengthen ATS claims like this 2002 lawsuit by transforming international environmental norms into a binding treaty obligation.

In short, we are deeply concerned about the treaty's breadth and ambiguity, the inadequate U.S. input in the treaty's adjudicative bodies, and the automatic enforcement of tribunal judgments in the United States. Against these risks to U.S. sovereignty, however, we have also carefully weighed the potential benefits of the treaty.

As members of the Armed Services Committee, we are mindful that the Defense Department believes this treaty would help secure the navigational freedom of our fleet. We take this recommendation seriously and recognize that the treaty would provide an additional tool to our diplomatic and military leaders in resolving maritime disputes. We also understand the commercial interests associated with treaty accession. Several U.S. businesses have explained that the treaty would enhance investment in energy development and mineral extraction by increasing certainty about ownership claims. Specifically, the treaty would codify rights to resources in the U.S. exclusive economic zone, the extended continental shelf, and the deep seabed. It would also give the United States a formal role in the Commission on the Limits of the Continental Shelf, which is now reviewing claims by treaty members in the Arctic.

At the same time, even treaty proponents recognize that these provisions primarily clarify rights that the United States already possesses under customary international law and has other means of asserting. For example, the treaty's 200–nautical-mile rule defining coastal states' exclusive economic zones is consistent with longstanding U.S. claims. Moreover, the United States has successfully used bilateral negotiations with Russia and Mexico to define claims to the extended continental shelf in the Gulf of Mexico and the Arctic. Similarly, the treaty's navigational regimes reflect the current practices of the U.S. Navy, and we believe that our maritime interests are best secured by maintaining U.S. naval power beyond challenge.

The real issue is not whether the United States will defend its maritime rights, but rather who will have the final say on the scope of those rights. We simply are not persuaded that decisions by the International Seabed Authority and international tribunals empowered by this treaty will be more favorable to U.S. interests than bilateral negotiations, voluntary arbitration, and other traditional means of resolving maritime issues. No international organization owns the seas, and we are confident that our nation will continue to protect its navigational freedom, valid territorial claims, and other maritime rights.

On balance, we believe the treaty's litigation exposure and impositions on U.S. sovereignty outweigh its potential benefits. For that reason, we cannot support the Law of the Sea treaty and would oppose its ratification.

Sincerely,

ROB PORTMAN,
Ranking Member, Subcommittee on Emerging Threats and Capabilities, Committee on Armed Services.
KELLY AYOTTE,
Ranking Member, Subcommittee on Readiness and Management Support, Committee on Armed Services.

Mr. INHOFE. I also have a statement from the Web site of Senator ISAKSON, and I was given permission to speak on behalf of LAMAR ALEXANDER, that while he hasn't taken a position on the Law of the Sea Treaty, he does object to having it brought up this year. So we have 35 Members of the Senate who have stated they would object if it is brought up before the Senate this year.

So with these items I referenced included as a part of the RECORD, I would like to say that something isn't going to happen this year. It could be they want to bring it up, and that is up to the leader. If he desires to do so, of course, he could do it. If it does come up, it will take a lot of time from other business that this body should address.

With that, I would only say there are some 35 Members—and many more I might suggest—who would vote against it should it come up.

I have used my time, and I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mrs. SHAHEEN. I am here to be on the Senate floor to join my colleagues in support of the DISCLOSE Act. We need to bring some transparency to the secret money that is being spent on campaigns across this country.

I ask unanimous consent for the following speakers to speak in the order that I am listing them: Senator KLOBUCHAR, followed by Senator MENENDEZ, Senator SHERROD BROWN, Senator LEVIN, and then myself.

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

Ms. KLOBUCHAR. Madam President, I first want to thank the Senator from New Hampshire for his great leadership on this issue and all the Senators who have been involved. I am a cosponsor of the DISCLOSE Act, and I hope my colleagues on the other side of the aisle

will strongly reconsider that vote today so we can actually go to a vote and actually debate this bill. This filibuster is basically putting a stop to the debate on an issue that is so important.

We get calls from people all across Minnesota. Yesterday people asked me in two parades: What is going on? What are these ads that we are seeing on TV?

They have a right to know what these groups are called, no matter what their names are, who is paying for those groups, who is paying for these ads, and that isn't happening today.

I am here to focus on the public's distrust of our political process and our need to ensure that the American people have a government that is responsive to their concerns. Free and fair elections in which every American has a right to make their voice heard at the voting booth are the cornerstone of our democracy. Yet in the wake of the Citizens United decision, a flood of special interest spending has undermined the faith of the people in our elections. By loosening the rules on campaign spending, Citizens United has led to a torrent of negative ads funded not by concerned citizens participating in democracy but by unlimited special interest money.

I don't think we thought we would see the day with all of the reforms that had been made where one billionaire can write a $10 million check or $20 million check. Under the system, candidates have to report every contribution that is $200 and over, and we have to painstakingly do our reports so the world, our constituents, and reporters can see them online. We have literally hundreds of millions of dollars that are being spent where we cannot tell where that money came from. That is not right.

This type of campaign spending moves the focus of our elections away from the real issues facing American families but, worse, this unprecedented involvement of special interests in our political process has convinced the American people there is something wrong with how we conduct elections—and there is. Americans can see the increased role that special interests and even individual billionaires are playing in politics, heightening their suspicions that Washington works only for the powerful.

I constantly hear from the people of my State who justifiably believe the more money outside groups spend—secret money they are spending on these campaigns—the less their voices are heard. We cannot continue to allow faith in our democratic process to be eroded by the secretive influence of outside money. That is why I am a cosponsor of the DISCLOSE Act.

The DISCLOSE Act heeds the wisdom of Justice Louis Brandeis that sunlight is the best disinfectant and will bring accountability and transparency to the special interest money that is inundating our elections and inundating the airwaves. The act requires that certain organizations, including corporations, unions, section 527 political groups, and so-called super PACs declare their campaign spending above a certain dollar amount. The act will ensure that Americans can find out the sources of funding for advertising they seek. Most importantly, they will prevent special interests from hiding behind the curtain as they attempt to influence our elections.

By setting the reporting threshold at $10,000, this carefully crafted act we just voted to go ahead with—and, unfortunately, is blocked by a filibuster—ensures that small businesses and other organizations will not be unduly burdened and that only significant political players will have to report their spending.

I know some people oppose the DISCLOSE Act on what they call first amendment grounds, but this bill doesn't limit free speech in any way. I don't agree with the notion that contribution limits and other restrictions on campaign spending are a threat to free speech. But even if we were to accept that argument, this bill does nothing to impact free speech. It does not contain any limits on contributions or spending or make any changes to our campaign finance system, as much as I think we need to do that.

In fact, I think the best way to do that is a constitutional amendment. But that is not what we are talking about today. We are talking about a simple bill called the DISCLOSE Act, which will ensure more transparency so we know what billionaire is spending how much money in each State on the ads we are seeing on TV.

In reality it is a modest bill in comparison to the size of the problem, but it is a first step toward bringing some sensibleness back to the elections. This bill simply ensures the public has access to information about the funding behind television ads and other election materials. In fact, even the majority opinion in Citizens United discussed the constitutionality and important benefits of disclosure. The opinion itself in Citizens United said this:

> The first amendment protects political speech; and disclosure permits citizens and shareholders to react to the speech of corporate entities in a proper way. This transparency enables the electorate to make informed decisions and give proper weight to different speakers and messages.

The Supreme Court actually anticipated that Congress—in this decision that I don't agree with—might put some disclosure rules in place, but today we were blocked from doing that. Our campaign finance laws already require that many individual contributions, as I noted, be made public. I see no harm in holding outside groups and outside individuals to the same level of accountability.

Finally, this should not be a partisan issue. Senators in both parties have been leaders on campaign finance reform. As everyone knows, Senators MCCAIN and Feingold championed the most significant reforms in many years, and this bill is much less dramatic than those reforms.

I ask my colleagues to reconsider their vote. Our democracy literally depends on this. We have to know who is spending money so we can figure out why they are spending the money so people will understand the true intent behind these ads. They can't do it if they don't have the information, if someone is just pulling a curtain over their heads so they cannot see anything except the noise on the screen. They need to know what is behind it.

Thank you, Madam President. I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Madam President, I am pleased to join my colleagues in speaking about the DISCLOSE Act and why this is so critically important for our democracy. I appreciate the leadership of several of our colleagues in this respect.

For the last 2 years our democracy has been hijacked by powerful special interests. Tonight we had the opportunity to begin repairing the fabric of our Nation's democracy before permanent damage is done. Unfortunately, Republicans decided not to put our democracy back on the right track.

Out there, in this Presidential election season, murky special interests are spending unlimited amounts of corporate money. It is even possible that foreign governments can determine it is in their interests to funnel vast amounts of money to influence American political elections. Think about a country that does currency manipulation, that violates trade agreements, that steals intellectual property rights. Those of us who oppose those types of actions taken by other countries that are against the national economic interests of the United States could easily see that money flow through U.S. subsidiaries. That money could ultimately end up in campaigns to say: We do not want this Member of Congress, who is standing up for the interests of the American middle class and American businesses against our interests. We want to be able to continue to manipulate our currency, to be able to continue to steal intellectual property rights, to be able to continue with impunity to violate trade agreements.

That is possible as the law exists now. I believe we have a patriotic obligation to protect our electoral system from that kind of influence. These anonymous secretive interests—mostly corporate—aren't spending money because they want to feel like a part of the process, they are spending money for a purpose. They have a reason and, no doubt, a self-interest. One doesn't spend tens of millions of dollars without having a self-interest. Is this what our Founding Fathers had in mind? We should know who they are and what is their agenda.

Since the Supreme Court made its ruling in Citizens United allowing corporate interests to spend money unlimitedly, the money has been more than trickling in, the money has been a torrent, a tsunami of unlimited cash. According to the New York Times, independent groups have spent at least $118 million since the start of the Presidential campaign. One super PAC alone has spent over $57 million.

If my colleagues do not believe me, listen to Michael Toner, the former Chairman of the Federal Election Commission, who said: ''I can tell you from personal experience the money's flowing.'' The money is flowing. This begs the question, Where is this money flowing from and where is it going? Who is behind the cash and what is to prevent foreign government interests from influencing our elections? What is to stop foreign influence in American elections other than complete disclosure?

If corporations are spending money to influence elections, it is for the sole purpose of improving their own bottom lines. And this undermines the very essence of our democracy, where individual citizens are the ones who should determine the outcome of elections, not murky, shadowy, multibillion-dollar corporate interests or, worse, a foreign government. Disclosure, full disclosure, is what we need, and that is what we should demand before the people lose control of our electoral process.

That is why I introduced another bill, the Shareholder Protection Act—a commonsense proposal that gives real people a say in the process. If the Supreme Court's position, which, obviously, is the law of the land, is that a corporation is a person and therefore can go ahead and spend in Federal elections, then since the corporation's money belongs to the shareholders, it is only right that they have a voice on how their money is going to influence elections.

My bill would require shareholder approval of corporate political spending. This basic step would ensure that corporations' political activities actually reflect the will of their shareholders. If, as the Supreme Court ruled, corporations have free speech rights, then their shareholders should have control of that speech. The Shareholder Protection Act does that by giving shareholders the opportunity to exercise their free speech rights. But until we can reach consensus on my proposal, the least we can give the American people is the right to know who is trying to influence them.

I think these are basic principles of a democracy. There are basic principles in our democracy on which both parties should be able to agree.

Imagine the influence of the big five oil companies on American elections. In March, 47 U.S. Senators voted against repealing $24 billion in oil subsidies over the next 10 years. We know from their publicly disclosed donations that these 47 Senators received over $23 million in donations from oil companies over the course of their careers. So after the oil companies fought tooth and nail to protect the taxpayer subsidies—the $24 billion they get, which costs us as taxpayers $76 dollars every second—do we think they wouldn't spend millions more in support of what they want? Now they can give unlimited amounts of money to super PACs without ever disclosing the contributions.

In another example, Alliance Resource Group, a coal company, gave over $2.4 million to Karl Rove's super PAC, American Crossroads, which then turned around and funded advertisements targeting important environmental protection regulations. They are using unlimited corporate funds to influence our elections and our Nation's energy policy to protect their bottom line, regardless of the consequences to the air we breathe and regardless that States such as mine suffer from too high of an incidence of respiratory illnesses and cancers. They basically spend whatever it takes to buy their right to continue to pollute the air we collectively breathe.

I could go on and on with examples of why special interests would very well spend in Federal elections to dictate policies that ultimately would hurt everyone but the special interests. That is what we are fighting against. This legislation is the first step in undoing that.

The American people deserve to know who is giving more than $10,000. I don't believe that is too much to ask. As a matter of fact, all of us who run in this body for the Senate and all who run in the House of Representatives—all of our contributors are subject to disclosure. So if the donation of an average citizen back at home is subject to disclosure, why can we not at least have that corporation disclose when they give over $10,000 to one of these shadowy super PACs? The average citizen has to disclose but the corporations don't. Isn't something wrong with that equation?

I see why we can't get a vote on the other side of the aisle because, overwhelmingly, they are receiving the benefits of this undisclosed, shadowy money. But is that truly the American way? Is that why we came to this institution? I thought we came for the very essence of what our democracy is about, which is clear, open transparency at the end of the day. Is that what the average voter wants to see in terms of this democracy? I don't think so.

I leave my colleagues with this simple message: Our democracy was founded on the principle of an open and honest debate, but without disclosure we get neither. All we get are commercials on television and we don't know who is paying for them; we don't know what their interests are; we only know the negativity that flows from it, but we get none of the people behind it, none of the corporations behind it.

Again, they will not spend tens of millions of dollars to just simply participate in the process. If they want to participate in the process, they can disclose, as does every other citizen. There is no reason they shouldn't disclose. If there is a reason why any company is spending money to make a case for what they believe is good public policy, fine. Let them disclose. But to vote against disclosure as a simple element of preserving our democracy is beyond my comprehension.

I hope, as the electorate sees these advertisements without disclosure, they will say to themselves: Who are the people behind these advertisements? Where are all of these millions of dollars coming from, and what is it that they want for their money? When we ask those questions, in the absence of simple disclosure, I think we will come to understand who these shadowy figures are and what they really want. That is why we should pass the DISCLOSE Act, and I hope we get another chance to get our colleagues to reconsider.

With that, I yield the floor.

The PRESIDING OFFICER (Mr. MERKLEY). The Senator from Ohio.

Mr. BROWN of Ohio. Mr. President, I think Senator MENENDEZ asked the right question in the absence of this Chamber doing the right thing, and that is staying consistent with what the Republican leader, Senator MCCONNELL, said some years ago. He said that sunlight is the best disinfectant and that we should disclose everything. He wanted unlimited—mostly, I believe, if I recall, unlimited contributions but full disclosure. He has changed his position. I assume it is to protect the oil industry and perhaps the Chinese money that is coming in in these elections or the big Wall Street banks that have opposed my election, as well as the Presiding Officer because of his work on banking issues, and will come in against him in Oregon.

I stand behind this idea Senator MENENDEZ suggested, which is that if the Senate won't move, voters will start asking the question, Who is giving this money, and why are they putting in this kind of money?

I rise—and I thank Senator SHAHEEN for her leadership—because big corporations and wealthy investors are flooding our elections with campaign money. They are looking for gain. We don't really know whom the money is from. We can guess. In my State, we think it is oil companies. We think it is Wall Street banks. We think it could be money from Chinese interests, whether it is money laundered from China through American corporations or directly from American corporations that specialize in outsourcing jobs to China and making more money. Look what happened with the Olympics just recently, if that doesn't sort of beg the question.

We know that these dollars in Ohio are drowning out the voices of working middle-class people in my State and

across the country. Consider this: The television market in Cleveland, OH, is the 18th largest media market in the country.

Lots of cities come to mind that are larger: Philadelphia, Houston, Detroit, New York, Chicago, L.A., San Francisco, Washington, DC, Boston. Many cities, many media markets are larger than Cleveland, the 18th largest television market in the country, which includes about 1.5 million viewers. Cleveland is now No. 2 ranked in the country in political spending—again, larger than New York and Chicago and Philadelphia and Houston and San Diego. Only Los Angeles has had more money spent in its TV market than has Cleveland.

The Columbus market—still significant but smaller than Cleveland's—is not far behind in political spending.

Why is that? The Presidential race in Ohio; the Senate race in Ohio; a congressional race in Ohio with two incumbents, one a Democrat and one a Republican, facing off, with most of the money spent by special interest groups; undisclosed, secret money on Cleveland television and Columbus television, mostly against candidates, mostly against incumbents, mostly against people who have a history of standing for the middle class against oil company interests, who have a history of standing for jobs and against bad trade agreements where companies outsource to China—which they benefit from—standing for Wall Street banks that have done significant damage to our country and to our economy.

We do not know for sure where this money comes from. They will not disclose it. The people paying for these ads are simply unwilling to step out of the shadows. It is not hard to guess, but we simply cannot prove it.

At the same time, as to all these ads that have come into Cleveland and have come into Columbus and all over my State, nonpartisan fact-check organizations have discovered that many of these ads in my State are false. They have a rating—they have a ''true,'' ''mostly true,'' ''mostly false,'' ''false,'' and the worst rating is ''pants on fire.'' ''Pants on fire'' suggests that people running these ads or groups making these statements willfully disregard the truth or, to put it more succinctly, simply lie. We are seeing, in many of these ads that are run by these special interest groups, they are simply lying. They get a ''false'' or they get a ''pants on fire'' rating from PolitiFact, a national organization which won the Pulitzer Prize, is nonpartisan, and has no partisan leanings, no ideological leanings.

It is no surprise people paying for these ads do not want to be associated with them. If they are an oil company, they do not want the public to know how they are lying. If they are an American corporation that outsources to China, they do not want the American people to know they are the ones paying for these ads and lying.

That is why this legislation is so important. These wealthy, unnamed, out-of-State donors can get away with this—we know this by now—because the Supreme Court's Citizens United decision sweeps aside decades' worth of established jurisprudence and allows corporations and very wealthy individuals to spend as much as they like to defeat politicians who do not do their bidding.

Big businesses and billionaires should not be able to buy elections and citizens should know who is behind the ads aimed at winning their votes.

In one of his fireside chats—in a very different political environment, with very different media available to them—President Franklin Roosevelt said the ''use of power by any group, however situated, to force its interest or to use its strategic position in order to receive more from the common fund than its contribution to the common fund justifies, is an attack against and not an aid to our national life.''

In a nutshell, President Roosevelt said—he could have been speaking to this issue today—that he called them the ''malefactors of great wealth.'' He called them ''economic royals.'' He called them a lot of things—very wealthy people who had disproportionate influence on their national government, even with a President who was fighting for the middle class, who was fighting for the common man against these interest groups.

That is why the Democracy is Strengthened by Casting Light on Spending in Elections Act, the DISCLOSE Act, matters. We need to pass this bill.

The DISCLOSE Act would ensure greater accountability and transparency in corporate political spending by requiring the disclosure of campaign-related fundraising and spending by outside groups.

Over the course of the past 2 years, we have seen politics increasingly influenced by millionaires and billionaires who secretly give unlimited amounts of money to manipulate American politics. These multimillionaires are trying to secretly buy elections.

The DISCLOSE Act would prevent these corporations and wealthy individuals from using shell front groups to hide their donations from disclosure.

By giving millions of dollars in secret money, these megadonors are looking to cash in on policies that will benefit their business interests.

I do not want to make this about my State. I mentioned the huge money in Cleveland, the huge money in Columbus. We are seeing it in the Toledo market. We are seeing it in the Dayton market, the Cincinnati market, the Youngstown market, even those TV markets on the periphery of the State that serve other States: Wheeling, WV, Parkersburg, WV, Charleston, Huntington, WV, Fort Wayne, IN—States where you might buy the television time that Ohioans will see.

I do not want to make this about my campaign. In my campaign, we have seen already, in Ohio, $2.5 million in special interest money, laundered—and I use that term advisedly—laundered through groups such as the U.S. Chamber of Commerce, laundered through groups such as Crossroads—that is the group associated with George Bush's political director, whatever his title was—money coming through 60 Plus, money laundered through Concerned Women for America—who decidedly are not, I might add—money laundered through all kinds of organizations; undisclosed, secret money that comes in and does attack ads against elected officials.

I can stand on my own. I am not all that concerned about what it means to me. I am concerned that those groups, undisclosed, want to buy elections. Do you know why they want to buy elections? They want to buy elections so they can continue the subsidies they get and the tax break for the oil companies. They want to buy elections so they can continue to outsource jobs to China and write trade rules that make it easier and more profitable to do that. They want to buy elections because they want to stop our efforts to force the six largest banks in the country—the Wall Street banks—to divest some of their earnings. They are not just too big to fail, they are also too big to manage and too big to regulate.

They want to buy elections, these outside groups, because they want to continue the preferential treatment they get in this Congress when they are drug companies and to stop generic drugs and to stop negotiation directly with the drug companies to save money for seniors for their pharmaceutical drugs.

That is what they have at stake—always, frankly, against the public interest, always an attack on the middle class, always an assault on people who simply want an opportunity to get ahead in this country—just an opportunity, not a gift, not a handout but an opportunity to go to college, an opportunity to go to the local—to go to Lorain County Community College, an opportunity to go to school and be able to pay back their loans, an opportunity to get a decent job and stay in the town they grew up in so they can raise children around their grandparents—all the kinds of things most Americans agree with.

The DISCLOSE Act would prevent these corporations from continuing to deceive the public and simply not informing the public of what is happening. Their priorities erode protections and safeguards for middle-class workers and their families. They seek to extend tax shelters for the top 1 percent. This is not just an attack on the integrity of our democracy. That is fundamentally what it is, but that is not why they do it. They do it because it is a direct assault on middle-class families and working Americans.

The 1 percent will do increasingly better because of Citizens United. The 1

percent is mostly behind these efforts and mostly behind the efforts to defeat the DISCLOSE Act.

Democracy demands openness in the public square, in our public conversations, and in that most sacred democratic tool: our elections. Under Citizens United, what we have is a sale—not a democracy—it is an auction going to the highest bidder. It is not an election.

Our Nation's highest Court took an issue that was not even presented to the Court and decided to overturn a century of legal precedent. Our largest companies straddle the globe. They wield enormous influence already. The top Fortune 500 companies reap billions in profits. The average Ohio household struggles to break even, as does the average household from Senator WHITEHOUSE's Rhode Island and Senator SHAHEEN's New Hampshire.

The largest corporations leverage their enormous economic power into seemingly unchecked political clout.

In 2011, corporations spent $3.3 billion lobbying Congress to influence legislation—$3.3 billion to lobby Congress—exerting far more influence on our political process than they should.

We know they spent this $3.3 billion because they were required by law to disclose what they spent. My guess is, if that law did not exist that they had to disclose what they were spending on lobbying, some of my colleagues would vote against disclosure for them, what they are spending to influence elections. So they spend $3.3 billion to lobby. They spend hundreds of millions of dollars on elections. They work to repeal and roll back voter rights.

The PRESIDING OFFICER. The Senator has used 10 minutes.

Mr. BROWN of Ohio. I will wrap up. Thank you. I ask unanimous consent for 1 more minute.

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

Mr. BROWN of Ohio. We have no idea, though, what these groups are spending as they try to undermine our electoral system. What we know is that corporations and roving—if I could use that word—front groups are already pouring hundreds of millions into campaigns.

The DISCLOSE Act can help clear these murky waters. The question ultimately is, if we cannot pass this, then our citizens need to ask us: Why are they spending all this money? Who are these people spending this money? Who is spending it? Why are they spending tens of millions in my State and other States around the country? What is it they want? When voters start asking that question, I think the answer will be pretty self-evident.

I thank Senator WHITEHOUSE and Senator SHAHEEN for their work on this issue.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, first, let me commend Senator WHITEHOUSE, Senator SHAHEEN, and all those who have worked so hard with them to bring this cause to the public forum.

The genius of our Founding Fathers was to establish a system of government in which the governed determine who represents them. It is easy for us, more than two centuries removed from their achievement, to lose sight of just how remarkable that achievement was. They overturned untold centuries of human history during which those with wealth and power made the decisions and everyone else had little or no chance to influence how they were governed.

The remarkable system the Founders created has endured through war, crisis, depression, and doubt. But we should not mistake that endurance for automatic permanence. Democracy requires that we maintain the vital connection between the people and their elected representatives. It must be the voters and not the influential few who choose our Nation's leaders. If the people begin to doubt their central role in our government, it will be corrosive to democracy.

In recent months, there has been reason for just such doubt. A Supreme Court ruling has opened our system to a flood of unlimited and secret special interest money. Inexplicably, a one-Justice majority of the Court decided in the Citizens United case that such unlimited, anonymous donations ''do not give rise to corruption or the appearance of corruption.''

Many of us believed from the moment that decision was handed down that the Court's majority was badly mistaken. But events since that day have left little doubt. We have, in recent months, seen the dangerous consequences of the Court's ruling: a deluge of unregulated funds that has threatened to upend the election campaign for our Nation's highest office, a flood whose organizers vow will upend congressional campaigns across the Nation this summer and fall.

Through super PACs and through supposedly regulated but, in fact, actually unregulated nonprofit organizations, the conduits through which this flood of secret money flows, millionaires and billionaires already have made massive donations to fund a barrage of attack ads, drenching and smothering the voices of those who are to make the decisions in our democracy—the people.

According to the Center for Responsive Politics, an independent watchdog group, as of mid-July, these super PACs have raised more than $244 million to influence elections. Individuals and corporations can make unlimited donations to these super PACs whose donations are supposed to be disclosed. But the Court's decision opened the door not just to individuals and corporations seeking to influence elections with unlimited contributions, this ruling, combined with the IRS's failure to strictly enforce our laws on the operation of nonprofit groups organized as social welfare organizations under section 501(c)(4) of the Internal Revenue Code, allows them to seek this influence with spending that is not only unlimited but is also secret because there is no requirement that donations to those 501(c)(4) organizations be disclosed to the public.

Donors can seek to influence an election with huge sums of money and can do so now without even having to disclose their involvement. They do so covered by the figleaf that the nonprofit groups to which they donate are dedicated to ''social welfare,'' rather than partisan politics. That fiction dissolves the moment one looks at these social welfare attack ads that the IRS is, so far, blind to.

According to an analysis of TV ad spending data by the Campaign Media Analysis Group, two-thirds of all ad spending by outside groups so far during this election cycle has come from nonprofits subject to no Federal public disclosure rules. Much more is on the way as election day approaches this fall.

The organizations now spending millions of dollars to influence elections were set up for that explicit purpose, to campaign for candidates they favored and against candidates they opposed. Yet they preserve their nonprofit status and their secrecy by relying on a contradictory regulation and guidance from the IRS.

This is how it works. In order to keep their tax-exempt status and keep donor names and donation amounts secret, organizations are set up as ''social welfare'' organizations under 501(c) of the Internal Revenue Code.

For example, 501(C)(4), which is a very popular section of the Code for these organizations to claim, requires that an organization be operated ''exclusively''—I repeat—''exclusively for the promotion of social welfare''. Yet in the regulation implementing this statute, the IRS says: ''An organization is operated exclusively for the promotion of social welfare if it is primarily engaged in promoting in some way the common good and general welfare.''

Under this regulation, according to the IRS, to qualify as ''exclusively'' dedicated to social welfare, you need only be ''primarily'' interested in social welfare. That does not fit any reasonable definition of ''exclusively'' that I know of.

I have expressed my concern to the IRS about this. I pointed out to the IRS that the IRS took a stand on this issue once before. In 1997, it denied nonprofit status to an organization called the National Policy Forum. The IRS position then was that ''partisan political activity does not promote social welfare.''

Yet the IRS's determination of a group's tax-exempt status can take 1 year. Therefore, even if the IRS determines that these organizations are not

legitimately ''social welfare'' organizations, it will likely be too late. The secret money will have already been donated and spent. The elections will be over.

The contradiction in the IRS regulation is reflected in IRS literature designed to guide the operation of nonprofits. IRS officials pointed me to information on the agency's Internet that states: ''The promotion of social welfare does not include direct or indirect participation or intervention in political campaigns on behalf of or in opposition to any candidate.''

But in the very next sentence on that same Web site, the guidance says, ''A social welfare organization may engage in some political activities, so long as that is not its primary activity.'' So that contradicts the plain assertion in the previous sentence that ''social welfare advocacy does not include campaigning.''

It also then leaves open the question of the definition of ''primary'' activity. An IRS publication on nonprofit organizations contains the same contradiction. It says:

Promoting social welfare does not include direct or indirect participation or intervention in political campaigns on behalf of or in opposition to any candidate for public office. However—

It goes on to say—

if you submit proof that your organization is organized exclusively to promote social welfare, it can obtain an exemption [from taxes] even if it participates legally in some political activity on behalf of or in opposition to candidates for public office.

That makes no sense. If partisan activity does not meet the IRS definition of ''promoting social welfare,'' how can an organization that participates in partisan activity possibly be ''organized exclusively to promote social welfare''? So rather than providing clarity, the IRS is perpetuating ambiguity. It should promptly end this ambiguity.

We also have a responsibility to act. The Senate and the Congress should act to prevent these organizations from continuing to benefit from their tax-exempt status and hide their donor information. They should be required to disclose the donor and contribution information and stop hiding behind their nonprofit status. The facade of these TV ads not being partisan politics needs to be swept away. It is that simple.

We have seen repeatedly the corrosive effects of secret money on the political process. We need to look to history, including modern history—the Watergate scandal, a single incident in U.S. modern history that most damaged public confidence in honest government involved burglaries——

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

Mr. LEVIN. I ask unanimous consent for an additional 2 minutes.

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

Mr. LEVIN. Mr. President, the Watergate scandal, which is the single incident in modern U.S. history that most damaged public confidence in honest government, involved burglaries and dirty tricks that were paid for using secret campaign donations. Even by the weak standards of the time, much of the secret money was illegal.

More than 20 corporations and organizations were fined and some executives went to jail because their secret payments to the Nixon campaign violated the law. Now a donor can make such secret donation dedicated to who knows what nefarious purpose and spend unlimited amounts in secret with what has, to this point, been the acquiescence of the IRS.

Post-Watergate history warns us as well. We are all familiar with the revelations about former Senator John Edwards. His personal failings got most of the media attention, but let's not forget the financial heart of his problem: While running for President, he sought and received secret amounts of cash from a major campaign donor in order to conceal embarrassing facts that might damage the campaign. Yet huge secret payments to campaigns at this moment in our history are rife.

We need to look no further than this capital city in which we work to see the dangers of secret money. The residents of Washington, DC, have learned in recent weeks that the current mayor benefited from what Federal prosecutors have called a ''shadow campaign'' of huge secret donations from a major city contractor. The chief Federal prosecutor has said: ''The 2010 mayoral election was corrupted by a massive infusion of cash that was illegally concealed from the voters of the District.'' If true, these charges mean that a campaign donor with a major financial interest in city government decisions sought to influence the election of the city's mayor using huge secret payments that concealed his involvement.

Do any of us doubt that individuals and corporations with a vested interest in Federal Government outcomes are spending huge sums of money to influence those outcomes without ever having to disclose their involvement to the public? People may go to jail for such spending in the Washington, DC, election. Yet secret spending is common practice in campaigns for the highest offices in our country.

This is not the democracy that men and women have fought to protect throughout our history. It's not the democracy the Founders adopted in our Constitution. As Adlai Stevenson once put it: ''Every man has a right to be heard; but no man has the right to strangle democracy with a single set of vocal chords.'' Yet this torrent of unregulated money threatens to strangle the voice of the people.

Mistaken though it may have been, the Supreme Court's decision stands until it is reversed. We are committed to uphold the rule of law even when we disagree with the Supreme Court's interpretation of the law. But we must be equally committed to the fight for a vibrant, open, representative democracy, one in which elections are determined not by the secret spending of billionaires, but by the will of the people.

The bill we seek to vote on would take an important step toward mitigating the damage of the Citizens United decision. The DISCLOSE Act of 2012 would help shine the light of day on what has been, since the Court's ruling, an underground sewer flow of hundreds of millions of dollars. It would require nonprofits engaged in partisan political activities to disclose their major donors and their expenditures. It would not stop the flow of unlimited money, because we cannot under the Citizens United ruling, but it would at least ensure that the people know who is trying to influence elections.

The Supreme Court has consistently maintained that requiring disclosure is constitutional. Even in the Citizens United case, the Court's majority said, ''Disclosure permits citizens and shareholders to react to the speech of corporate entities in the proper way. This transparency enables the electorate to make informed decisions and give proper weight to different speakers and messages.'' Indeed, the majority's reliance on disclosure is key to their argument that unlimited spending from corporations would not create corruption or its appearance. The same Supreme Court that has allowed this flood of money has said Congress can require it to be disclosed. We should do so, and so promptly.

It is difficult to understand why Members of the Senate could oppose these simple, straightforward disclosure requirements. It is difficult to imagine that we would be comfortable telling our constituents that we voted to uphold the veil of secrecy that now shields this flood of money from public view. And it is even more remarkable that some of us would vote, not just to maintain that secrecy, but to prevent the Senate even from debating it. The filibuster of this legislation, if successful, will signal shocking acquiescence to a system in which the wealthy, fortunate few can seek to shape the outcome of elections in secret, without the Senate even voting on whether to continue that secret system.

There are those in this body who defend the flood of secret cash in our politics. It is hard for this Senator to understand how those Senators explain to their constituents that they do not deserve to know who is spending millions to influence elections. But it is doubly difficult to accept the refusal of my colleagues to allow us to vote on this bill by filibustering the motion intended to let us proceed to that vote.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mrs. SHAHEEN. Mr. President, since the Supreme Court's decision 2 years ago in Citizens United, we have seen a new system of campaign finance emerge. Without limits on donations or limits on spending by outside groups

such as super PACs, we have been inundated with mostly political advertisements while candidates from both sides of the aisle struggle to raise more and more money just to keep up.

Nearly $170 million has been spent so far in this election cycle by outside groups, and that does not include much the candidates themselves have spent. Just think what good we could do with that $170 million. The rising influence of donors and corporations is a problem. But the larger issue, and the one we are here to talk about—and I wish to recognize the leadership of Senator WHITEHOUSE from Rhode Island, who has done such a great job of raising the importance of this issue. The larger issue is the prevalence of secret money that is increasingly making its way into our campaigns. Millions of dollars of untraceable money have already been spent during this election. This spending is unacceptable because there is too much at stake in this election for Americans who are struggling. By that, I am not talking about the secret donors who can afford to spend millions of dollars on secret political ads. I am talking about middle-class families who are struggling with their mortgages, trying to pay for college, fighting to get their credit card payments mailed in on time. These are the Americans who need our attention.

They deserve to know who paid for the most recent negative ad they see on their television. The truth is middle-class families will not be able to catch a break unless we start by reducing the influence of special interests, of big donors, and of corporate lobbyists, and that is what the DISCLOSE Act is about. That is why it deserves our support.

We have heard Senator LEVIN speak very eloquently to the 501(c)(4) organizations, those organizations that are allowed to keep their donors secret. In many cases, they are actually allowed to deduct those contributions. Those secret donors can deduct those contributions from their taxes. It is hard to understand why they should be allowed to do that. It is not right. It is not fair. We need to change the system.

Some have objected to requiring disclosure of donors because they say it undermines free speech. Let me address that. Because our democracy is based on the free exchange of ideas—and political speech should enjoy the highest level of protection—we should recognize that citizens always have the right to speak and be heard, especially on matters as important as who should represent them in Washington.

That is not what the DISCLOSE Act is about. It is precisely because we need to make sure citizens stay involved in the political process that we need this reform, because freedom of speech does not mean freedom of secrecy. Anonymous political speech by these organizations has no place in our democracy. Accountability, transparency, and credibility must be preserved in our political system.

When I talk to voters in New Hampshire these days, they are not optimistic about being heard in Washington. According to the Granite State Poll that is done by the University of New Hampshire, three-quarters of our New Hampshire adults think Members of Congress are more interested in serving special interest groups. One-quarter of New Hampshire adults think they have no influence at all on what the Federal Government does.

People throughout New Hampshire and throughout this country do not believe their interests are being represented. What they do support is the kind of legislation we are talking about in the DISCLOSE Act. Three-quarters of New Hampshire adults strongly support a law that would require corporations, unions, and nonprofit groups to disclose their sources of spending when they participate in elections, and this support is not limited to New Hampshire.

According to a Greenberg-Quinlan poll recently, 77 percent of voters nationwide, regardless of party, say reforming our campaign finance system is very important.

I get a lot of cards and letters from people. Most of the people who write to me and write to all of us sign their names. Because they sign their names, we know who they are and we can respond. We can correct misunderstandings. We can engage in a discussion with them about policies before the Congress. The same should be true for political speech.

Justice Antonin Scalia once wrote—and we put this on poster board because I thought it was so apropos to what we have been talking about with the DISCLOSE Act. He said:

> Requiring people to stand up in public for their political acts fosters civic courage, without which democracy is doomed.

It is important for donors to own their participation. That is what the DISCLOSE Act is about. That is why we should all vote to support it.

I can't finish my remarks without talking about a New Hampshire woman who really represents what we are talking about when we talk about participation in the political process. Her name was Doris Haddock, or Granny D, as we in New Hampshire knew her. Some people may remember that when she was 89 years old, she started walking across America to call attention to the importance of campaign finance reform. In the 14 months she took to walk across this country—and she turned 90 on the way—she traveled 3,200 miles, went through four pairs of sneakers, and everywhere she stopped, she talked about the importance of addressing campaign finance reform so that ordinary Americans could be heard.

Well, Granny D died 2 years ago at the age of 100.

She left behind 2 children, 8 grandchildren, and 16 great-grandchildren. She also left behind an incredible legacy that embodies the importance of what the first amendment was designed to protect and what it need not protect.

We need to make sure people like Granny D can continue to be heard regardless of how much money they have. That is why we need the DISCLOSE Act. The first amendment doesn't protect the rights of shell corporations and dummy organizations to flood our airwaves with negative ads using money from anonymous donors. Let's take a lesson from Granny D and take a stand and pull back the curtain to see who is behind all of this secret money. The DISCLOSE Act will allow us to do that. That is why we should support its passage. I hope our colleagues on the other side of the aisle will decide they should join us. It is critical to our democratic process.

The PRESIDING OFFICER. The Senator from Montana.

Mr. TESTER. Mr. President, I rise this evening in support of the DISCLOSE Act, legislation to shine some sunlight onto our elections, to restore transparency and accountability into this Nation's political campaigns.

The DISCLOSE Act is a responsible step toward making sure that people decide the course of our future; that people make their own choices based on good information; that people always have the ability to hold this government accountable through transparency.

Right now, that's not the case.

On January 21 of 2010, the U.S. Supreme Court made a decision that gave power to corporations to spend unlimited money on political campaigns—with no transparency whatsoever.

That includes foreign corporations, by the way. So, for example, it would be pretty easy for a Chinese company to start spending a lot of money to influence American elections, again, with no transparency whatsoever.

The Citizens United decision has already dealt a blow to our democracy. It is allowing a handful of billionaires, corporations and secretive groups that represent special interests to try and buy votes.

That already happened in Montana once. And the people of Montana put a stop to it one hundred years ago.

At the turn of last century, one of the world's wealthiest men literally bought himself a seat in the U.S. Senate. His name was William Clark. He was one of the mining barons of the Gilded Age. Mr. Clark left his mark across this Nation. In fact, Clark County, Nevada, is named for him.

Back then, Montana's legislature got to choose who served in the U.S. Senate. So William Clark paid as many legislators as he could to send him to Washington.

In fact, he spent a staggering $431,000 buying his Senate seat in 1899. That's equivalent to about $11 million today.

This bold bribery was a national scandal back then. And it shaped Montana forever. Because of what William Clark did, Montana passed a law in 1912

limiting the influence of wealthy corporations over our elections.

And just as important, the scandal showed us that as Montanans, transparency prevents corruption. Transparency allows for accountability.

Mr. President, transparency in government is a fundamental value in Montana.

A few weeks ago, the U.S. Supreme Court struck down Montana's important 1912 law to guarantee transparency and accountability in our elections.

Citing its own Citizens United decision—and the idea that corporations somehow have the same rights as individual people—the U.S. Supreme Court tossed out Montana's century-old law.

Now the secretive special interests are taking full advantage of this uneven playing field. They are buying up millions of dollars of time on the airwaves, blanketing Montana with lies and distortions in order to influence voters. And Montanans are getting sick of it.

Like 100 years ago, a few millionaires and billionaires are bankrolling secretive campaign spending.

And they are steamrolling our democracy, because they are doing it in secret, with no accountability and transparency.

I support undoing the Citizens United decision by amending the U.S. Constitution. That's a heavy lift. But it's one I, along with many of my colleagues, support. And in the meantime, let's make our elections more transparent. I join most Montanans when I say that any money spent influencing voters ought to be transparent, no matter where it comes from.

That is exactly what this DISCLOSE Act does.

Mr. President, I don't think anyone here has heard complaints about too much transparency when it comes to political TV ads.

The DISCLOSE Act requires any organization or individual who spends $10,000 or more on a political campaign to report that expenditure within 24 hours.

No organization or type of organization is exempt. It applies to superpacs, unions, and so-called ''issue advocacy'' organizations.

That is not stifling free speech. That is responsibility. It is accountability.

The DISCLOSE Act strengthens our freedom to make' informed decisions about our democracy.

And for folks in Montana, it's a chance for us to put our priorities back ahead of special interests, for Montanans to make their own choices free from the influence of unlimited spending by multinational corporations.

It's what the people of this Nation deserve. I urge all of my colleagues to vote for that transparency.

A vote against the DISCLOSE Act is a vote to allow secretive special interests to buy something that should never, ever be for sale—our democracy and the power to make our own decisions, with good information, full transparency, and full accountability.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. NELSON of Florida. Mr. President, before the Senator from Montana leaves, I want to ask him a question. Did he hear, earlier this evening, a Senator come out here and say he thought the DISCLOSE Act would intimidate people from participating in the political process? Is the fact of disclosing where the money is coming from supposed to be an intimidation?

Mr. TESTER. Well, anytime transparency and accountability is an intimidation, that means there is a different agenda behind that money. I say that I think the DISCLOSE Act is a well-crafted, smart bill that allows transparency and accountability in our election process. When accountability and transparency become a bad thing, we are in big trouble in this country.

I thank the Senator for the question.

Mr. NELSON of Florida. Yes, indeed. I thank the Senator for his comments. My comments will be very similar because the DISCLOSE Act is a very simple piece of legislation, and it is about letting people know who is spending money and how much in order to influence elections, and therefore not to allow the democratic process of electing officials to be taken over by a few superdonors who pay for these slash-and-burn negative ads that are also, by the way, patently false.

I have had $8 million of negative attack ads run against me. Every independent fact-checking organization has said they are either false or pants-on-fire false. Yet the public doesn't know where the money is coming from in order to run these kinds of ads.

I really have never seen this kind of situation we are facing this year because this 5-to-4 Supreme Court decision has left the door open for these megadonors to secretly finance and propel the flow of false information. It is not just happening in my State; we are hearing that it is happening in a bunch of States. It is not just in Senate elections; it is happening in elections at all levels, including the Presidential election. What is happening is that these people and these organizations are donating so they can satisfy their own agendas, and they do so in their own self-interest, to see that it is going to be protected in Washington. The ones who are running ads in my State of Florida clearly don't care about Florida; they care about their own political agenda. In essence, they are trying to buy elections.

So with this new crop of secretive donors seemingly popping up—new ones every day—there doesn't seem to be an end in sight. That is why we need a law like the DISCLOSE Act. Voters need to know who is influencing the elections. We as Federal candidates have to know basically every dime of political contributions and—oh, by the way, we are limited in the amount of contributions per contributor that we can take, and we can only take from people, not from a corporation. We are obviously seeing how distorted the implementation of this 5-to-4 Supreme Court decision is in this law. That is why we have to pass a bill to at least bring it out into the sunshine.

In this Citizens United 5-to-4 Supreme Court decision which allows these unlimited donations, the Supreme Court even said in a part of the opinion that there is a need for transparency. Well, that is what we are trying to accomplish with this legislation. The Supreme Court, in its opinion, said that voters should be well informed about the group or the person who is speaking in what they consider free speech. Well, that is exactly what this legislation intends to do. It informs the electorate, makes sure they have the information they need to judge the message for themselves.

This onslaught of unlimited, anonymous contributions puts everyday folks at risk of having their voices drowned out by the billionaires and the corporations. If the campaign law says the average person has to disclose their contribution to a candidate, why shouldn't billionaires and millionaires have to do so as well? It is a question of fairness. There should not be two sets of standards for political contributions.

That is why we are here on the Senate floor well into the night supporting the DISCLOSE Act. We ought to pass this bill. Yet you see partisan politics at its worst when the votes are being recorded. It is simple. It says what has already been described: The person who wants to donate $100, even $1,000, if they are going through a super PAC, they don't have to disclose that, but if they are donating $10,000 or more, then that ought to be disclosed and we ought to know where that money is coming from and what their agenda is by virtue of us knowing where the money is coming from.

This legislation will stop the special treatment for the super PACs by making sure they play by the rules everybody else has to play by.

Mr. President, there is going to be a lot of commentary tonight. I thank the Chair for the opportunity, and I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. UDALL of New Mexico. Mr. President, let me, first of all, thank Senator WHITEHOUSE for heading up this campaign finance task force. I think this has been a real solid effort by a number of Senators. Senator WHITEHOUSE, whether it is at Netroots or on the Senate floor, has been participating this evening, and we appreciate all of his help. The Presiding Officer, Senator MERKLEY, has also been a key member of the task force. Senator BENNET, who is going to be speaking after I have finished, is another member of the task force. So we appreciate being allowed to get together.

What we need to be reminded of this evening is where we are. We just took

a vote to try to get onto the DISCLOSE Act, and 51 Democrats said let's get onto the bill, with 44 Republicans—not a single Republican—voting not to allow us to move to the bill.

Basically, as Senators BENNET, WHITEHOUSE, and MERKLEY know, the Senate is now in the mode of a full filibuster. We are on a motion to proceed and have not been allowed to move to the bill. So people should recognize that is the posture we are in right now, so we are going to be down here talking about this issue.

I have joined my colleagues to talk about this serious problem of campaign finance reform, one that threatens the very nature of our democracy. That threat is the unprecedented flow of money into our elections. We need to look at this dangerous torrent of money and consider how to stop it. I believe a step in the right direction is the DISCLOSE Act.

In January 2010 the Supreme Court issued its disastrous opinion in Citizens United v. FEC. Two months later, the DC Circuit Court of Appeals decided the SpeechNow v. FEC, which the Supreme Court upheld. These two cases gave rise to super PACs. They opened the floodgates of secret cash. Super PACs have poured millions of dollars into negative and misleading campaign ads, and, as they often do, under the cover of darkness—quiet, stealthy, without disclosing the true source of the donations.

It is ironic. They make all this sound and fury on the airwaves, but they are silent on who is paying for it. Why? Why the silence? Why the cat and mouse? The American people are blessed with common sense. They know usually when someone will not admit to something it is because there is something to hide. They have seen where all that shadowy campaign money can take us—to corruption, to scandal, to places like Watergate, dark days where we have been before. And believe me, I don't think the American people want to go back to the era when we had big suitcases of cash, with the President keeping cash in his White House safe. The American people don't want to return to that time.

The Citizens United and SpeechNow decision sparked a renewed focus on the need for campaign finance reform. But let's be clear, the Court laid the groundwork for this broken system many years ago. In 1976 the Court held in Buckley v. Valeo that restricting independent campaign expenditures violates the first amendment right to free speech. That ruling established the flawed precedent that money and speech are the same thing—another nail in the coffin of common sense. The result: elections based too much on the ability to raise money and too little on the quality of ideas, too much on a dedication to fundraising and too little on the public good.

Money and free speech are not the same, and it is a tortured logic to say they are. They may seem comparable in the rarified hallways of the Supreme Court but not in the rough and tumble streets of political campaigns. We know this. The super PACs writing these huge checks know it too, and they must be chuckling all the way to the bank. But the American people do not find this funny—infuriating perhaps but definitely not funny.

I don't think we can truly fix this broken system until we undo the false premise that spending money on elections is the same thing as the constitutional right of free speech. That can only be achieved if the Court overturns Buckley or we amend the Constitution. Until then, we will fall short of the real reform that is needed. But we still should do all we can in the meantime to make a bad situation better, and that is what we have been trying to do with the DISCLOSE Act. That is what we must do with the DISCLOSE Act. It is not the comprehensive reform I would like to see, but the perfect should not be the enemy of the good, and the DISCLOSE Act is the good we can do now. It is a step forward, a vital step forward, even with the flawed Supreme Court precedents that constrain us.

The DISCLOSE Act is a step out of the shadows, and that is exactly where we need to be headed. The DISCLOSE Act of 2012 asks a simple question—an important and eminently fair question: Where does the money come from and where is it going?

If we don't start asking that question, we may soon be asking another one, one we heard when scandal shook this country in years passed: What did he know and when did he know it? It is a simple question that follows the money because the American people have a right to know who is writing the checks.

Under the bill any covered organization, including corporations, labor unions, nonprofit organizations, and super PACs that spend $10,000 or more on campaign-related disbursements during an election cycle, would have to file a report with the Federal Election Commission that discloses all donations above $10,000.

It also requires the disclosure of any transfer made to a third party for the purposes of campaign-related expenditures. This addresses the growing problem of using so-called social welfare organizations to funnel anonymous money to super PACs.

This is a practical, sensible measure. It doesn't get money out of our elections, but it does shine a light into the dark corners of the campaign finance system. A similar bill in the last Congress had broad bipartisan support, with 59 votes in the Senate and passing the House. Since then we have all watched a flood of money raining down during this election year. We are seeing the real impact of the Citizens United and SpeechNow decisions on our elections. The need for this legislation has become even more apparent.

I serve on the Senate Rules Committee, and in March Chairman SCHUMER held a hearing on the DISCLOSE Act. We heard several concerns about the bill, both from our Republican colleagues on the committee and their witness. At the hearing, the minority witness claimed there were many provisions in the bill he disliked. He said:

> I think perhaps the most radical is the government-mandated disclaimer.

While I disagree with his assertion that standing by your ad is a radical idea, that is no longer an issue in this bill. We have taken the disclaimer provision out. I still believe it is an important provision, but we listened to the minority's concerns and revised the bill.

Another concern raised at the hearing was the effective date of the legislation. Senator ALEXANDER is our ranking member on the committee, and I think a great deal of him and appreciate the work he and Chairman SCHUMER have done on this and many other issues. At the hearing on DISCLOSE, Senator ALEXANDER said the following:

> This hearing is as predictable as the spring flowers in the middle of an election. My friends on the other side of the aisle are trying to change the campaign finance laws to discourage contributions from people with whom they disagree, all to take effect on July 1, 2012.

Well, guess what, Senator ALEXANDER. We have also addressed this concern. The bill has been changed so that the disclosure requirements go into effect at the beginning of next year. So the shadow groups can still do everything in their power to buy this election. They can still hide their faces from the voters, but they will have to step to the plate the next time around. They can still write the checks, they can still try to buy future elections, but they will finally have to say who they are at the checkout stand.

The bill we are considering is as simple and straightforward as it gets: If you are making large donations to influence an election, the voters in that election should know who you are. That is not a radical concept.

What is disappointing is that this type of disclosure, and campaign finance reform more generally, used to have broad bipartisan support. Now that conservative super PACs are raising huge sums of cash and hiding many of their donors, disclosure has suddenly become another partisan issue.

If we look at past reform efforts, they have always been bipartisan. In 1972, the Federal Election Campaign Act passed with strong bipartisan support from both parties. After Watergate, Democrats and Republicans came together, again to strengthen the act and set limits on independent expenditures. More recently, in 2002, we passed the bipartisan Campaign Reform Act, also known as McCain-Feingold. That bill passed in the Senate with broad support. Five of our current Republican colleagues voted for it.

The constitutional amendment that Senator BENNET and I introduced this Congress also used to be bipartisan.

Senator Fritz Hollings was the lead sponsor for many years, but the amendment was always bipartisan. It had the support of respected Republican Senators such as Ted Stevens, Arlen Specter, John Danforth, THAD COCHRAN, and JOHN MCCAIN.

The PRESIDING OFFICER. The Senator has utilized 10 minutes.

Mr. UDALL of New Mexico. Mr. President, I ask unanimous consent that I be allowed an additional 2 minutes.

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

Mr. UDALL of New Mexico. So we can see why I am disappointed with the partisanship that has taken over this important issue. It is not like the problem of money influencing our elections has been solved. The recent Supreme Court decision struck down laws my Republican colleagues voted for. I hope they will be willing to work with us now to pass disclosure laws that will withstand judicial scrutiny.

And unless we take action, I fear things will only get worse. Earlier this year, my friend Senator JOHN MCCAIN said the following at a panel discussion on campaign finance reform:

> What the Supreme Court did [in Citizens United] is a combination of arrogance, naiveté and stupidity the likes of which I have never seen. I promise you, there will be huge scandals because there's too much money washing around, too much of it we don't know who's behind it and too much corruption associated with that kind of money.

I think Senator MCCAIN is right. I recall the debate when we considered the DISCLOSE Act in the last Congress. Many of our concerns then were still hypothetical. We could only guess how bad it might get. Well, now we know. Unfortunately, our worst fears have come true.

The toxic effect of the Citizens United and SpeechNow decisions has become brutally clear. The floodgates of campaign spending are open and gushing and threaten to drown out the voices of ordinary citizens.

Look at what we have seen already. Huge sums of unregulated, unaccountable money are flooding the airwaves. An endless wave of attack ads, paid for by billionaires, is poisoning our political discourse 501c4 social welfare organizations are abusing their non-profit status. They shield their donors and then funnel the money into Super PACs.

The American public, rightly so, looks on in disgust.

A recent Washington Post-ABC News poll found that nearly 70% of registered voters would like Super PACs to be illegal. Among independent voters, that figure rose to 78%. Supporters of Super PACs and unlimited campaign spending claim they are promoting the democratic process. But the public knows better—wealthy individuals and special interests are buying our elections.

Our nation cannot afford a system that says, ''come on in'' to the rich and powerful, but then says ''don't bother'' to everyone else.

The faith of the American people in their electoral system is shaken by big money. It is time to restore that faith. It is time for Congress to take back control.

There is a great deal to be done to fix our campaign finance system. I will continue to push for a constitutional amendment that will allow comprehensive reform. But, in the interim, let's at least shine a light on the money. The American people deserve to know where this money is coming from. And they deserve to know before, not after, they head to the polls. That is what the DISCLOSE Act will achieve.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. BENNET. Mr. President, I thank my neighbor, the Senator from New Mexico, for his kind words and his leadership on this issue. I have been privileged to have the chance to cosponsor a constitutional amendment that I think responds very nicely to what he hears from his constituents, as I hear from mine, whether they are Republicans, Democrats, or Independent voters. I also want to thank the Senator from Rhode Island, Mr. WHITEHOUSE, for organizing this time tonight and for his leadership over these many months.

It is 8:45 p.m. tonight in Washington, DC, as we debate this bill. We are not actually debating the bill because we weren't even allowed to move to a debate on the bill. I can't tell you the number of times we haven't been able to do that.

I am often struck by the fact that I think the Founding Fathers would have wanted us to debate all these bills and to vote up or down on each one and then to go home and explain to our constituents why we voted one way or why we voted another way. But here we are, not technically debating a bill, once again, because we haven't even been able to move onto a piece of legislation that historically has been and I hope will again become bipartisan.

As I mentioned, it is 8:45 here. At home in Colorado, it is 6:45. It is dinnertime. Families are sitting around having dinner with their loved ones, much as I did when I was a boy. I can remember my parents, who followed public affairs closely, turned on the evening news every night about this time, and Walter Cronkite would be on the television. I remember that the ads, as probably does the Senator from New Mexico, were things like Geritol, things that cleaned your dentures. I remember one ad in particular—I never could believe they could get the cherry stains out of those pearls, but every single night they were able to do it. And if there was a political ad on television, the candidate had to get on at the end and say: My name is MICHAEL BENNET, my name is JEFF MERKLEY, my name is TOM UDALL or DICK DURBIN or HARRY REID or SHELDON WHITEHOUSE, and I approve this message. That is what we saw when I was a child.

Tonight, families all over my State, which is a swing State, are going to have to endure advertisement after advertisement that is not advertising those consumer products I described but are advocating for candidates and political ideas. And many of them will have phony names. The Committee for a Strong America or Tall Children or Strong Teeth is what they are going to see. Now, because of what the Supreme Court ruling did, they can't even find out, if they wanted to, who is donating to those in many cases fake committees.

I wish to start out tonight by making clear what is not at issue with this bill. This is not a constitutional question we are debating here tonight. There is not a question that disclosure and disclaimer—which this bill doesn't even do—is constitutional. Eight of nine Supreme Court Justices have not only said it is constitutional but some have said that is a desired result.

Justice Scalia said:

> Requiring people to stand up in public for their political acts fosters civic courage, without which democracy is doomed.

For my part, I do not look forward to a society that, thanks to the Supreme Court, campaigns anonymously and even exercises the direct democracy of initiative and referendum hidden from public scrutiny and protected from the accountability of criticism. This does not resemble the home of the brave. It takes courage to put your name on something, to stand for something that is unpopular. It doesn't take a lot of courage to let somebody use your money in a way that keeps you completely anonymous and imposes something on families in our States who are trying to make a fundamental American decision to vote in a democracy. That doesn't take courage. That is the point Justice Scalia was making because Justice Scalia, I believe, thought Congress would do its job and enact what is constitutional, require disclosure, require disclaimer.

This issue is one that has been well understood in this country since its founding. Here is Patrick Henry in 1788:

> The liberties of a people never were, nor ever will be, secure when the transactions of their rulers may be concealed from them.

Accountability and transparency—that is what this legislation is about, and it is emphatically constitutional. So if somebody comes and tells you this is about the Constitution, tell them that eight of nine Supreme Court Justices have already ruled on this question. They have already ruled that what is in the content of this act is constitutional.

What is happening out there as a consequence of a decision that was made by the Supreme Court on the one hand and the failure of the Congress to act in a timely manner on the other? Well, these super PACs have come into being, these anonymous folks who have been able to give money.

There is an owner of a casino in Las Vegas, and he has actually given more

money to super PACs in 2012 than anybody else in the country—at least that is my understanding—but to him this is chump change. So far he has given $35 million, and he says he is going to give more than that. That is a lot of money to most people, but it is not a lot of money to this guy because he has a net worth of $23.9 billion.

We did some math at home, and what we figured out is that in Colorado and in America, the average family's net worth is roughly $77,000. So if they were to spend the same percentage of their net worth that this one casino owner in Las Vegas has spent of his net worth, that would be about $108, which is about what people spend a week on groceries who are making this kind of money. To them, that would be a little bit of a sacrifice, $108, but if they knew they could control the outcome of elections in State after State, if they could influence the election of the very President of the United States by spending .0001 of their net worth, $108, they might do it.

This is pocket change for him. These numbers get so big it is hard sometimes to think about what it means. This one person's net worth is 332,000 times the net worth of our average family.

Think about it this way: The median household income in Colorado is roughly $56,000. A family earning $56,000 in Colorado every year, year in and year out, who never paid any taxes—and is probably paying a higher rate, by the way, than this guy in Las Vegas—but who never paid any taxes, who never spent one penny of their salary—$56,000 a year, year in and year out and didn't spend a nickel of it—would have to do that for 441,000 years before it added up to what this guy has. Just to give you a sense of perspective, human beings made their appearance on this planet 200,000 years ago—less than half of what it would take for this diligent and prudent family to raise what this fellow is worth. It gives you a sense of the order of magnitude.

As some of my colleagues have said, one aspect that is really interesting about this super PAC phenomenon is it is a very small group of very wealthy people who are contributing to it. It is not most corporations. It is not some people who have some means. This is a tiny, tiny group of people who are committed to a set of political outcomes in their economic interests that I am not sure are in the same interests of most of the folks who live in my State.

Again, we are not saying they can't do it. This bill doesn't say they can't do it. This bill just says: If you are going to do it, you need to tell us who you are. We want to know who you are. Step up and say why it is you are doing what you are doing.

It is not surprising, by the way, that this problem has become enormous since this decision was made. In 2006, 1 percent of donors were undisclosed; that was it. Ninety-nine percent were disclosed, and 1 percent was not disclosed. It is even worse today.

This is 2010, the year I was running and a year when Colorado saw more outside money on television than anybody should deserve to see, more outside money than any State in the United States of America, and 44 percent of the money that was spent was not disclosed. The identity of the people who gave the money was not disclosed. That is virtually half of what was spent, and it is going to be worse this year.

I have three daughters who are 12, 11, and 7, and everybody who has been a parent would know this intuitively. Not surprisingly, as the spending has become more anonymous, the advertising has become more negative. If one of my kids thinks they can get away with doing something negative to one of their sisters—which is not often, but it happens—if they think they can get away with it without anybody catching them, they are a lot more likely to do it than if they know somebody is watching.

The PRESIDING OFFICER. The Senator has utilized 10 minutes.

Mr. BENNET. I ask for an additional 2 minutes.

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

Mr. BENNET. I thank the Presiding Officer.

So you can see that the portion of positive advertising here is much, much higher than the negative.

Today it is almost entirely negative. And between the hours of 6 p.m. and 9 p.m. tonight in the State of Colorado and across the United States of America, those graphs are going to be borne out by negative ad after negative ad.

We face enormous structural issues in the economy in this country. We faced them for a while, and we are facing them again because, as you can see from this chart, GDP growth, our economic output, has decoupled from wage growth and job growth. That is what has happened in the United States. And the job of this Congress and the job of this administration and our generation's job is to recouple this so that we have a rising middle class. And that is what we should be spending our time on as we think about reforming our Tax Code and our regulatory code and our statute books. But there are some folks around who aren't necessarily all that interested in that because the current system works pretty well for them.

I can't tell you the number of times I have heard people say in this Chamber that the government shouldn't pick winners and losers. That is really easy to say when you are on the winning side. We ought to have a set of rules that are responsive to the needs of the vast majority of American people—whether Republicans, Democrats, or Independents—who together, no matter where they are in the economic spectrum, all want essentially the same thing, which is to make sure we are not the first generation of Americans to leave less opportunity, not more, to the people who are coming afterwards. I believe that anybody who wants to come to that debate, anybody who wants to play in that game is welcome, but they ought to tell us who they are.

Mr. President, I yield the floor. I see the Senator from Illinois is here, and I look forward to his remarks.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I thank the Senator from Colorado for his remarks, and a special thanks to my colleague from Rhode Island, SHELDON WHITEHOUSE, for gathering us here this evening.

It is almost 8:30 Washington time. The Chamber is otherwise empty. Senator STABENOW from Michigan is preparing to speak.

This is not really a Senate debate. That happens almost never in this body, which is unfortunate. I had hoped that perhaps some Members from the other side would come and defend their position, but they haven't. It is their right to go home, and they have done it. We think it is worth a few minutes of our time to come even this late at night to talk about this issue.

Lyndon Johnson was a pretty famous Senator and President, and back in the day he used to say that when he was looking for advisers, he wished he had someone near him who would run for sheriff. What President Johnson was saying is that the practical experience of politics is somehow a lot different from what many people imagine.

I thought of that when I reflected on this Supreme Court currently sitting—the same Court that decided Citizens United—and the fact that not one of them has ever stood for election, none of them has gone through a campaign. When they addressed Citizens United, it was strictly from a legalistic academic viewpoint, and the decision reflected it because it was such a gross departure from where we have been as a nation.

A Presidential candidate may argue that corporations are people. Our Supreme Court, in Citizens United, said the views of corporations should be treated like the views of people, like the free speech every American is guaranteed under our Constitution, and with just that twist of a phrase they have literally changed the face of politics in America in a negative fashion.

I would say the Citizens United case from the Supreme Court was as negative on the political process of America as the Dred Scott decision by the same Supreme Court was on the social fabric of America. What they have unleashed with Citizens United is a force we have never, ever seen before in American politics. It is the force of anonymous, secret donors—people, oligarchs, millionaires and billionaires who are determined to impose their political will on the body politic and will spend whatever it takes to achieve it.

We are seeing it all across the country. There is not a single contested Senate race in which these super PACs

have not arrived and spent $5, $10, $12, $15 million already in negative advertising across this country—most of it unaccounted for.

The DISCLOSE Act, which brings us together this evening, is very basic in that people who give more than $10,000 must disclose their identity. It applies to labor unions, corporations, everyone—it is across the board. Disclosure used to be one of the tenets, one of the pillars of the Republican position. They used to say: Don't limit what a person can give as long as they disclose it in a timely fashion.

They amended their decision after Citizens United and lopped off the end of it: Don't limit what a person can give—period. They do not call for timely disclosure anymore.

The DISCLOSE Act does. Why is it important? It is important because Americans have good judgment, and they know if a person—for example, the Koch brothers, the Koch brothers of Pennsylvania, if I am not mistaken, wherever their home is—they are interested in energy and oil production. If they invest millions of dollars on behalf of a certain candidate, many voters will say: I wonder what that candidate's position is on the issues of the tax treatment of oil companies, on energy tax credits, and the like. So Americans will ask the right question as long as they know who is behind the issue. Under Citizens United there is no compulsion.

Senator BENNET of Colorado said just moments ago the Supreme Court made it clear in the Citizens United decision that though they were unleashing the opportunity to contribute, they expected there would be accountability—like the DISCLOSE Act. Unfortunately, they did not anticipate it would become a partisan issue, and virtually no Republicans have supported us. Today when the vote was cast, not a single Republican would vote to bring this bill to the floor for debate.

We are now in the midst of a Republican filibuster on the DISCLOSE Act, another Republican filibuster. Not one single Republican Senator would join us in this effort to bring this bill to the floor for debate, amendment, and a vote. We have seen so many Republican filibusters. Now we see this one.

The reason this is more important than most is it gets to the heart of our political process. It isn't a matter of who spends what and how much in a campaign. I look at it in a little different perspective. I am concerned about who will run for office. I used to put myself in the category—I think it still applies—of mere mortals who decide to get involved in politics. I do not come from wealth. I am not a wealthy person. I have never relied on my personal wealth to get me elected. If I did, it wouldn't last very long.

I wonder if people like me will ever get engaged in politics after Citizens United. They have to stop and think: No matter how many doors I knock on, no matter how many hands I shake, no matter how often I study the issues and take the positions I think are meaningful and would resonate with voters, the fact is some super PAC could arrive tomorrow, spend $1 million, and blow me away. That is a humbling thought for someone deciding to engage in a race for public office for the first time.

I think this gets to the heart of what is wrong with politics in America—the cost and nature of our political campaigns. It is a fact—we hear it every day on the floor of the Senate—people measure the gravity and importance of votes in terms of their political impact. How many times have I heard someone cast a vote here and afterwards say: That will be a good 30-second spot. We think about that because we know that is what our life experience translates into—messages that can be delivered through the media to the voters. Now this outside force comes along and spends enormous amounts of money, dramatically increasing the amount that has been spent.

As was said earlier, in 2006, outside groups spent $70 million to influence Federal midterm elections; 4 years later super PACs, outside groups, spent $294 million, four times as much. Trust me, it is on its way up.

What will the average family think about this? I said to my colleagues at lunch a few weeks back: I think the average voter looks at this enormous wash of money coming into American politics much the way they view gangland killings. As long as they want to kill one another off and I don't have to hear the gunfire and my family is not in danger, let them have at it. Spend whatever you want, politicians versus politicians.

But the fact is this is going to be gunfire they are going to hear because the net result of these super PACs and the money they spend will be decisions on critical issues. Trust me, the people who are pouring the money into the super PACs have an agenda. It is an agenda about the role of government, what the Tax Code will look like, whether certain corporations and special interests will be treated in a better way by the candidates who are benefited by super PACs.

So though the average family may think it is just politicians squabbling and wasting their own money, it is much worse. It, unfortunately, brings us to the point where we have to worry about not who runs for office but, once elected, who will stay in office.

How about those in office? I have thought about it myself. I am sure my colleagues have. You cast a vote and you think: I just opened the door for a super PAC to come in the next time I am up for election and nail me because I took them on.

If we have reached the point where Members of the Senate are quaking and quivering about the prospect of super PAC money being spent against them, we are going to lose something very important and fundamental in the American body politic.

I also want to say something about those who are defending the secrecy of the super PACs. In my hometown newspaper and the newspapers in Chicago, after they print an article, they usually give local people a chance to anonymously comment. Occasionally, I read the banter back and forth. It is amazing, the chest thumping, fire breathing they get in these comments from these anonymous pipsqueaks who do not have the courage to disclose their own names. I would say it should be a standard in American politics that if someone feels strongly enough to put their money on the line in a super PAC, they ought to have the courage, and the law should require, that their identity be disclosed as well.

I see Senator STABENOW is here, and I know she has a busy life of her own. I am going to yield the floor to her. But I will say one more thing.

I was invited to go on ''The Daily Show,'' which a lot of people follow closely, and I enjoy every time I watch. Jon Stewart asked a question of me: If you could pass one law that would change politics for the better in America, what would it be?

I said: It may be a little egotistical of me, but it would be a bill I have for public financing of campaigns. I honestly believe if we move to a stage where we have public financing, shorter campaigns, positive messages, real debates, it would enhance not only our reputations with the voters of America, it would enhance the institutions we are running for.

Currently, we don't have that. We don't have public financing. Maybe we never will. But while we have the current system of money being spent, let's at least demand, as the DISCLOSE Act does, that there be transparency and accountability for the good of our democracy and for the good of the voters.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, I first thank Senator WHITEHOUSE for his leadership. I am proud to join him and so many of my colleagues in supporting and cosponsoring the legislation in front of us. I thank the majority leader for his comments, and all of those who care deeply about, frankly, our democracy, which is what we are talking about this evening.

I strongly believe in the DISCLOSE Act and think it is critical as step 1. I think there is much more that needs to be done even as we go forward to add to this. But this is a very important, basic standard of transparency. If someone spends $10,000 on ads trying to affect an election, people should know who they are. It is just as simple as that.

I think it is important for us to emphasize the fact that the majority of the Senate this evening voted for this bill. The reason we did not pass the bill tonight is that the Republicans, colleagues on the other side of the aisle, are putting us in a situation where we

have to reach 60 votes and therefore, by not doing that, they are filibustering the bill. So they are blocking the bill. They are filibustering the bill. We have a majority. All we want is a vote. Give us a vote. If we had an up-or-down vote on this bill, this bill would have been passed. I think it is incredibly important for everyone to understand that. It is not that we do not have the support. We have the votes. It was demonstrated this evening.

At the moment what we do not have is the supermajority to get past a filibuster. I urge everyone listening or watching tonight to contact their Members, to urge them to support the effort to stop the filibuster—which is what we are talking about right now.

Unfortunately, for everyone in America, we know this is going to be the most negative campaign cycle in the history of the country. Secretly funded negative ads with ominous music and shadowy figures and vicious attacks are going to fill our living rooms for the months between now and the election. In fact, in many States that has already been happening very intensely.

We know why. We have been talking about that—a Court decision that has tied money to free speech, corporations are people, money equals free speech. That creates a situation where now we are being told through the Supreme Court ruling in Citizens United that we, in fact, cannot put limits on corporate money or union money or any other kind of dollars coming in because it is under the category of free speech.

It has opened the floodgates for secret money allowing special interests—and that is who is spending the money, special interests with their own agenda—to spend unlimited funds to essentially buy elections, buy a U.S. Senate that works for them, a U.S. House of Representatives, a Presidency that works for them. It is not the majority of Americans, not the folks who got up this morning and went to work. Maybe they took a shower before work, but maybe they took a shower after work—the folks working very hard every day, trying to hold it together, who have been through the toughest recession we have seen since the Great Depression, who have most likely struggled with their house underwater and credit card debt too high and trying to piece together one or two or three part-time jobs to hold things together for their families. They are not the ones who are funding these secret ads. It is not their secret money.

What we know so far is that over half the money that has come in has been from 17 multimillionaires in our country. When we think about that, it is pretty worrisome. When we think about the fact that 17 or 18 or 20 people in our country could decide to buy a form of government that works for them, that is certainly not a democracy. I think this bill is part of an effort that we are all working to achieve, to protect the basics of our democracy.

It is not about making judgments for people about whom they should vote for, whom they should support, how they should be involved in elections. It is about making sure we all know—that the American people know—who is spending the money so each American can make their own judgment about the agenda of the people who are spending the money and whether that reflects their own agenda and their own values.

This is simply about shining the light of day, opening up a process, transparency, so each of us can make our own judgments about whom we choose to believe and not believe in this political process.

When we run TV ads, the law requires us to disclose. We go on at the end of the ad and say: I am Senator STABENOW, and I approved this message. Personally, I don't see why someone else running it should not be doing that too. I know the sponsor of this bill agrees with that as I know do my colleagues on this side of the aisle. But we are not even asking that. We are simply saying if someone spends $10,000 or more, they need to disclose it. They need to put it on a Web site so the public has the opportunity to know who they are and how much they are spending.

There are a couple of brothers we talk about a lot now because of the money they have been openly talking about spending. It has been in the papers. Certainly, it has been in the media for months—two gentlemen called the Koch brothers who have been spending millions and millions of dollars. I don't know what the final numbers will be. I have seen numbers that show each of the two of them say they want to spend $200 million, $400 million together.

I don't know, maybe more to impact the elections. I think it is a important for the people in Michigan, the people of Rhode Island, the people in Colorado, and across the country to know they are doing that. They should know who they are and how much is being spent in order to make a judgment about how they are choosing to spend their money. If someone, whoever it is, is spending $10,000 on influencing elections through ads, Americans have a right to know.

We know right now from the way we have been able to piece together what is happening that we are talking about big, wealthy, special interest. It is no surprise as to who is spending the money. What is their motivation? What are they trying to buy? I know there are those who would like to keep special tax breaks for shipping jobs overseas. We are going to have a chance, once we complete this debate, to vote on legislation of mine called the Bring Jobs Home Act. There are those who don't want us to eliminate the tax break that allows folks who are shipping jobs overseas to write it off their taxes, which I find outrageous. There are folks on the other side shipping jobs overseas who want to keep that tax break, and they may very well want to spend money against candidates and against Members who vote for my bill.

We know big oil companies want to keep taxpayer subsidies even though they are the most profitable companies in the history of the world. Probably when the tax incentives started in 1916, it made a lot of sense for new and emerging companies. It doesn't make sense today, from a taxpayer standpoint, to be paying high prices at the pump from one pocket and subsidies to companies out of the other. We know they may very well want to spend money to be able to keep those subsidies. Seventy-three percent of Americans want to end oil and gas subsidies, but the special interests are fighting to keep them. We know there is money being spent in the elections, secret money, to support people who will keep those tax subsidies.

So the question is: Why is this in the public interest? In America, the greatest democracy in the world, why in the world are we letting this happen? Our democracy is not for sale. It should not be for sale, and we are fighting to make sure it is not for sale. The people of our country are the ones who have the power to decide who represents them, and it should not be a group of anonymous billionaires somewhere who are able to do that.

So when those billionaires want to buy attack ads and influence our votes, the least they can do is have the courage to come forward and say how much they are spending and put their name to it and be able to have to disclose that to everybody. The American people have a right to know. The people in Michigan have the right to know. We have already seen millions of dollars being spent in Michigan, and people have the right to know who is spending that money. What is their background? What is their interest? They need to know so they can make their own judgment about whether it has any credibility.

The 2010 midterm election saw a more than 400-percent increase in spending from what has been called the super PAC. That is a 400-percent increase in spending 2 years ago.

The PRESIDING OFFICER. The Senator's 10 minutes has expired.

Ms. STABENOW. Mr. President, if I might just have 1 more minute.

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

Ms. STABENOW. Let me indicate also that in the first 4 months of this year, 90 percent of all outside money being spent on this coming November Presidential election was secret. Again, that is 90 percent of what was spent in just the first 4 months of this year was secret. This is about openness, transparency, and whether everyone in our country is going to have the opportunity to have information to make their own judgments. We need to be allowed to pass this bill. We need an up-or-down vote on this issue. We need to stop the filibuster that is happening by

the Republicans on the other side of the aisle. Stop blocking the bill. Let us vote on it. We have the votes to get it passed. The American people deserve to have this passed.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, I know we have Senator HAGAN, Senator BENNET, and Senator FRANKEN all here waiting, but I would like to do some quick parliamentary business that needs to be accomplished.

RESOLUTIONS SUBMITTED TODAY

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration en bloc of the following resolutions which were submitted earlier today: S. Res. 520, 521, 522, and 523.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senate will proceed to the resolutions en bloc.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the resolutions be agreed to, the preambles be agreed to, the motions to reconsider be laid upon the table en bloc, with no intervening action or debate, and any statements related to the resolutions be printed in the RECORD at the appropriate place as if read.

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

The resolutions were agreed to.

The preambles were agreed to.

The resolutions, with their preambles, read as follows:

S. RES. 520

(Commending the National Association for the Advancement of Colored People on the occasion of its 103rd anniversary)

Whereas the National Association for the Advancement of Colored People (referred to in this preamble as the ''NAACP''), originally known as the National Negro Committee, was founded in New York City on February 12, 1909, the centennial of the date on which President Abraham Lincoln was born, by a multiracial group of activists who met in a national conference to discuss the civil and political rights of African-Americans;

Whereas the NAACP was founded by a distinguished group of leaders in the struggle for civil and political liberty, including Ida Wells-Barnett, W.E.B. DuBois, Henry Moscowitz, Mary White Ovington, Oswald Garrison Villard, and William English Walling;

Whereas the NAACP is the oldest and largest civil rights organization in the United States;

Whereas the NAACP National Headquarters is located in Baltimore, Maryland;

Whereas the mission of the NAACP is to ensure the political, educational, social, and economic equality of rights of all people and to eliminate racial hatred and racial discrimination;

Whereas the NAACP is committed to achieving its goals through nonviolence;

Whereas the NAACP advances its mission through reliance on the press, the petition, the ballot, and the courts;

Whereas the NAACP has been persistent in the use of legal and moral persuasion, even in the face of overt and violent racial hostility;

Whereas the NAACP has used political pressure, marches, demonstrations, and effective lobbying to serve as the voice, as well as the shield, for minorities in the United States;

Whereas after years of fighting segregation in public schools, the NAACP, under the leadership of Special Counsel Thurgood Marshall, won one of its greatest legal victories in the decision issued by the Supreme Court in Brown v. Board of Education (347 U.S. 483 (1954));

Whereas in 1955, NAACP member Rosa Parks was arrested and fined for refusing to give up her seat on a segregated bus in Montgomery, Alabama, an act of courage that would serve as the catalyst for the largest grassroots civil rights movement in the history of the United States;

Whereas the NAACP was prominent in lobbying for the passage of—

(1) the Civil Rights Act of 1957 (Public Law 85–315; 71 Stat. 634);

(2) the Civil Rights Act of 1960 (Public Law 86–449; 74 Stat. 86);

(3) the Civil Rights Act of 1964 (Public Law 88–352; 78 Stat. 241);

(4) the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.);

(5) the Fannie Lou Hamer, Rosa Parks, Coretta Scott King, César E. Chávez, Barbara C. Jordan, William C. Velásquez, and Dr. Hector P. Garcia Voting Rights Act Reauthorization and Amendments Act of 2006 (Public Law 109–246; 120 Stat. 577); and

(6) the Fair Housing Act (42 U.S.C. 3601 et seq.);

Whereas in 2005, the NAACP launched the Disaster Relief Fund to help hurricane survivors rebuild their lives in the States of Louisiana, Mississippi, Texas, Florida, and Alabama;

Whereas in the 110th Congress, the NAACP was prominent in lobbying for the passage of H. Res. 826, the resolved clause of which expresses that—

(1) the hanging of nooses is a horrible act when used for the purpose of intimidation;

(2) under certain circumstances, the hanging of nooses can be criminal; and

(3) the hanging of nooses should be investigated thoroughly by Federal authorities, and any criminal violations should be vigorously prosecuted;

Whereas in 2008, the NAACP vigorously supported the passage of the Emmett Till Unsolved Civil Rights Crime Act of 2007 (28 U.S.C. 509 note), a law that puts additional Federal resources into solving the heinous crimes that occurred during the early days of the civil rights struggle that remain unsolved and brings those who perpetrated those crimes to justice;

Whereas the NAACP has helped usher in the new millennium by charting a bold course, beginning with the appointment of the youngest President and Chief Executive Officer in the history of the organization, Benjamin Todd Jealous, and its youngest female Board Chair, Roslyn M. Brock;

Whereas under the leadership of Benjamin Todd Jealous and Roslyn M. Brock, the NAACP has outlined a strategic plan to confront 21st century challenges in the critical areas of health, education, housing, criminal justice, and the environment;

Whereas on July 16, 2009, the NAACP celebrated its centennial anniversary in New York City, highlighting an extraordinary century of ''Bold Dreams, Big Victories'' with a historic address from the first African-American President of the United States, Barack Obama;

Whereas as an advocate for sentencing reform, the NAACP applauded the enactment of the Fair Sentencing Act of 2010 (Public Law 111–220; 124 Stat. 2372), a landmark piece of legislation that reduces the quantity of crack cocaine that triggers a mandatory minimum sentence for a Federal conviction of crack cocaine distribution from 100 times that of people convicted of distributing the drug in powdered form to 18 times that sentence: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the 103rd anniversary of the historic founding of the National Association for the Advancement of Colored People; and

(2) commends the National Association for the Advancement of Colored People on the occasion of its anniversary for its work to ensure the political, educational, social, and economic equality of all people.

S. RES. 521

(Designating September 2012 as ''National Spinal Cord Injury Awareness Month'')

Whereas the estimated 1,275,000 individuals in the United States who live with a spinal cord injury cost society billions of dollars in health care costs and lost wages;

Whereas an estimated 100,000 of those individuals are veterans who suffered the spinal cord injury while serving as members of the United States Armed Forces;

Whereas accidents are the leading cause of spinal cord injuries;

Whereas motor vehicle crashes are the second leading cause of spinal cord and traumatic brain injuries;

Whereas 70 percent of all spinal cord injuries that occur in children under the age of 18 are a result of motor vehicle accidents;

Whereas every 48 minutes a person will become paralyzed, underscoring the urgent need to develop new neuroprotection, pharmacological, and regeneration treatments to reduce, prevent, and reverse paralysis; and

Whereas increased education and investment in research are key factors in improving outcomes for victims of spinal cord injuries, improving the quality of life of victims, and ultimately curing paralysis: Now, therefore, be it

Resolved, That the Senate—

(1) designates September 2012 as ''Spinal Cord Injury Awareness Month'';

(2) supports the goals and ideals of Spinal Cord Injury Awareness Month;

(3) continues to support research to find better treatments, therapies, and a cure for paralysis;

(4) supports clinical trials for new therapies that offer promise and hope to those persons living with paralysis; and

(5) commends the dedication of local, regional, and national organizations, researchers, doctors, volunteers, and people across the United States that are working to improve the quality of life of people living with paralysis and their families.

S. RES. 522

(Designating September 2012 as ''National Child Awareness Month'' to promote awareness of charities benefitting children and youth-serving organizations throughout the United States and recognizing efforts made by those charities and organizations on behalf of children and youth as critical contributions to the future of the United States)

Whereas millions of children and youth in the United States represent the hopes and future of the United States;

Whereas numerous individuals, charities benefitting children, and youth-serving organizations that work with children and youth collaborate to provide invaluable services to enrich and better the lives of children and youth throughout the United States;

Whereas raising awareness of, and increasing support for, organizations that provide access to healthcare, social services, education, the arts, sports, and other services will result in the development of character and the future success of the children and youth of the United States;

Whereas the month of September, as the school year begins, is a time when parents, families, teachers, school administrators, and communities increase their focus on children and youth throughout the United States;

Whereas the month of September is a time for the people of the United States to highlight and be mindful of the needs of children and youth;

Whereas private corporations and businesses have joined with hundreds of national and local charitable organizations throughout the United States in support of a month-long focus on children and youth; and

Whereas designating September 2012 as ''National Child Awareness Month'' would recognize that a long-term commitment to children and youth is in the public interest, and will encourage widespread support for charities and organizations that seek to provide a better future for the children and youth of the United States: Now, therefore, be it

Resolved, That the Senate designates September 2012 as ''National Child Awareness Month''—

(1) to promote awareness of charities benefitting children and youth-serving organizations throughout the United States; and

(2) to recognize efforts made by those charities and organizations on behalf of children and youth as critical contributions to the future of the United States.

S. RES. 523

(Recognizing the heroic efforts of firefighters and military personnel in the United States to contain numerous wildfires that have affected tens of thousands of people)

Whereas firefighters and residents of the United States have contended with extreme and erratic fire behavior and rapid rates of fire spread;

Whereas, as of July 12, 2012, more than 31,754 wildfires have burned more than 3,281,008 acres of land, resulting in a devastating loss of life and property;

Whereas, as of July 12, 2012, firefighters have battled fires all across the Nation, including—

(1) 1,637 fires that have burned more than 516,482 acres in the Southwest United States;

(2) 13,584 fires that have burned more than 291,957 acres in the Southern United States;

(3) 3,178 fires that have burned more than 819,345 acres in the Northern and Central Rocky Mountain region of the United States;

(4) 4,963 fires that have burned more than 975,669 acres in the State of California and the Great Basin region of the United States;

(5) 787 fires that have burned more than 595,096 acres in the State of Alaska and the Northwest United States; and

(6) 7,605 fires that have burned more than 82,459 acres in the Eastern United States; and

Whereas, the brave men and women who fight wildfires on a daily basis help minimize the displacement of individuals and protect against the loss of life and property: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the heroic efforts of firefighters and military personnel to contain wildfires and protect lives, homes, natural resources, and rural economies throughout the United States;

(2) encourages the people and Government of the United States to express their appreciation to the brave men and women in the firefighting services throughout the United States;

(3) encourages the people and communities of the United States to act diligently in preventing and preparing for a wildfire; and

(4) encourages the people of the United States to keep in their thoughts the individuals who have suffered as a result of a wildfire.

Mr. WHITEHOUSE. In conclusion, I note that S. Res. 520 recognizes the 103rd anniversary of the founding of the NAACP, which for reasons I will discuss later, is an interesting irony in today's debate coming from the Republican side.

I will now yield to Senator BENNET of Colorado, and he will be followed by Senator HAGAN.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. BENNET. I wish to thank the Senator from Rhode Island for his leadership and my other colleagues who are out here tonight.

I wish to be clear again about what this bill is. First of all, it is very clear it is constitutional. In the Supreme Court, eight of nine Justices have said that. As I listen to the debate tonight, I also think people at home should know this is about a few actors in the country who have been allowed to spend wild amounts of money without saying who they are. This doesn't prevent them from spending the money. It simply says they need to say who they are.

My sense, having spent time with people who are often asked to contribute to these campaigns, is that people who have the means to spend $10,000 on political activity, by and large, would actually like this disclosure requirement. The reason they would like this disclosure requirement is so they can say to people who are trying to list them and distorting our politics and having them pay for negative attack ads they don't agree with and they don't think are true, could say no because they know they could say to the people: I am not going to sign up for that because I don't want to put my name on that.

There is an enforcement mechanism I think virtually everybody in America would support and certainly at home would support. I would argue the only place in America that anybody would think that spending vast amounts of money by a small group of people without having to tell us who they are makes sense, and that is right here in Washington, DC. Maybe some people will benefit from making the ads or those who are paid to place the ads on television. But otherwise, it is hard to find anybody who would think this wasn't in their interest and certainly not in their children's interest.

I ask unanimous consent to have printed in the RECORD Senator COBURN's column in the op-ed page of the New York Times where he lays out in a very succinct and compelling view some of the things that are wrong with this place.

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

NORQUIST'S PHANTOM ARMY

(By Tom Coburn)

When the antitax lobbyist Grover G. Norquist made a visit to Capitol Hill recently, leading Democrats welcomed the chance to build up their favorite boogeyman. Harry Reid, the Senate majority leader, said Mr. Norquist has ''the entire Republican party in the palm of his hand.'' A spokeswoman for Nancy Pelosi, the House minority leader, said Mr. Norquist—who is famous for getting lawmakers to pledge not to support tax hikes or deficit reduction that is paired with revenue increases—was coming to give the G.O.P. its ''marching orders.''

But this story is utterly false. Senate Republicans—and many House Republicans—have repeatedly rejected Mr. Norquist's strict interpretation of his own pledge, a reading that requires them to defend every loophole and spending program hidden in the tax code. While most Republicans do, of course, oppose tax increases, they are hardly the mindless robots Democrats say they are.

What the narrative does, however, is let Democrats off the hook. If they can make out Republicans as uncompromising ideologues, they can continue refusing to offer detailed plans to reform entitlement programs. That is the real obstacle to a grand bargain on spending, not Mr. Norquist's pledge.

Consider the evidence: I recently proposed amendments to end tax earmarks for movie producers and the ethanol industry. Mr. Norquist charged that those measures would be tax hikes unless paired with dollar-for-dollar rate reductions. And yet all but six of the 41 Senate Republicans who had signed his pledge voted for my amendments.

Those 35 Republican pledge-violators are hardly soft on taxes. Rather, they understand that the tax code is riddled with special-interest provisions that are merely spending by another name. If asked to eliminate earmarks for things like Nascar, the tackle-box industry or Eskimo whaling captains—all of which are actual tax ''breaks''—most of my colleagues would be embarrassed to demand dollar-for-dollar rate reductions, and rightly so.

As a result, rather than forcing Republicans to bow to him, Mr. Norquist is the one who is increasingly isolated politically. For instance, while his organization, Americans for Tax Reform, was calling my ethanol amendment a tax hike, the Club for Growth, which is far more influential among conservative lawmakers, endorsed my amendment outright.

What's more, my colleagues have repeatedly rejected Mr. Norquist's demand that Republicans walk away from any grand bargain on the deficit that includes even a penny of new revenue. Speaker of the House John A. Boehner, who calls Mr. Norquist ''some random person,'' offered to trade revenue increases for entitlement reform in talks with the White House last summer. Republicans on the National Commission on Fiscal Responsibility and Reform made a similar offer, as did Senator Pat Toomey, Republican of Pennsylvania, during last year's deficit supercommittee negotiations. My colleagues, by and large, know that doing nothing to confront our fiscal challenges would mean an automatic tax increase and a cut to entitlement programs.

The problem with the pledge is that it is powerless to prevent future automatic tax increases and has failed to restrain past spending. The ''starve the beast'' strategy to shrink the size of the federal government by cutting revenue but not spending was a disaster. Every dollar we borrow is a tax increase on the next generation.

And in a debt crisis, higher interest rates and the debasement of our currency would be additional tax hikes. In that sense, no one is doing more to violate the spirit of the pledge than Mr. Norquist himself, who is asking Republicans to reject the very type of agreement that could prevent future tax increases.

What unifies Republicans is not Mr. Norquist's tortured definition of tax purity but the idea of a Reagan- or Kennedy-style tax reform that lowers rates and broadens the tax base by getting rid of loopholes and deductions. It's true that Republicans would prefer to lower rates as much as possible, and it's true that Republicans believe smart tax reform will generate more, not less, revenue for the federal government. But Republicans would not walk away from a grand bargain on entitlements and tax reform that would devote a penny of revenue to deficit reduction instead of rate reduction.

Free-market conservatives have repeatedly given openings to Democrats that they have chosen to ignore. The president, for instance, knows that his calls to raise taxes on earnings over $250,000, which follows his gimmicky Buffett Rule, is a nonstarter unless paired with fundamental tax and entitlement reform.

The majority of Democrats and Republicans understand the severity of our economic challenges. They know they have to put everything on the table and make hard choices. Legislators who would rather foster political boogeymen only delay those critical reforms.

Mr. BENNET. It also calls for the kind of principled leadership we are going to apply in order to solve the challenges we face with respect to our debt and deficit to get this economy moving again. It includes recoupling rising wages and job growth to our economic growth, energy policy, educating our kids in the 21st century. It is all the things people at home want us to be working on.

In a State such as mine that is one-third Republican, one-third Democratic, and one-third Independent, there is not that much difference in opinion about what the solutions ought to be.

The reason I support the DISCLOSE Act is that I think it is one important step. It is certainly not the only step, but it is one important step toward recoupling the conversation we are having in Washington and to recoupling the priorities that are in Washington. Maybe it is better to say it this way: to recouple the priorities the people have at home to the work being done or not done in Washington, DC.

We should pass this bill and get on with the people's business.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, may I ask the Senator from Colorado that in an environment in which the bulk of the political spending is being done by outside groups and the bulk of the outside spending groups is secret, what is the likelihood of those goals being accomplished with the best interests of the American people in mind and not with the best interests of the special interests behind those secret donations in mind?

Mr. BENNET. I thank the Senator for his question. I think it is going to be made much more difficult. There are plenty of people I know at home who watch the stuff going on, on TV, and they don't recognize themselves and the cartoon that is playing. Sometimes they don't recognize their priorities playing out on the Senate floor. They don't recognize the convictions they have or the aspirations they have for the communities or the debate they are having. It is a natural reaction for people to say: I don't want any part of that.

As DICK DURBIN was saying, somehow this is a knife fight that has nothing to do with me, and I am not going to pay attention to it. The problem is, as with any fight such as that, what we end up doing is ducking and covering because that is what we have to do in order to stay out of the way. That isn't going to put us in the position of being able to deliver on the promise of generation after generation of Americans to make sure the folks coming after us actually have more opportunity, not less, than we had.

Remember, this is a tiny proposal. This is simply requiring disclosure. It is not even requiring a disclaimer. Frankly, if it were up to me, I would want people who funded these committees to have to stand up at the end of the ads to say: I am John Smith or I am Mary Jones, and I paid for this ad. But this bill doesn't even do that. All it says is they have to say who they are. I think poll after poll shows that 90 percent of Americans, Democrats, Republicans, Independents, agree with that.

This is one issue where the sort of optical issues that happened somehow on the beltway ought to not lead us to a place where we obscure the vision of the American people, which on this issue is as clear as can be. We have to get this done and get on to the rest of the business at hand.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina.

Mrs. HAGAN. Mr. President, I too echo the comments of the Senator from Colorado, and I thank the Senator from Rhode Island for bringing this bill forward and for putting together what the American people expect from people who donate to campaigns.

Today, I join my colleagues, as I did 2 years ago, to discuss the state of campaign finance and reflect on what I think is a dark cloud that has been cast over our Nation's election system.

The Supreme Court's decision in Citizens United created a watershed effect in our elections process. The decision eviscerated decades of campaign finance law that was in place for the purpose of making sure the American people, not special interests, decided our elections. It was 2 years ago that I expressed my deep concern that this ruling would weaken the voice of the American people in elections, and I am afraid my fear and the fears of many others have come true.

Since the ruling, many political operatives have established nonprofit proposed social welfare organizations under 501(c)(4) of the Tax Code. These groups utilize a loophole in the Tax Code to receive huge, secret donations intended solely to influence political campaigns rather than promote the social welfare of our citizens.

In 2006, outside groups spent $69 million on political campaigns. Only 1 percent, $690,000 in 2006, of that funding came from undisclosed sources.

By comparison, in 2010, the amount of outside group spending on political campaigns skyrocketed to $305 million, and the sources of 44 percent of that money were not disclosed. So in 4 years' time, the amount of undisclosed dollars grew exponentially from 1 percent to almost half of all outside political spending.

This year, outside group spending is projected to rise at an astounding rate, and we are certainly seeing it now. Of the $140 million raised by super PACs thus far, 82 percent has come from secret donors. That is shocking, and we know it is growing.

In North Carolina, the story is no different. Last week, the Charlotte Observer reported that ''more than any congressional battle in the south . . . North Carolina's 8th District has become a magnet for money.'' And that is outside money. In that same article, the newspaper reported that only two other districts in the entire country have seen more outside spending than the $1.6 million poured into the eighth congressional district. The two candidates themselves have only spent $1 million through the end of June.

Let me point out that this level of spending is for a runoff primary election in a mostly rural part of North Carolina. I cannot imagine what the general election race will look like.

The level of secret, anonymous money influencing our political elections is breathtaking. America's campaign finance process should and must be transparent. Of course, every American, including the wealthiest among us, has the right to have his or her voice heard, but those spending huge amounts of money to influence elections should not hide their activities. Information on who is funding political advocacy should be available to the public so voters can ultimately make fully informed decisions.

The DISCLOSE Act would take a step in the right direction to ensure accountability in our system. The bill would institute comprehensive disclosure requirements on corporations, on unions, and other organizations that spend money on Federal election campaigns. By increasing the transparency of campaign spending by these groups, the DISCLOSE Act seeks to prevent unregulated and unchecked power over our elections by a handful of wealthy corporations and individuals.

Right now, the voices of ordinary Americans—of ordinary North Carolinians—are being drowned out by secret money. North Carolina deserves better and our country deserves better. That is why I am cosponsoring the DISCLOSE Act. The voices of North Carolinians—not the voices of a few wealthy companies and individuals—should determine the outcome of our elections.

I will continue to work with my colleagues here in the Senate to protect the integrity of the elections process. We came very close last time, with 59 votes. We were one vote away. I hope my colleagues on both sides of the aisle will join this effort to achieve a fair and transparent elections process.

I yield the floor.

The PRESIDING OFFICER (Mr. BEGICH). The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, Senator COONS will be joining us very shortly. He was on the floor a moment ago and will be back very shortly. I wish to take a moment before he returns—here he is. I will not take a moment before he returns.

I yield the floor to the Senator from Delaware. I await hearing from him.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. COONS. Mr. President, I rise today to join the chorus of voices from our caucus who have tonight spoken to the value, to the importance of transparency in elections. Transparency, as we all know, is critical for free and fair elections and for democracy to function, because the people of this country—the voters, the constituents, those whom we serve and those who hire and fire all who serve them at Federal and State and local offices—need to know who they represent, who is funding their campaigns, what goals they will pursue in office, and whether the ends serve their interests. Tonight, as the Presiding Officer knows all too well, colleagues have joined to speak in support of the DISCLOSE Act—a bill that would make important progress toward clearing away the clouds that have been laid on the face of the American body public because of the decision of Citizens United.

The integrity and the fairness of our elections is at the very heart of American democracy. It is in some ways the proudest legacy of our Founding Fathers and, in my view, a beacon to the rest of the world. A difficult, a regular part of modern electioneering, of modern campaigns, is campaign ads. In fact, many of us spend a huge amount of our time raising the money and delivering the content to connect with our constituents through television. I am blessed to represent a small State—roughly 800,000 souls—so we actually get to campaign door to door, to go door-knocking, to meet people in person in my State. But, still, television ads play a very important part. In other larger States, folks will often never even meet in person the candidates for offices in the House and in the Senate or for President, and television ads there dominate the whole campaign election process. No one likes campaign ads, but they are a part of our politics, and an effective and, sadly, a powerful part as well.

For most of our modern political history, voters at least knew who the ads were coming from—the candidates and the parties that supported them—and could make judgments accordingly. If someone thought an add was too nasty, they could vote against the candidate who ran it. That is the whole point, forcing us as candidates to own our ads, to say, ''I am Chris Coons and I approved this ad.'' We all know as candidates who have stood before our electorate how it feels to put our personal name, our face, to an ad that might be hitting a little too hard, and that pulls us back from sometimes overreaching.

But what we are here to talk about tonight is the whole new world that has been unleashed by a Supreme Court decision. In my view, the basic right of every American to free and fair elections has been compromised by a new flood of tens of hundreds of millions of dollars from wealthy individuals, from corporations, from shadowy national special interest groups, since the Supreme Court, through Citizens United, opened these floodgates to unlimited secret campaign activities, threatening to overwhelm the fundamental trust of our constituents and the transparency so essential to our democracy.

As a lawyer, Citizens United was one of the most surprising Supreme Court decisions of my life, because it radically upended settled constitutional understanding as well as bipartisan agreement that had been reached here in the Senate regarding appropriate limitations on corporate speech. When the McCain-Feingold law passed in 2002, 6 years prior, it showed a strong bipartisan intent to rein in corporate spending, to rein in and manage spending by interests of all kinds in politics. That is why I was shocked when, in the opinion in Citizens United, it was joined by the so-called ''originalist'' or ''strict constructionist'' members of the Court. The originalist mode of interpretation of the Constitution attacks every question by asking a common question: Would the Framers have thought the action or law being challenged before the Supreme Court is constitutional?

That is why, if one had asked me in 2008, looking at Citizens United and at the issues presented to the Court, whether an originalist interpreting the first amendment would have found the corporate electioneering regulations this body had adopted in McCain-Feingold to be valid, it seems to me there was only one possible answer, and that was yes.

Our Founding Fathers recognized corporations are creatures not endowed, as the rest of us are, with inalienable rights. They are, rather, fictional, legal creatures—creatures of legislative grace. Were this not the case, the corporation by the name of Citizens United—the corporation that was at issue in this decision—wouldn't have stopped at simply making a movie attacking Hillary Clinton, but would have actually cast a vote against Hillary Clinton. Of course, it couldn't. Corporations don't have bad hair days; corporations don't have tasteless ties; corporations don't have moods and opinions. Corporations are not people. They exist as people only in legal fiction.

I would note the first amendment states: ''Congress shall make no law . . . abridging the freedom of speech, or of the press.'' If freedom of speech included fictional entities, nonhuman entities such as corporations, there would have been no reason to separately affirm that the press also enjoyed that freedom granted to real, living, breathing individuals. In my view, then, Citizens United was wrongly decided.

As shown through a long line of legislative and judicial interpretation, a view of corporations as having first amendment rights that are limited, and can and should be limited more than can be limited for real, living, breathing individuals, has remained the dominant one throughout our modern history.

In 1907, the Tillman Act prohibited campaign contributions by corporations. In 1947, the Taft-Hartley Act prohibited expenditures and the application of this law further. It was upheld by the Court in 1957 in U.S. v. Automobile Workers. When the Supreme Court first made the leap from the expenditure/contribution distinction in Buckley v. Valeo in 1971, even then it left intact the longstanding distinction between the first amendment rights of living, breathing individuals and corporations—legal fictional entities.

In the 1982 case of FEC v. National Right to Work Committee, Justice Rehnquist wrote for a unanimous Court that it was proper to treat corporations more restrictively than people. Oh, how I wish that were the majority opinion of the Court today.

The further analysis in 1986 in FEC v. Massachusetts Citizens for Life, though striking down restrictions on speech by a pro-life organization, actually underscored the original understanding that when the Constitution protects corporate speech, it only does so as a proxy for the underlying free speech rights of real, living, breathing individuals. In that case, a nonprofit organized and funded specifically for the purpose of bringing about a political goal—pro-life policies—was seen as having free speech rights only because of the rights of those individuals who funded it and organized it. When we talk about a corporation's first amendment rights, then, we should be using shorthand for the first amendment rights of those who are its shareholders or who own it or who control it.

The corporate/individual distinction was even again affirmed as recently as 1990 in the Austin case.

The constitutional history of limitations on corporate speech was so clear that the Supreme Court had upheld the McCain-Feingold Act in 2003, just 6 years before they struck it down. What possibly could have changed in those intervening years that would be so convincing to an originalist mindset? I don't know. In my view, this decision did not make sense. But I do know that

campaign finance, which was a bipartisan issue in this Chamber in 2003, where Senator Feingold and Senator MCCAIN, a Democrat and a Republican, led a strong bipartisan coalition to rein in the negative influence of special interest money—that has changed. That has shifted to today, sadly, a starkly partisan issue.

As we have seen today, Senator after Senator of the other party has risen to speak about lots of issues, but none has addressed head-on why disclosure is no longer in the best interests of our citizens, why transparency is no longer essential to democracy. Yet Democrat after Democrat, Senator after Senator from my side of the aisle, has risen to stand firmly with those organized by Senator WHITEHOUSE who has led so ably this discourse on the floor today, who view the DISCLOSE Act not as curing the errors of Citizens United but as striking one important blow, to ripping the cover off the millions of dollars in secret contributions that today I think threaten to swamp our electoral ship.

If the Citizens United case has tilted elections toward those with the money to buy them, the DISCLOSE Act is to me an opportunity to level the playing field a little bit. Instead of with money, it arms voters with information.

The DISCLOSE Act does just what its name suggests: It requires disclosure. It requires any covered organization, including unions, corporations, and super PACs, which spends $10,000 or more on certain campaign activities to promptly file a report with the FEC—to file a report with the Federal Election Commission—within 24 hours. This brings some measure of fairness and transparency back to our elections so voters can make informed decisions instead of simply being pushed and prodded and ultimately duped by a flood of negative ads.

I am confident it does not restrict or limit free speech of any kind. This bill simply allows voters—those who are in the driver's seat or should be in our system, those who hire and fire us—to see who is spending money to influence their decision at the ballot box.

The DISCLOSE Act imposes the minimum possible burden on organizations spending vast amounts of money on elections, while still requiring the kind of prompt and timely disclosure voters deserve and expect in this electronic, in this digital age, where the ads that flood the airwaves, that push for a decision, happen so close to an election that it is important to have disclosure real time.

We voted on the DISCLOSE Act earlier tonight, but my colleagues across the aisle lined up in lockstep against it. Sadly, every Member of the other party voted against it. What is so wrong with voters having information about who is trying to influence their vote? Why is this basic information so important to hide from the American people? Public disclosure of campaign contributions and spending should be expedited, should be swift, should be available so voters can judge for themselves what is appropriate.

I could not agree more. I agreed when the esteemed Republican leader said those exact words in 1997, and I agree with them today. ''Disclosure'' he said, ''is the best disinfectant.''

Earlier today I had the honor of presiding, as you do now, Mr. President, and I got to listen to the Republican minority leader speak against disclosure. There are many other issues to which we can and should turn. There are many other important issues before our country, and he raised them all in turn. But the thing I had the hardest time with was his leading the other caucus, one after the other, to speak against, to vote against disclosure—something he himself, the Republican leader, spoke so forcefully in favor of as recently as 1997: ''Disclosure is the best disinfectant.'' Back then, the talking points for the other caucus were: Spend all you want. There should be no limits on campaign contributions as long as there is disclosure. Disclosure will keep things open and fair.

Sadly, today, even that small measure of rationality has been openly abandoned. Voters in my home State do not want secret spending clouding the legitimacy of our elections. They want to exercise this most basic American right out in the sunshine—with knowledge, with information about who backs whom—just as, I believe, our Founders intended.

Let's face it, folks. These super PACs are not raising hundreds of millions of dollars to run campaign ads that are updates on the latest sports scores, that are filled with YouTube videos of sneezing pandas or yawning kittens. These super PACs are gearing up to run the most negative possible campaign ads—the sorts of ads that can change hearts and minds because they have no accountability, because they have no one's name at the bottom line, because they feel free and are free to make the nastiest and most unfounded personal attacks.

Four years ago, at this point in the campaign cycle, just 9 percent—9 percent—of the political ads on TV were negative, according to the Wesleyan Media Project, which has scored ads by their negativity or positivity. Just 9 percent.

What do you think that number is this year? At this stage, this still early stage in campaigning, 70 percent. Seventy percent of the ads have been negative, and it is only July. It is not even August.

At the same point in 2008, 3 percent for the ads came from outside groups like super PACs. This year, 60 percent have been paid by outside groups. Campaigns themselves have inevitably, as a result, taken on a more negative tone, a more caustic aspect. There is no doubt in my mind that the primary mission of most super PACs is to fund the sorts of ads that destroy candidates and campaigns, that tear them down, that contribute to the steady pollution and degradation of our political discourse. They are raising money to buy television ads that assault the fame and destroy the candidates they do not like.

This same study from the Wesleyan Media Project bears that out. It found that 86 percent of the ads the super PACs and interest groups have run during this cycle have been negative. Is there any wonder then that our campaigns, our politics, our culture has become more steadily divisive and on this floor more consistently divided?

There are no centrist super PACs. There are no (c)(4)s that are determined to fund a message about bringing America together. These super PACs are designed to divide us, and they are doing a great job.

At the end of the day, one of the questions we have to have for the citizens of America is, what does this mean for you? What does it mean to have tens or hundreds of millions of dollars pouring into negative ads, driving the outcome of elections at the State and Federal level that simply divide us? It means more partisanship. It means more rancor. It means less progress. It means fewer problems solved.

If the intentions of these super PACs, of these special (c)(4)s, were so positive, then why would they need to hide whom they were supporting? Why would they need to conceal the purposes of the ads they support?

Let me, if I might for a few moments, respond to some things I heard earlier today from Republicans while I was presiding and while I was watching in my office.

One of my Republican colleagues earlier today claimed the DISCLOSE Act does not apply to labor unions and suggested that this was a big wet kiss to organized labor from my side of the aisle. This suggestion was made by several in leadership. It is a ludicrous claim. Every provision in the DISCLOSE Act applies equally to covered organizations, corporations, business associations, membership organizations, and unions.

Why have a $10,000 threshold? To reduce the burden on all membership organizations of all kinds; the $10,000 threshold is enough to cover 93 percent of the money raised by these super PACs and thus does not needlessly burden national membership organizations, with thousands of members who contribute $25 or $50 or $100.

It is these handful of folks, who are contributing huge amounts of money, whose contributions we hope to expose to the sunshine, to make positive contributions to allowing voters to know who is contributing to whom and why.

One other thought I want to add to tonight's debate is, as the Africa Subcommittee chair on the Foreign Relations Committee, I often have the opportunity to hear from and meet with legislators and heads of state from Africa who come to meet with us here in

Washington. They come to the United States to listen to us and to hear from us how our democracy functions, because for much of the world we are considered the gold standard of how to run free, fair, and open elections, of how to deliberate as an open and positive body, of how to be accountable to and serve the people of the United States.

We already have some challenges making progress, listening to each other, and getting past the partisan divide. But if we already have challenges, if the folks listening wonder whether the Senate of the United States listens to our citizens enough, just wait until another billion dollars of secretive special interest money pours into our campaigns.

In my view, one of the things we can hold up to the rest of the world is that we have clean, fair elections. This decision by this Supreme Court, in Citizens United, threatens that at its very core. This flood of money suggests that what is our greatest accomplishment in many ways as a nation is at very real risk. We cannot, in my view, lose the moral high ground of being a country that has fought so hard for so long to be a place where every person—every real person—has an equal vote and an equal right to be heard.

The unfortunate reality is we are not going to be able to amend the Constitution to repeal the Citizens United decision this year. I wish we could. But it is not going to happen on that timeline. As we saw earlier today, this Senate is apparently not even willing to require the slightest bit of transparency and accountability by passing the DISCLOSE Act, as we should. Maybe we will get the votes tomorrow. Maybe after listening to this tonight, after hearing from us, our constituents will be moved to contact other Members of this body.

But I am concerned. I am concerned that the Congress is not going to be able to stem the massive influx of cash into our elections this year or this cycle. It may, in fact, be too late for that. There is a reason campaigns and super PACs fund these negative ads. They work. They are designed to go around your head and target your heart. They move you to vote on what you are afraid of, not what you aspire to. And they can be so highly effective.

I do not like negative ads. The Presiding Officer does not like negative ads. Our citizens and our constituents do not like negative ads. We still have a choice, though. We may not yet be able to amend the Constitution. We may not be able to persuade the other side to pass the DISCLOSE Act this time. But we can allow ourselves instead to say, we will not listen to these craven, destructive ads. We can change the channel. We can ignore the ads. We can learn about candidates and their records. We can vote from a place of power instead of fear. Each and every one of us, each and every citizen, can be more powerful than the Supreme Court, can be more powerful than the billionaires and corporations who are trying to sway our votes by deciding to be better with our politics, by deciding to listen past the smear campaigns and the negative attacks.

It is my hope we will be able someday to pass the DISCLOSE Act and to amend the Constitution. But until then, I am left with this: With the encouragement of my colleagues, with confidence in our citizens, and with optimism that somehow through this smear campaign of super PAC ads the truth of the American system will still be shown to the world.

Thank you. With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, let me thank Senator COONS for his remarks, echo one point he made, and make an announcement.

The point I wish to echo is that the importance of American democracy and of clean American elections does, indeed, extend beyond our borders, as Senator COONS mentioned from his role as the chair of the Subcommittee on Africa in the Foreign Relations Committee.

I grew up in the Foreign Service and served on the Intelligence Committee. I have traveled pretty widely in that role. There is a reason Presidents have talked about our Nation as a city on the hill. There is a reason Presidents have described our Nation as a lamp raised in the darkness, that the glow from what we accomplish lights the world. There is a reason the hymn ''America The Beautiful'' talks about how our ''alabaster cities gleam.'' There is not much gleam on those alabaster cities tonight, not after this vote. There is a lot of mud on the walls of those cities, and it is going to get worse unless we pass this vote.

And people get it, which brings me to my announcement, which is that up to this evening, the Progressive Change Campaign Committee has had 34,269 Americans sign its petition supporting the DISCLOSE Act. Demand Progress has had over 50,000 Americans sign up for its petition supporting the DISCLOSE Act. CREDO Action, as I mentioned earlier, has had 213,000 Americans—213,000 Americans—sign up as citizen cosponsors of the DISCLOSE Act. This stack of papers I have in the Chamber has 57 names to a page—213,000 Americans who really put their name down there, something that, evidently, the big, sneaky donors are not willing to do and our colleagues are not willing to force them to do.

And DISCLOSEAct.com has 320,378 signatures supporting the DISCLOSE Act. That Web site got so much activity earlier tonight, as we rolled into this vote, that the Web site crashed from the activity of Americans trying to be a part of the debate we are having here, trying to make their voices heard because they perfectly well understand that these big special interests—the ones that do not want how and why they spend their money in politics to be known to anybody—they do not have Americans' best interests at heart, and they see this coming, and they want to fight back.

That total is 617,000 Americans who have signed up to have our backs and to support this bill.

So as we go forward into the remarks from Senator PRYOR, Senator BLUMENTHAL, and then Senator FRANKEN, we should know that it is not just the one, two, three, four, five, six of us who are now in this Chamber. For each one of us, there are 100,000 Americans who are behind us and want this to happen.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. PRYOR. Mr. President, I thank my colleague from Rhode Island for his great leadership not just on this issue but many issues. But this is certainly a very important issue.

I rise today to the lend my voice to support campaign finance reform and specifically the DISCLOSE Act. I want to come back to the phrase ''lend my voice'' in just a minute. The DISCLOSE Act—a lot of times, people back home hear about these bills that are 500 pages long or 2,000 pages long. This one is barely 20 pages long. It is really about 19 pages and 4 lines long. This is a short bill, very concise, very to the point. I am for it.

I am for even broader campaign finance reform, and let me give you one example of why I support campaign finance reform. There has been too much money in Federal politics for a long time. This did not just start last year or even 5 years ago, this has been building over a long period of time.

When I ran for attorney general in my State in 1998, I raised and spent somewhere around $800,000. That may not sound like a lot of money, and certainly in a Federal race it is not a lot of money, but that got the job done. I had a Republican opponent. We fought it out. She was a very worthy opponent. We had debates, and we sort of barnstormed around the State. It was wonderful.

In 2002, 4 years later, I decided to run for the Senate. That year I had to raise somewhere in the neighborhood—I do not have the figures in front of me but a little bit over $4 million. So same State, basically the same population, same voters; nothing had really changed except I went from a State race, statewide race, for which I raised and spent for the campaign about $800,000, to about five times that amount in 2002. That was before there were super PACs. That was before money really took over, the way you see in 2012. And money really has taken over the system. It is not good. It is not good at all.

I am for the DISCLOSE Act, but I also think we should do larger campaign finance reform based on transparency. Actually, I am supportive of lower giving amounts instead of higher giving amounts.

I support something we used to do in Arkansas. I have not looked at the State law in a while. I assume it is the same, where PACs have to play by the same rules everybody else does. They are subject to the same limits. I think that takes away a lot of the funny business that goes on with PACs.

I think that when we do campaign finance reform, we have to reform more than just the campaigns themselves because right now the campaigns are very regulated. There is a lot of transparency. There is a lot of disclosure. There are a lot of limits and requirements on campaigns. If it is MARK PRYOR for U.S. Senate or whoever it may be, there are lots of rules that govern that. That is the way it should be. The problem is outside the campaign, the extracurricular activities. That is where the real challenge is.

That takes us to Citizens United. I must say, with all due respect, that I think it is naive to hold that money does not have a corrosive effect on politics. It does. We have seen it for two centuries in this country. We have seen that money has a corrosive effect on politics. There have been various reform movements that have been designed to curb that corrosive effect, but unfortunately the Citizens United case just kicked the door open wide, as wide as it has ever been kicked in American history.

I do not want to criticize the Supreme Court, but I certainly hope that after the 2012 elections they will have an opportunity to revisit that decision. I hope they are looking at the press reports where these super PACs and other groups are saying they are going to raise and spend hundreds of millions of dollars. In fact, one tabulation I saw is that just against President Obama's reelection campaign—just to make sure he does not get reelected—there is well over $1 billion they claim they are going to raise and spend to defeat this President. That skews the whole political system in this country. It is not healthy. It is not good.

I see these pages here who are with us today. They are learning about our democracy. I am so proud of them for being here and being here late night, both on the Democratic and Republican side. I am so glad they have this opportunity. I hope it is the opportunity of a lifetime for them. But I do not want the lesson to be that money owns politics, because that is kind of where we are today. We are going to find out in 2012 how much of an impact it has.

Let's go to the first amendment. Again, I do not want to get too deeply into the Supreme Court's decision in Citizens United because I hope they revisit it. But we as citizens have rights that are protected by the U.S. Constitution. The Constitution calls us persons. They call us people. Unfortunately, in this recent decision, the U.S. Supreme Court has basically said that corporations are people and persons and are given that same right. I disagree with that. Corporations cannot vote; they cannot be drafted into the military; they do not have a religion to be protected. There is a lot of difference in corporations. There has always been this legal understanding that a corporation can be a person for certain purposes—everybody agrees with that; we understand why—but not for all purposes and not for political purposes.

One of the truths that we hold self-evident in our system of government is that our rights are inalienable. They do not come from the State. Our rights come from some higher authority than just the Constitution or just the U.S. Government or just the Congress. Our rights are inalienable. Well, corporations are created by people. They do not have inalienable rights. It is ridiculous to think they do.

Again, I hope the Supreme Court will take an opportunity, based on what they saw in 2012, to revisit that decision.

Let me talk about the current state of affairs. I know I have colleagues waiting. I want to wrap this up as quickly as I can. The current state of affairs is that we have unlimited money coming into the political system and secret money coming into the political system. That is a bad combination. That is not good for the public's welfare. It is not good for the average voter and the average citizen.

Again, we have a first amendment right to free speech. There is no doubt about that. And we should. And we should zealously and jealously protect that. But in the political situation we have today, if I have a person in Arkansas who wants to give $100 for a campaign—say, a local congressional campaign, he wants to give $100—well, somebody else can come along—it may be an individual, it may be a corporation; we do not know who it is—and they can give $1 million or they can give more. It can be unlimited, but I want to use round figures here so we can talk about this in a concise way. So $100 from the voter in the State who is actually voting in that election and $1 million from who knows where. Well, I would say this. I talked about it earlier. I want to lend my voice to this. I want that voter to have a voice. I do not want that outside or that secret money or whomever is offering that to have a voice that is 10,000 times louder than that person in Arkansas. It would be like right here. If I were here speaking today and talking about being for the DISCLOSE Act and I turned around and there were 10,000 other people crammed in this Chamber talking about the same act but talking against the act, whose voice is going to be heard by the public? It is not going to be mine. That is the problem with the current state of affairs.

So let's say a television spot—I will just pick a number—costs $500. That is the cheap spot. That is a laughably cheap spot in a lot of markets, but let's say it is a small market and it is not in prime time. Let's say it is $500. I will just pick that figure. So if that person gave $100, they bought one-fifth of a TV ad—one-fifth. That is about a 6-second TV ad. If that corporation or outside person—whomever it is—gave $1 million, they have bought 2,000 TV ads—2,000 compared to 6 seconds. No comparison at all. It is unfair. It grounds out and dilutes our first amendment right that is protected in the Constitution.

This is the last point I wish to make on this unlimited money, and then I would like to make my final point in just a second. On the unlimited money, you need to ask yourself: Why are they doing this? Why are they giving this money? Is it out of the goodness of their hearts?

No, that is not it. That is not it. Elections have consequences. They want to influence the election because they want the consequence to be that they have influence, they have power, they have control. That is what this is about.

We talk about it in terms of 30-second ads and negative ads. What this is about ultimately is who makes decisions in this country. Is it the general public? Is it elected officials who are here because sometimes they go through bruising campaigns to get here, but they are here and they are trying to put the public interest first or are those decisions going to be made by people whose elections were bought lock, stock, and barrel with unlimited and secret money? That is what is at stake today. That is what is at stake tonight. That is why I am for the DISCLOSE Act. I do not think it goes far enough. But I do want to finish on that last point.

The DISCLOSE Act is about transparency. That is a major step in the right direction. I do not think it is the whole ball game; it is a major step in the right direction. I think this is a good piece of legislation.

I thank all of my colleagues who are here tonight and who are talking about this and bringing awareness to the American public about this because I think it is important. And I think this is something we do have to get right, and we need this reform. This is a great place to start.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. FRANKEN. Mr. President, I wish to thank the Senator from Rhode Island for his leadership on this and so many other issues. I thank the Senator from Arkansas for his comments. I recommend them to anyone.

Minnesotans are proud of our participation in civic life. We believe very strongly in hearing each other out. In the last Presidential election, 78 percent of eligible voters in my State turned out to vote—well above the national turnout of 64 percent of voting-age citizens in 2008. In fact, Minnesota has led the Nation for voter turnout in the last six elections. This is really remarkable. It is one of the reasons I am

so proud to represent my State here in the Senate. But when the Supreme Court upended 100 years of law with Citizens United, it yanked the microphone away from average Minnesotans and turned it over to a handful of millionaires and billionaires and corporations intent, as Senator PRYOR said, on controlling the outcome of our election and controlling the decisions that are made that affect the men, women, and children in my State.

A single person writing a check for $1 million or $10 million or $100 million can drown out the voices of everyone else, and they can do so in total secrecy. We have heard about a handful of millionaires and billionaires who have written fat checks to bankroll Presidential candidates, but what is most terrifying about this is that we only know about those people because they decided to let us know. For every billionaire who tells us he is writing a check to a candidate, there are probably 10 or 100 or 1,000 corporations and ultrawealthy individuals who are writing similar checks in secret. Even one of the ones we know about because he decided to let us know now says he is also going to give secretly.

I was listening to C–SPAN radio in my car. That is right, I listen to C–SPAN in my car. They had a woman on who was a journalist. Her beat is money and politics. She writes for a major American daily paper. C–SPAN was talking calls, and one caller basically said all of this is about privatizing Social Security and Medicare so Wall Street folks can get their hands on the money from those programs and so insurance programs get their hands on Medicare money. You know there is truth to that. So the expert says in the answer—and I am paraphrasing—that is what we thought. Most people thought it was going to be corporations giving us money, but it turns out it is just ultrawealthy people who are doing it. Then she paused and said: Of course, we don't know that because so much of the money is secret.

I thought to myself, here is a woman whose whole area of expertise—this is what she thinks about 10, 12 hours a day—money and politics—and yet, even she, because this money is secret—even she is capable of being confused or not understanding the implications of all this secret money—even if it was just for her for a moment or a couple of moments.

That is the purpose of why we are up here tonight to talk about the proliferation of secret money post-Citizens United and its implications on our democracy. Americans may not like it—I sure don't—but the Supreme Court has ruled. At least for now Citizens United is here to stay. The Supreme Court isn't final because it is right; it is right because it is final. So we need to accept that. Absent a constitutional amendment, Congress can no longer limit corporate contributions or campaign contributions to outside or independent groups—so-called independent groups. As much as we may want to, we can't stop corporations and ultrawealthy individuals from flooding our elections with massive amounts of money. We can't stop it. But the Supreme Court said we can shine light on the shadowy interests behind those unprecedented contributions. We can force these organizations and ultrawealthy individuals to disclose.

Justice Anthony Kennedy said this in his majority opinion in Citizens United:

> Prompt disclosure of expenditures can provide shareholders and citizens with the information needed to hold corporations and elected officials accountable for their positions and supporters. Shareholders can determine whether their corporation's political speech advances the corporation's interest in making profits, and citizens can see whether elected officials are in the pocket of so-called moneyed interests.

Justice Kennedy went on to say:

> The First Amendment protects political speech, and disclosure permits citizens and shareholders to react to the speech of corporate entities in a proper way. This transparency enables the electorate to make informed decisions and give proper weight to different speakers and messages.

I could not have said it better myself. This is in his majority opinion of Citizens United. My colleagues and I have simply taken Justice Kennedy's words to heart, and we have drafted a bill that will bring transparency and accountability to the electorate so they can make the decisions about who should lead our country. That is critical because elections matter.

Elections determine who is going to get to Washington, who is going to get here to make decisions on behalf of the rest of the Nation. Americans need to know who is spending tons of money to get candidates elected.

That is why we are here today to talk about the DISCLOSURE Act. This bill is not a panacea. It will not overturn Citizens United, and it will not stop the tsunami of money pouring in from corporations. But it will require that all that special interest money be disclosed publicly, and that will have tremendously beneficial effects for this country.

We may not be able to stop the tidal wave of unlimited cash, but we can, and we should, at a minimum know who is writing those big checks. Not only will this type of disclosure discourage backroom deals conducted under a cloak of secrecy but, more importantly, it will discourage donors from unleashing negative, misleading, and deceptive ads against politicians who are trying to do the right thing.

But that is not our world today. Companies don't want us to know they are giving lots of money to elect or defeat someone. So they do something that looks a lot like money laundering, but it is legal.

They might create and give money to a shell corporation, which in turn donates to a super PAC. When we look at the records for the super PAC, we will see the shell corporation but not the original source of the money.

A company might give money to one shell corporation, which in turn gives money to a PAC or another shell corporation, and so on, until it finally reaches the ultimate super PAC. It is nearly impossible to trace it back to the original corporation. That is in the super PACs.

The company can just give money to a 501(c)(4)—a so-called social welfare organization—which is under no obligation to disclose a single thing. Of course, there are rules in place to make sure these nonprofits are truly social welfare organizations and deserving of their privileged tax-exempt status. Specifically, they must spend less than 50 percent of their money on political activities. Unfortunately, the IRS has not been aggressively enforcing this rule. We suspect that many of these 504(c)(4)s are not spending more than 50 percent on nonpolitical ads.

But no matter how companies or wealthy individuals secretly funnel their money into elections, we all lose. We lose because we don't know who is paying for the negative attack ads that are constantly dominating our TV or the newspaper ads or the Web ads online or the robocalls that interrupt dinner or the misleading mailers or the field operatives who knock on our door or call us on Saturday mornings.

Minnesotans believe strongly in hearing each other out, and they want honest, informed debate. They want to hear all sides of an issue before they make up their minds. This is why we have such a high voter turnout in our State. They want to listen to the competing priorities for our State and our Nation because these issues are not simple. They want to hear all sides before deciding who to vote for at the polls.

Unfortunately, Minnesotans cannot listen to all sides when worthwhile debate is being drowned out by a tsunami of corrosive, negative, and often deceptive ads paid for by outside special interest groups. These days, especially if one is in a swing State, people can't turn on a television without seeing them.

But it is not just volume that drowns out legitimate debate and turns off voters; it is what the ads are saying. More and more are negative, deceptive or both. According to the Annenberg Public Policy Center—listen to this—85 percent of the dollars spent on Presidential ads by the four top-spending 501(c)(4)s—or so-called social welfare organizations—were spent on ads containing at least one deceptive claim—deceptive. No wonder people are disenchanted with our political system.

Anonymity fuels this. It is easy to pay for ads that deceive voters when they don't have to attach their name to them, and so they have no accountability. It is easy to launch personal attacks when they are doing so in secret—under the cloak of anonymity. It is these so-called social welfare groups that are responsible for so many of

these deceptive ads that have absolutely no requirements to disclose their donors.

The public doesn't know when they watch political ads whether they are true or deceptive. That is a problem because there is no question that advertising works. People watch TV. They love TV. I love TV. I made a living in TV. When we watch TV, there are commercials, and commercials work. Do you know the show ''Mad Men''? It is popular and it is about advertising in the early 1960s and it is about how advertising works. They discovered this a long time ago, and it is true; it works. Advertising helps influence what we buy, what we eat, what we drink, where we shop and, yes, which politician we will support when we go to the polls.

Most Americans don't watch or listen to C–SPAN in their spare time. Most Americans aren't engrossed in politics, keeping track of every vote we take in Congress. That is why political ads can make or break how Americans feel about a candidate come election day.

The Supreme Court recognized this in Citizens United when it noted it had previously upheld disclosure laws in order to address the problem of purportedly independent groups running election-related ads while ''hiding behind dubious and misleading names.''

It is these generic and sometimes misleading names for outside groups—with nice words such as ''America'' ''freedom'' or ''prosperity'' in their titles—that are manipulating the public now. In the 2010 election, these outside groups spent more than $280 million on campaign ads, which was more than double what they spent in 2008 and more than five times what they spent in 2006. Even more shocking, there are estimates that outside groups will spend more than $1 billion on independent expenditures this election cycle.

The public has every right to know who is bankrolling these ads, so it can better understand what motivates these messages and take what they say in some context and with a grain of salt.

As important, what we are not seeing, what has been drowned out by all these negative deceptive ads is debate and discussion about the issues most Americans care about: How am I going to pay my mortgage? How am I going to put my kids through college? How am I going to find a job in this difficult economy? Will I be able to retire and enjoy my golden years?

Why is this happening? Why aren't ads focused on these issues? The answer is quite simple. Ads that dominate the airwaves are expensive, and they are being bought by corporations and ultrawealthy individuals for their own interests.

Corporations aren't evil—far from it. There are many great corporations in Minnesota. But it is their duty to maximize shareholder profit. Their focus is on cutting costs or consolidating their position in a market or on reducing the number of regulations they need to comply with to keep their workers safe, in some cases, or maybe to keep our air and water clean. Their first priority isn't helping the middle class, and they are not going to spend money from their general treasuries on ads urging candidates to keep college affordable or push for funding for Pell grants, Head Start or for medical research.

But the bigger issue—and the reason why disclosure matters so much in our political system—is that corporations don't just buy ads to make their views known; they use them as a weapon against politicians. This is a real problem. It is happening today, and it is only going to get worse and worse now that corporations can spend what they want, as much as they want, whenever they want, with absolutely no transparency.

Candidates know if they do not support the policies that corporations are pushing, they are likely to face a torrent of negative ads funded by that corporation or industry when they are running for election or reelection. All those ads will come from a shell organization with a name such as the American Prosperity Fund for America's Prosperity in the Future in America. The public will not know that a corporation or wealthy individual is buying these ads, but the candidate will, and the candidate will be powerless to stop it.

This is why I think the Supreme Court got it wrong in Citizens United—and this is a quote from the Supreme Court—when it found ''independent expenditures, including those made by corporations, do not give rise to the corruption or the appearance of corruption.''

Wow. That is what the Court said. They made that statement without any citation to legal authority, without any citation to evidence. This statement was plucked from thin air. It doesn't pass the smell test. Any Minnesotan knows intuitively that is just flat-out wrong.

The reality is, unfortunately, money does equal power in this country. Elections cost money—a lot of money. With each election cycle it is costing more and more. When a corporation or wealthy individual can spend a truckload of cash to support its favorite politician and kick out a courageous politician who may have hurt its bottom line, our entire democratic system is undermined. If this continues, we risk becoming an oligarchy, which would undermine our already undermined middle class and would quash the working poor's aspirations for entering the middle class. It would be harder to get a wage that could put a roof over your head, harder to afford child care, and harder to send a kid to college. There will be an even greater disparity between the rich and everyone else.

Already, since the 1970s, our Nation has been growing apart as the rich get richer and the poorer and middle class fall further and further behind. They have seen little or no return on their increased productivity and longer working hours. If money and power continue to accumulate among a few individuals and companies, it will only get worse. There will be less money for education, less money for unemployment insurance, and less money for basic research to cure diseases. It will be harder to get health insurance, if health care reform is repealed, and they might even be successful in pushing to privatize Social Security or Medicare. This will not benefit working families.

Your power to sway elected representatives should be the same regardless of whether you are the CEO of a Fortune 500 company or a police officer in a small town. Unfortunately, we are careening toward a world where that is no longer the case and where the average American's voice is drowned out by all the special interests monopolizing our public discourse.

Thomas Jefferson once said:

> The end of democracy and the defeat of the American Revolution will occur when government falls into the hands of lending institutions and moneyed incorporations.

I fear, Mr. President, we are on the brink of just that.

The DISCLOSE Act will not fix all the harms of Citizens United, but it is certainly a step forward. It will bring much needed sunshine to our political system which will go a long way toward reducing the number and dishonesty of negative attack ads that further corrode our public dialogue and ultimately threaten our democratic system.

I am disappointed my colleagues do not recognize just that, and they have refused to even let us have a full debate on this important bill. I understand we may be taking up a motion for reconsideration, and I urge my colleagues to reconsider and join me in supporting this important piece of legislation and join those of us who are here tonight. If it is allowed to come up for an up-or-down vote, I am confident this body will pass it, and that would be cheered by the American public.

In closing, I would like to remind this body of an exchange Benjamin Franklin had with one of the delegates at the closing of the Constitutional Convention in 1787. When asked whether we have either a republic or a monarchy, Dr. Franklin responded: ''A Republic, if you can keep it.''

Our Founders created the greatest Nation in history. It is our job to keep it that way and make sure a nation premised on equality and freedom does not become a nation beholden to just the rich and the powerful.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. BLUMENTHAL. Mr. President, I thank the Senator from Minnesota for his very powerful and eloquent words, and I particularly want to thank my distinguished friend and colleague from

Rhode Island for his leadership on this issue. I also thank others who have been at his side and working with him. I have been proud to be a cosponsor of this measure.

I would like to thank Senator SCHUMER, who introduced a similar measure in 2010. The DISCLOSE Act of 2010 has been, in fact, considerably narrowed and tailored to target the anonymity of huge donations—increasingly large donations today—and it is the kind of tailoring and narrowing that reflects the care and precision and hard work that my colleague from Rhode Island and others—and I am proud to be among them—have given to this matter.

As I rise at this late hour, we can't know—we can only hope—that America is listening or that our colleagues are listening, but I do know we should be listening to America. I am listening to Connecticut, and what I hear from Connecticut, the people of my State—as so many of my colleagues are hearing from their constituents and citizens—is they are losing trust in the greatest democracy in the history of the world. The greatest country in the history of the planet is losing the confidence and faith of its people.

I am hearing from people such as Catherine Sturgess of New Canaan, CT, who says:

> Undisclosed campaign money influences candidates, elections and undermines the role of the voter. In turn, the election process is corrupted. Only a few cannot be allowed to impact a system which is intended to represent us all.

Lawrence Poin of Fairfield tells me, and I am listening:

> Right now, foreign governments, oil tycoons, and Wall Street banks can spend millions to buy our democracy, and the American public will never know.

And I am listening also to Garrett Timmons of Brooklyn, CT, who says:

> I think campaign and election reform should go much further and include a constitutional amendment in light of Citizens United, but I know how unrealistic that is. At least this act—

He is referring to the DISCLOSE Act of 2012—

> is a step in the right direction, and I hope a no-brainer for our Congress. The people of this country are losing their representation in government to special interests and the funders of political campaigns. And to make matters worse, we don't even know who are stealing our elections.

I am listening to those people who are watching. They are watching what is happening in this country, and they are losing faith because they believe Washington is failing to listen to them. There are millions of other hard-working families who are struggling to put food on the table, stay in their homes, and find jobs who believe the system is not working for them and not listening to them as much as it is to the people who can afford to give to political campaigns, let alone who can afford to give tens of millions.

If we listen to the people of America—and I am listening to the people of Connecticut—we will pass the DISCLOSE Act of 2012.

All this bill requires is openness and disclosure and accountability. It places no limits on what can be contributed, on what can be done, on what can be said. It is completely consistent with Citizens United. I am not here to relitigate that case.

The Supreme Court, in the Bullock decision, recently indicated it would not relitigate that case anytime soon. It invalidated a Montana State law that prohibited corporations from making independent expenditures. We are not going to relitigate whether a corporation is a citizen or whether any of these entities can contribute or in what amounts.

The DISCLOSE Act of 2012 is completely consistent with Citizens United. In fact, in a certain very true sense, Citizens United, in its majority opinion, presumed disclosure. The Supreme Court, in the majority opinion in that case, made clear the first amendment protects political speech when it said:

> . . . and disclosure permits citizens and shareholders to react to the speech of corporate entities in a proper way.

The framework, the reasoning, the logic of Citizens United is no limits on speech but disclosure of who is speaking and who is funding and supporting that speech. That basic premise is one that runs through the precedence of this Court and of others who have litigated these cases. It is not too much to say that the DISCLOSE Act of 2012 is an essential predicate to the framework, the legal framework, that Citizens United presumes.

I would rather go further as well. As one of my constituents said, I would favor a constitutional amendment that would enable some limits consistent with the Constitution. Money is corrosive. Too much money in the system corrupts. But, again, we are not here to set limits, we are here to deal with secrecy, with anonymity. Secrecy and anonymity not only corrode, they destroy the essence of our democracy. By opening the system to the sunshine that will eliminate that secrecy, we are helping to restore trust and faith in government, and we would be showing that Washington will listen to the American people, including the people of Connecticut.

The Supreme Court decisions, like elections, have consequences, and Citizens United certainly has shown that it has consequences. During the 2010 midterm elections, the first election season after Citizens United, outside groups spent nearly $300 million—four times as much money as in the 2006 midterm election before the Citizens United decision. Nearly half of the money spent in the 2010 election after Citizens United was spent by just 10 groups. Think about it. Ten groups spent more than half of that $300 million.

As spending has quadrupled, transparency has been lessened. Nobody knows where this money is coming from. In 2006, only 1 percent of political spending by outside groups was anonymous. In 2010, 44 percent—nearly half—was anonymous. We know anonymity on the Internet or in the public sphere breeds negativism, it breeds deception, and often it breeds outright lies.

Accountability is one of the watch words of our democracy, and the anonymity of this spending, of these contributions of tens of millions—indeed, hundreds of millions of dollars that are contributed by a handful of people and entities, whether it is corporations or business associations or unions, is corrupting to the process.

The majority opinion in Citizens United dismissed concerns about unlimited political spending by claiming that prompt disclosure would make these entities and individuals accountable to shareholders, voters, consumers, and the public at large. Yet elections have been inundated with secret money.

Citizens United had consequences unintended and unanticipated by the Supreme Court. People may say: Well, the Justices were naive. But the fact is this body, the Congress, must compensate to ameliorate and remedy the unintended consequences of that decision. The American people have shown in polls as well as those letters I mentioned earlier that they expect us to do so. Seven in ten Americans believe super PACs should be illegal, including majorities of Democrats, Republicans, and Independents. This issue is not partisan. It should be bipartisan. It has been bipartisan in the past and must be again. More than seven in ten Americans feel there is too much money in politics, including, again, the majority of Democrats, Republicans, and Independents. Seven in ten Americans, including majorities of Republicans, Democrats, and Independents, believe there should be limits on contributions to political campaigns. One in four Americans say they are less likely to vote because of the super PACs and these anonymous donations. Finally, seven in ten Americans agree that ''new rules that let corporations, unions, and people give unlimited money to super PACs will lead to corruption.''

Let the Senate listen to the people of Connecticut and America. Let them say: We respect what you are saying again and again, and we will act in a bipartisan way to protect our democracy.

Americans want their choice of candidates to be an election, not an auction. At the very least, we should tell them and make possible for them to know who is doing the bidding in those auctions, who is doing the buying, and who is doing the selling. Nobody wants there to be an auction, but if contributions are not limited, the auction at the very least should be in the open so that the public can see who is buying, who is selling, and who is bidding. That view of American democracy may not

be a very elevating one, but we deal with practical reality, and as we speak, tens of millions of Americans are watching what we will do. Maybe not tonight, perhaps not at this hour, but at the end of the day, at the end of this debate, they will hold the Senate accountable for what it does or what it fails to do.

I urge my colleagues to reconsider and approve the DISCLOSE Act of 2012.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. FRANKEN). The Senator from Rhode Island.

Mr. REED. Mr. President, I rise today to join my colleagues in supporting the DISCLOSE Act.

I commend Senator BLUMENTHAL for his extraordinarily insightful and articulate words with respect to this critical issue. I particularly wish to commend the Senator from Rhode Island, Mr. WHITEHOUSE. He has been the driving force to bring this issue to the floor, to educate all of us in the Senate and the American people about what is at stake, and in many respects, it is our democracy. It is the presumption that every American has their vote count just as much as anybody else's vote, that elections are decided based upon issues and ideas and not by the sheer volume and the sheer magnitude of 30-second advertisements that are designed more to divert than to inform, designed more to excite than to inform. Most people believe in a system that is based on thoughtful consideration of ideas and issues and in a system in which everyone's vote counts.

Senator WHITEHOUSE is an extraordinarily gifted attorney. He understands these issues perhaps as well as anyone in this body. He was a Federal attorney and our state's attorney general, and he has brought not just knowledge of the Constitution but this passion for justice and fairness and decency and democracy to the forefront of our debate today, and this will not be the last day we will be debating this issue. So let me begin by commending his efforts.

A fundamental right guaranteed by the Constitution is the right to vote. Each citizens gets one vote, and this right represents a critical pillar of our democracy because we treat everyone equally, allowing each citizen to have this crucial and critical say in who governs, on the issues, and ultimately what is the course of this great country.

But because of the Supreme Court decision in Citizens United, I worry that our political and civic conversations now advantage those who flood our airwaves, papers, and Web sites by talking—if not shouting—louder simply because they have more money and resources to do so.

The New York Times recently included the following in an article, giving us one indication of how much money is awash in our political system, and it reflects what my colleague from Connecticut said.

> During the 2010 midterm elections, tax-exempt groups outspent PACs by a 3–2 margin, according to a recent study by the Center for Responsive Politics and the Center for Public Integrity, with most of that money devoted to attacking Democrats or defending Republicans. And such groups have accounted for two-thirds of the political advertising bought by the biggest outside spenders so far in the 2012 election cycle, according to Kantar Media's Campaign Media Analysis Group, with close to $100 million in issue ads.

And the clock is still ticking and the amount is accumulating.

That electioneering in the shadows is not what most Americans want. They want robust debate. They want candidates to engage as candidates, not the witting or unwitting beneficiaries or victims of anonymous advertisements in their race.

This is not, I believe, what the creators of the Constitution thought would happen or hoped would happen. They envisioned a country in which the best ideas and the best arguments prevailed regardless of how loudly one spoke; that it was the quality of the argument, not the volume of the speaker, that mattered.

What should be important is this quality of speech, not the quantity, and, frankly, there is a direct correlation between the amount of money you have today and the quantity of your speech in the media. That is just the reality of paid advertisement, which dominates political campaigns.

But I think this vision, because of Citizens United, has been turned on its head. Now those with the greatest resources, the most money, have been given a disproportionate advantage.

By allowing corporations and unions to unleash the full power of their treasury funds and explicitly advocate for the election or defeat of candidates in Federal or State elections in the name of protecting and promoting free speech, I think the Supreme Court missed the mark. It missed the mark about the centrality of an individual's vote and the substance of a campaign being about ideas, not about derogatory advertising, not about anything else except the issues. That is the ideal. That is what our Founding Fathers were hoping for and, indeed, I think expecting, and I think that has been terribly distorted by this opinion.

There is an interesting situation going on here. In the attempt to create, under Citizens United, what the Supreme Court, I expect, was hoping to do—create an atmosphere in which speech is free—they created a situation in which speech is no longer free. Effective speech is no longer free; it actually comes with a very high cost and goes to the person who is the highest bidder. That is not free speech, not effective free speech; it is purchased speech. And if our elections are going to be decided not by free speech but by purchased speech, they will be won always by the highest bidder, by the person with the biggest wallet, the person who is willing to spend as much as necessary to prevail. And it will raise and it does raise the specter of, is this about the future of the country or is this about the narrow self-interest of someone who is willing to invest a great deal of money into a particular race? And I think most people would conclude that it is probably about the narrow self-interests of someone who invests a great deal of money in a race.

Simply put, I think Citizens United is deeply flawed, and more than one expert has voiced their frustration and disappointment with this decision.

Shortly after the Supreme Court handed down its decision in Citizens United in 2010, Norm Ornstein of the American Enterprise Institute, which is a center-right—more right than center, perhaps—organization, wrote, in a column in Roll Call called ''Court Way Oversteps its Authority With the Citizens United Case,'' these words:

> I hoped Citizens United would be decided narrowly but feared that the court would take a meat ax to a century of settled law and policy. My worst fears were realized.
>
> This decision equates corporations, which have one goal, to make money, with individual citizens, who have many goals and motives in their lives, including making a better society, protecting their children and grandchildren and future generations, and so on . . .
>
> This was a case never raised by the plaintiffs and never formally brought before the Roberts Court. We do not have an instance where an actual for-profit corporation has complained that it has been barred from its ability to get its message across in the political process. The cases overturned and the laws struck down were considered carefully by judges and Congresses past, including in the McConnell decision barely six years ago. Only one thing has changed since—the political and ideological complexion of the Supreme Court brought on in particular by the retirement of Sandra Day O'Connor.

Additionally, Richard Posner, a respected Conservative Judge on the 7th Circuit Court of Appeals, who was appointed to the bench by President Ronald Reagan, recently stated the following on his blog:

> [T]he Court, rather naively as it seems to most observers, reasoned in the Citizens United case that the risk of corruption would be slight if the donor was not contributing to a candidate or a political party, but merely expressing his political preferences through an independent organization such as a super PAC—an organization neither controlled by nor even coordinating with a candidate or political party. . . .
>
> It thus is difficult to see what practical difference there is between super PAC donations and direct campaign donations, from a corruption standpoint. A super PAC is a valuable weapon for a campaign, as the heavy expenditures of Restore Our Future, the large super PAC that supports Romney and has attacked his opponents, proves; the donors to it are known; and it is unclear why they should expect less quid pro quo from their favored candidate if he's successful than a direct donor to the candidate's campaign would be.

Judge Posner, I think, is making the case very effectively. If there are limits on direct individual donors' contributions because you do not even want to create the appearance of a quid pro quo, the idea a super PAC, whose

donors are known, has less of an ability to influence a candidate and more—I think, significantly, not only a candidate but perhaps an elected official—that does not follow. I think Judge Posner's comments are very on point in that this also invites the perception and perhaps the reality of inappropriate influence on candidates and on elected officials. That was a great deal at the heart of why we passed campaign reform legislation decades ago.

Even these points of view by Norm Ornstein and by Judge Posner have not, unfortunately, convinced my Republican colleagues to join us in effect in trying to correct a deficiency which my able colleague from Connecticut pointed out was the fact that the case of Citizens United presumes disclosure. We have tried to debate this legislation and variations many times before. I think we have taken even much stronger action in previous versions, but today we are here in a good-faith effort to meet our colleagues more than halfway.

There are those who opposed previous versions of the DISCLOSE Act on the grounds that there were provisions unrelated to disclosure. But these concerns are addressed head on in this legislation crafted by my colleague because it focuses solely on disclosure, and it is effective after this fall's elections. So I ask my colleagues, especially those who have said they are all for disclosure, to join us. Join us to pass this legislation because it is all about disclosure.

Let me go back to the language of the Supreme Court opinion quoted by Senator BLUMENTHAL because they presume in the decision there would be full disclosure, and that is what we are asking for tonight on this floor: Give the Court what it thought it had, a system by which the American public can know immediately who is putting all this money into the elections.

In the words of the Court in Citizens United:

> [P]rompt disclosure of expenditures can provide shareholders and citizens with the information needed to hold corporations and elected officials accountable for their positions and supporters. Shareholders can determine whether their corporation's political speech advances the corporation's interest in making profits, and citizens can see whether elected officials are ''in the pocket'' of so-called moneyed interests.
>
> The First Amendment protects political speech; and disclosure permits citizens and shareholders to react to the speech of corporate entities in a proper way. This transparency enables the electorate to make informed decisions and give proper weight to different speakers and messages.

That is what the court said. Yet, if we do not pass this legislation, there will not be enough disclosure; because corporate shareholders cannot make judgments about what their corporate directors and managers are investing in, in terms of political activities. Individuals cannot make judgments about the commercials they are seeing because they don't know who is behind them, really.

If we want to create the context which presumably undergirded the Supreme Court's decision, we have to pass this legislation. If you do not want to ignore, indeed, what the Court has said, do not want to ignore what our constituents have said, and do not want to allow this anonymous money to flood our elections, to not raise doubt about the process, to not undercut what people traditionally think is the American way—one person, one vote;—then let's start by passing this legislation.

I urge my colleagues to support the DISCLOSE Act.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. CASEY. Mr. President, I rise tonight to join what so many have spoken of tonight, which is our system of electing officials to various levels of government. In the case of the Federal Government we are always concerned about how that process plays out. We live in a country where for generations now we have urged people to come to the public square, in a sense, to vote, to participate, to use their free speech rights, their freedom of association—the rights they have to participate in elections.

What we are confronted with now, without the passage or in the absence of the passage of this legislation, is what I would say are special rules for secret money—or maybe better said, special rules for a small group of individuals or entities to spend secret money.

We, in Pennsylvania, as one of the buildings in the Capital area, have the finance building. It is a building I worked in for a decade. When it was built in the 1930s, they had as inscriptions around the border, the perimeter at the top of the building, precepts about government, what it should be, so people who worked in that building would aspire to higher ideals.

One of the inscriptions says the following:

> Open to every inspection. Secure from every suspicion.

A pretty simple precept. I think we all understand what that means. If we have a system or a candidate or an organization or a process that is open to inspection, the chances of there being suspicion about that candidate or about that process or about that organization would be diminished. So more disclosure, more scrutiny.

We all know the old direction—I am not quite sure who said this, but we have all used this—the idea of sunlight being the best disinfectant, to make sure we keep our political process open.

It is baffling to me why someone would not want to vote for this legislation when we consider the language. It is legislation which barely gets to the 20th page. It is not very long. I was looking at page 5 of the authors of the bill—Senator WHITEHOUSE from Rhode Island, who has done great work on this, and so many others who worked with him—the language on page 5 says as follows: It is under the title ''Disclosure Statement.'' It is very simple language:

> Any covered organization that makes campaign-related disbursements aggregating more than $10,000 in an election reporting cycle shall—

And this is the mandatory part—

> not later than 24 hours after each disclosure date, file a statement with the [Federal Election] Commission made under penalty of perjury that contains information described in paragraph (2).

Then it goes on to describe what you have to disclose. It is very simple. I don't know how you could be opposed to that if you believe in debates in the public square. It is not as if we say to people: Come to the public square, but a few of you can go into a corner. We are going to cloak you in secrecy. You are going to be in the shadows. Everyone else in the public square is going to know who is on the square, is going to know what your point of view is, what is your position in the light because there are a couple of others who we are going to be put in the shadows, but the rest of you don't worry about it.

It sounds strange, doesn't it? It doesn't sound very American.

I think when people see what happened in the last couple of years, they are very concerned that we have a system now that has too much of this secret money. There is too much money in the shadows without the sunlight providing the disinfectant.

When you consider what we are doing now and compare it to what has happened over the last generation where candidates not only file reports about who has contributed to their campaigns but even their advertising—they have disclaimers at the bottom of the advertising. Now in the more recent period the candidate, himself or herself, has to identify themselves by name and say that they paid for the ad.

This legislation doesn't get to that. It focuses on the basic question of disclosure so a citizen can say: This organization made this assertion in an advertisement, and I am going to find out who they are so I can make a judgment about the advertisement before I vote.

It is very simple. It is how our system works. People go to the public square, they have a debate, there is a lot of sunlight, a lot of disclosure, and the debates are freewheeling. They are tough, but they are in the open, and they comply with that precept I started with. They are open to every inspection, and therefore the chances of suspicion are lessened because everything is out in the open.

That is all this is. It is providing a measure or degree of sunlight into that process, into that public square. So if all these generations of reform have told us—which I think they have told us, and I know this is true in Pennsylvania—that more disclosure, more sunlight, more scrutiny is going to lead to better elections and better participation, I don't think we should run counter to that history.

I am not trying to assert that everything else about our elections is perfect. We still have a lot of other reforms we could institute. But at least we can give people some measure of confidence that when they hear an assertion in that public square they are going to know where it comes from. They are going to know the origin of that statement. They are going to know the bias or point of view, and they are going to make a judgment about that before they exercise their right to vote.

We should allow people that opportunity to maybe be a little bit suspicious, but it is hard to be secure in your knowledge about information if you do not know where it comes from, if you do not know who is the real speaker, and you do not know their point of view.

I think there are a lot of Americans who know our system is not perfect even with passage of this legislation, but they at least say to us: Let's at least remove the possibility, which I think is evident now, that you have a small group of people who are allowed to spend this secret money and, therefore, elevate or raise suspicion, and maybe even cynicism, about our system.

Let's be open to every inspection and to every measure of scrutiny, and let's bring our points of view to the public square as we have for so many generations. Let's pass the DISCLOSE Act and make sure that at a minimum, as tough as times are for a lot of people right now, at least they are going to have the information they need about point of view before they vote.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, first, I wish to thank all my colleagues who have been so diligent, hardworking, and prescient on this issue. Of course, Senator WHITEHOUSE from Rhode Island, the leader of our task force, led us to this point. Senator MERKLEY has been very active and involved, as have you, Mr. President, as well as Senator SHAHEEN and Senator BENNET. There have been so many people on the task force who did a very good job, including Senator UDALL and so many of our colleagues.

The fact that we have been on the Senate floor now for close to 5 hours and there hasn't been a moment's pause says something. It talks about the broad support that this modest but powerful act has on our side of the aisle. The fact that no one, unfortunately, on the other side of the aisle has come to debate this issue says something as well. The only debate, in fact, we heard was the Republican leader in a brief speech that was almost 1984ish. His reason we shouldn't disclose is that people who give would be harassed.

If we go by that, we should probably have everything be in secret because, of course, in an open democracy, when we do things in the political arena, we are subject to criticism. That is what freedom is about. To come up with this inside-out argument that we shouldn't disclose because people might be criticized for the contributions they make or the ads they fund is the most antidemocratic, anti-U.S. Constitution argument I have heard. It just doesn't even pass the laugh test. I am surprised. My colleague is one of the most brilliant political minds we have around here. Even when I disagree with him, I respect his mind. But this argument is—to say sophistry is kind. I don't think it is going to catch on with people.

Anyway, we have had very few comments, other than that made by colleagues on the other side of the aisle tonight, and that is truly unfortunate. We should have a debate on this issue, but I have a feeling most of my colleagues on the other side of the aisle realize by their previous statements, by the previous position of the Republican Party, and by knowing them, we are right.

Disclosing contributions is only fair and only right and American and in keeping with our democracy and our Constitution. I think the reason so few people have shown—or no people on the other side have shown is that the reason they are not supporting us is not out of conviction but out of short-term political advantage. Obviously, the super PACs, large multimillion dollar contributions are coming mostly from the other side and may indeed benefit them in the election. In the long run, it is bad for our democracy. In the long run, it is bad for the Republican Party to shy away from not only debating this issue but supporting this bill because the issue of disclosure is so simple, so easy, and so right. The issue of disclosure is one that is now wracking the Presidential campaign. You can run, but you can't hide. The argument of disclosure will, in a sense, chase you down and beat you so you may as well join in now and do the right thing.

I would like to make a point. The two top advertisers in this election cycle are predictably the two candidates' campaign. What is the third just after the Obama campaign and the Romney campaign? It is something called Crossroads GPS. In the last week alone, Crossroads GPS announced almost $25 million in advertising against the President and the Senators. The group, Crossroads GPS, has a name, and it doesn't mean much. They don't have to disclose a single one of their donors. In fact, reports indicate that Crossroads GPS raised $77 million in its first 2 years of existence, and 90 percent of that came from, at most, 24 donors. That is an average of $2.9 million per donor.

So far in this election cycle, as of May 31, super PACs have spent $135.6 million in an election year. Twenty percent comes from 501(c)(4) organizations, ''social welfare organizations'' that don't have to declare their donors at all thanks to the decision in Citizens United. Many of the donors behind the other 80 percent of super PACs could also be anonymous. That is because people can donate to the 501(c)(4)s that require no disclosure and then the 501(c)(4)s can donate to the 527s which requires some disclosure. The level of disclosure under our present law isn't just inadequate, it is laughable. The voters deserve to know the truth, ugly or not, of who is behind the super PACs. If the wealthy special interests want to invest hundreds of millions of dollars in our government, then they should pay their fair share of taxes rather than fund candidates who will give them special tax breaks paid for by middle-class Americans.

Yet because of the flawed Citizens United ruling, the corporations that can't vote in our elections are trying to buy the electoral outcomes that benefit them, and it is all in secret. Our solution is simple: The DISCLOSE Act simply restores transparency and accountability. There are many of us who would limit what people can give and how they can give it.

I believe, frankly, that Buckley v. Valeo is not as bad a decision as Citizens United, but it is a bad decision. I introduced legislation, a constitutional amendment, to undo it years ago. Two years ago, I joined my colleague from New Mexico who had spearheaded this drive in the House to support his legislation.

I believe there ought to be limits because the first amendment is not absolute. No amendment is absolute. A person can't scream ''fire'' falsely in a crowded theater. We have libel laws. We have antipornography laws. All of those are limits on the first amendment. What could be more important than the wellspring of our democracy? Certain limits on first amendment rights that if left unfettered, destroy the equality—any semblance of equality in our democracy of course would be allowed by the Constitution. The new theorists on the Supreme Court who don't believe that, I am not sure where their motivation comes from, but they are so wrong. They are so wrong.

I hope we are going to move to change this law. I hope we are going to pass first this DISCLOSE Act and then the broader bill that has been introduced, which also has disclaim. I hope eventually we will find a Supreme Court that allows reasonable limits on campaign contributions. That is so important for the future.

I have to tell the Chair I am an optimist, and I love this country. We had our DSCC retreat this weekend, and we heard stories about people who had risen from poverty to now run for the U.S. Senate after having careers of great accomplishment. I am not going to name specific individuals, but you heard them. They were moving. It is what America is all about, being there. It made me so proud to be an American. Most of our families are examples

of this. My father was an exterminator. He didn't go to college. I am here. What a place.

Despite my love for this country and my fervent belief in its future, the thing that worries me most is the effects of the Citizens United case. To have 17 people contribute half of the money to Republican super PACs and to have the vast majority of that money undisclosed is frightening.

I know maybe our Supreme Court Justices do think in absolute terms. After all, this is the first amendment. But I am sure of one thing: None of them have run for office. They have no idea of the power of these negative undisclosed ads, the corrosive effect it has on our democracy, and the influence that those who offer these ads have. It makes me worry about the future of this country if we continue along this path. Unfortunately, the Supreme Court seems to have very little doubt based on the Montana case where they even refused to hear it. We have to worry about the fundamental fairness of how our system functions.

We are not a pure democracy. We are a Republic, if we can keep it, and a Republic says there ought to be some intermediation. There is an understanding in a Republic that the Founding Fathers were very much aware of it. I guess Alexander Hamilton, my fellow New Yorker, leading this part of it, that those who have achieved success in America deserve some influence—maybe a little more influence than others—they believed that; that is how our Republic is set up.

The pendulum has swung so far that I truly, for the first time in my life, worry about the future of this democracy. If a small group of people can control the entire political process through the powerful vehicle of undisclosed ads shown on television time and time again. If when people run for office they are afraid to offend those who have great wealth or power because these ads may be run against them, it presents one of the greatest dangers to this democracy that we have had in over 200 years.

Maybe one of those nine—particularly one of those five—on the Supreme Court are watching so they have some understanding of the damage this decision is doing to our democracy. Do they understand that when they write: We are not against disclosure, and that as long as Citizens United continues to exist it is almost a catch-22—the way our political structure works, the heavy money that comes in on the other side—and then not a single Republican, even many of those who probably agree with us in their hearts are willing to vote even for disclosure—means we will never get it and it is an empty promise. Do they understand the so-called independence of independent expenditures has become a joke, that the very underpinnings of their decision in Citizens United does not square at all with reality? Do they understand what every 1 of the 100 of us here and the 435 Members of the House on the other side and Presidential candidates are living with? Do they have any understanding of that?

So here we are. What else can we do? We are here late at night desperately trying to either persuade our colleagues whose self-interests mitigate against them joining us to persuade the people—although the issue of campaign finance is often an abstract one at a time when people are so busy working hard paying the bills, raising their families, and experiencing the vicissitudes that life and that God gives and visits on each and every one of us. In fact, maybe one of the Justices on the Supreme Court is sort of living in a fantasy world as their decisions undo the very democracy they are supposed to preserve.

We are trying. That is all we can do. The one thing I want to assure my colleagues of on both sides of the aisle, the American people, and everybody else who is involved in this issue is we are not going to stop trying until we succeed.

Dr. King, one of the great men of America, said that ''the arc of history is long, but it bends in the direction of justice.'' He was talking about justice for people of color. There also has to be a justice for average folks who can't reach into their checkbooks and spend $1 million on an ad, undisclosed, that excoriates, often unfairly, someone they disagree with. They need justice too, those average folks. They are not going to get it until this simple measure, and others that are stronger than it, start succeeding.

We are going to keep at it. We are not going to stop until we succeed. Under the leadership of many who are here tonight sitting in this Chamber, we will keep working and working and working until our government is truly one of the people, by the people, and for the people.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. SCHUMER). The Senator from Alaska.

Mr. BEGICH. Mr. President, this is a very interesting night on the Senate floor as many of us keep coming down and talking about what it means, the money involved in politics, and the corrupt system that is now plaguing us with these super PACs and these 501(c)4s. I bet if we asked the average person what is a 501(c)4, they would have no idea. We would say, turn on the TV in one of those swing States and see 1 of those 1,000 ads in a week; that is a 501(c)4 running those ads.

I know it is late here. It is not too late from Alaska's perspective; it is late here. It is around 11 o'clock in Washington, DC. In Alaska it is about 7 o'clock, the sun hasn't set, and here we are in the Senate talking about what is important not only to my folks in Alaska but also to the rest of the folks in this country.

It is just July and we are already up to our elbows in negative and dirty and distorted attack ads. Imagine what it will be like by November. These kinds of negative ads are cheap-shot ads, many of them funded by anonymous donors who make outrageous negative claims based on half truths at best and outright lies at worst, all paid for by secret fat cats and unlimited deep pockets—money that no one knows where it comes from. Alaskans tell me when I am back there—and I try to get back there at least twice a month or more and I hear from Alaskans all the time. They are fed up with it. I know we are fed up with it. I think the American people are fed up with it. So I am happy to join my colleagues tonight to stand up and fight back, demanding transparency—something so simple. That is all we are asking for tonight: transparency, openness, and honesty.

I don't know what they are afraid of. If you contribute money, you should be proud and excited about who you are supporting. For some reason they hide. They don't want people to see who they support.

I want to take a few minutes—I know many people have heard tonight, who have been watching and listening, and maybe it has been through C–SPAN or through news clips or whatever else might be going on, through our own Web sites—to describe how we got here, why we are in this dilemma. The Citizens United case expanded free speech rights to corporations as if they are free people. Whoever thought ''corporate personhood'' would become part of our vocabulary?

In fact, Alaskans are very concerned about this. Just last week, the city and borough of Sitka passed a resolution about the opposition to corporate personhood. I ask unanimous consent to have printed in the RECORD this resolution from a small community in Alaska that is concerned about the issue.

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

RESOLUTION 2012–15

A RESOLUTION OF THE CITY AND BOROUGH OF SITKA TO SUPPORT AMENDING THE UNITED STATES CONSTITUTION TO RESTORE THE PEOPLE'S POWER TO LIMIT CORPORATE INFLUENCE IN ELECTIONS AND POLICYMAKING

Whereas, Due to the incorrect interpretation of the Constitution and the adverse impact on the rights of people in our democracy in the U.S. Supreme Court decision in Citizens United vs. Federal Election Commission (FEC), local, state, and federal elected officials must take action to restore the authority of the American people to restrict the undue influence of corporations on our elections and public policy; and

Whereas, the Supreme Court's 5–4 decision in Citizens United v. FEC broke away from the legal precedents that acknowledged the power of citizens through their elected representatives to limit corporate influence in elections because the interests of corporations do not always correspond with the public interest and therefore, the political influence of corporations should be limited; and

Whereas, the Supreme Court's radical rewrite of the First Amendment's protections will permit even greater corporate influence over our political process by allowing unlimited spending from corporate profits to favor or oppose candidates; and

Whereas, the Supreme Court's decision will allow the free speech rights of a corporation to dilute and outweigh the free speech rights of ordinary citizens, because of the vast financial resources corporations have for spending money to influence elections compared with regular people; and

Whereas, the Supreme Court's elevation of corporate ''rights'' may have constitutional repercussions that go far beyond this one case and will undermine the ability of the people to regulate corporations in numerous policy areas affecting people's health, wealth and opportunities; and

Whereas, THE American people, through their local, state, and federal governments must reclaim their rightful place as sovereigns in our democracy and protect the electoral process from corporate domination; and

Whereas, fair elections are fundamental to the health and well-being of our democracy, and

Whereas, the City and Borough of Sitka Assembly stands in agreement that corporations are not entitled to the same first amendment rights in our elections as people and further urge our state legislators to adopt and send to the United States Congress a resolution in support of amending the Constitution to restore the ability of the American people to limit corporate spending in our elections. Now, therefore, be it

Resolved by the elected officials of the City and Borough of Sitka that: the City and Borough of Sitka, strongly condemns the Supreme Court's ruling in Citizens United vs. FEC and supports amending the U.S. Constitution, to limit corporate influence and restore democracy in our elections for the benefit of the American people.

Mr. BEGICH. I also want to talk about the solution to a growing problem, and that is the DISCLOSE Act. As I presided, sitting where the Presiding Officer is now, and now down on the floor, I noticed no one from the minority is here in this Chamber countering or debating what we are talking about tonight. They are at home away from the TV cameras because earlier this evening they voted in a bloc against moving the DISCLOSE Act forward. That is kind of interesting because I don't know how many times I hear from the other side: Please let us have the right to have a debate on a subject matter. Don't filibuster it; don't require 60 votes. Let us vote. Let us amend these kinds of issues. So all we are saying is, Let's get to the vote. They would get a chance to amend it if they want, if they don't like pieces of it, but they won't let us do that. They voted in favor of unlimited negative political ads. They voted against transparency, openness, and honesty. They voted against the American people. They should be ashamed. They should be in hiding.

So what exactly is Citizens United? The Citizens United ruling by the Supreme Court—again, that many of us have spoken about already—2 years ago opened the floodgates to unlimited corporate and special interest money in elections. As a result, corporations and other wealthy interests exert vast influence in our political system through secret, anonymous, untraceable money. Individuals, ordinary Americans, are having their voices drowned out. Super PACs—we hear that phrase often—disclose their donors, but these 501(c)4s—that is what they are called, 501(c)4 groups, which is a code underneath the IRS code—they are actually called—this is what is amazing—social welfare organizations, 501(c)4s. They don't have to disclose anything. They can run their own negative ads or they can give unlimited money to super PACs without any disclosure. Either way, they don't have to disclose their donors.

The era of secret money is here, and it is a lot of money. We have heard the numbers. This year, we estimate almost $1 billion will be spent in negative ads no one has to know who is paying for. If they love these ads, if they think they are so great and they are so factual, all we are asking is to tell us who you are, tell us what you are doing.

When I was mayor of Anchorage, I had to deal with a group like this in one of my reelection campaigns. They ran an ad. No one knew who they were, but I had a pretty good idea. I started talking about it. I will tell my colleagues what happened. In Anchorage, people rejected those ads. I won my reelection. I won the largest margin in my city's history. But they started running these secret ads. They didn't want to disclose themselves. They didn't like a decision I made and then they never came forward, but we knew who they were.

Again, we think it will be up to $1 billion. They have already spent a quarter of a billion dollars.

The last time we had an issue such as this in this country around electioneering in the sense of elections being bought by very special interest groups was around 1972. Some people may not remember the history, but all I have to say is a couple of words: Scandal. Watergate. That is what happened. It was election money—more money than people could ever imagine. The rules were unlimited in 1972. As a matter of fact, it got so bad that it was truly a constitutional crisis. The President had to resign. Think about it. That was the last time we did election reform in the sense of campaign financing. And campaign financing reform came in fast and furious after that, because it was corruption with the money of a very few people. It brought down our President at that time and almost brought down this country.

Things have changed quite a bit since then. I want to give a couple of stats because I think it is important to know where we have been and where we are in the sense of this debate. Forty years ago was the last time we had meaningful, aggressive election reform in the sense of campaign financing. Back then we could buy a gallon of gas for 55 cents. Imagine that. HBO was launched as the first paid-for cable network channel, or TV station. Today, cable is everywhere and the amount of money flowing into it is enormous. Digital watches were introduced. Everything is digital now. Back then it was just beginning, but it was a different era. It was a crisis that occurred with the corruption of money that tried to buy our governments, buy every elected official they could get their hands on, and in that case the Presidency. That was 40 years ago.

Now here we are. When we think about the money that will be spent this time—$1 billion—almost 70 percent of the money so far has been used for negative ads. Poll after poll, I don't care if it is a scientific poll or sitting at the coffee shop, or when I am traveling around Alaska—people hate negative ads. But they continue to buy them and they never want to tell anyone who is paying for them. Again, if they are so proud and they are factual, step to the plate.

The election is 4 months away from now and we are going to see an enormous amount of ads. When I think about how this affects my State of Alaska—not so long ago, Alaska had some of the strictest campaign finance laws in the country. Alaskans said we don't want outside money or a few rich locals buying elections.

Let me give an example. Five hundred dollars is the maximum amount one can contribute to a candidate in a calendar year. Individuals, nonresidents, the maximum amount for a Governor's race is $20,000, total. Corporations, business organizations, unions in Alaska, prohibited. Groups from outside, not based in Alaska, prohibited. Nongroup entities based outside of Alaska, prohibited. We have some of the toughest laws.

But now this effort is stepping on what citizens did through an initiative. They put at risk our State laws. Now corporations can make independent expenditures on behalf of State candidates in Alaska, which they could not do before. Our own campaign financing agency in Alaska just issued an opinion that will allow for unlimited spending. This will allow outside groups and money to influence Alaskans in Alaska elections—exactly what we didn't want, through our own citizens initiative.

There is one thing we don't like in Alaska and that is outsiders telling us how to do our business. They did that for decades and took everything they could out of Alaska. Every dime, every inch of land they could take in the sense of ownership of mineral resources, they took it all for their benefit—for a few. Alaskans said, No more. Not only did we change our laws that govern, we also changed our elections law. Citizens did this.

What can we do in Congress? It is so simple: disclosure and transparency.

Members of both parties have said for decades that sunlight, as we heard tonight, is the best disinfectant. We need more transparency. I am a huge advocate for transparency. I post my own schedule. I post my financial statements. I disclose my wife's income, which is not required. I called for crop insurance transparency. I cosponsored the STOCK Act.

People just want to know what we are up to. And these corruptive systems of a few, a dozen or so, who are trying to buy this election for their own personal gain—we just want to know who they are. They can spend the money they want, but we want to know who they are.

Transparency, disclosure, used to be a bipartisan idea. Senator MCCONNELL said himself many times—we heard this earlier; I want to repeat it because sometimes what happens around this place, I have noticed after only 4 years here, is memories get very vague of what people said before and suddenly they change their ideas based on the politics, not the policy—here is his direct quote from 15 years ago:

I think disclosure is the best disinfectant. I think it gives our constituents an opportunity to decide whether or not we're in the clutches of some particular interest group and whether or not that's a voting issue for them. I'm certainly in favor of enhanced disclosure.

That is from the minority leader. Nearly every Senator in this body, on both sides of this aisle, has said they want more transparency. Polls show Americans want to know exactly who spends money to influence elections—they want to know it—because they want to have more faith in their representatives. Maybe this explains why they are angry at us, why Congress has such a low rating.

The bill is very simple. I know people have said it over and over again, but sometimes I think we have to repeat it. The bill is very simple. It requires any organization that spends $10,000 or more on influencing politics to file a simple—simple—disclosure report with the FEC, the Federal Elections Commission. It is not complicated. Every group is treated the same. I have received a few e-mails. I have to say, the e-mails on this issue: all for it, except for only one against, so far. I know once I have said this, tomorrow I will see a ream of them because five or six of these special interest groups will be churning out stamped-out letters.

But this treats everyone the same: corporations, nonprofits, labor unions, 501(c)(4)s, 527 organizations. They only have to disclose money spent on elections, and only from individuals giving more than $10,000.

Under this bill, money given to these groups for other purposes does not need to be disclosed, despite what you read in the papers and the blogs—the misinformation that is put out there or by the undisclosed groups that tell you the misinformation, that will not tell you who they are but want to give you more misinformation.

This is a new and improved version of the DISCLOSE Act that failed on the Senate floor 2 years ago by just one vote. Under that bill, the cutoff for disclosure was $600. Now, in this bill before us tonight, the threshold is $10,000. That is not too much to ask. If you give $10,000 or more for negative political attack ads that distort the truth, the American people deserve to know who you are. And if you are so proud of those ads, you should disclose who you are.

The bill will not force groups to release their member lists. Some people have e-mailed me. I want to make it very clear, if you belong to the NRA—and I belong to the NRA. I am a lifetime member. Actually, I do not have any problem with the NRA releasing my name. If they want to put it on their Web site that I am a lifetime member, go for it, I am all for it. I am proud to be a member. Put my name up there. But this does not require us—if you are a dues-paying member to a group such as the NRA, your name will not be listed. So that misinformation from some groups out there, shame on them.

This bill is not an unconstitutional restriction on free speech. The DISCLOSE Act puts no restrictions on speech and is fully consistent with the Supreme Court decision.

The bill also incorporates the Court's ''effective disclosure'' rules.

Let me sum it up. This bill—and I think the Senator from Arkansas spoke to this, and I thought it was great because we always hear that these bills are so big, they are pages—this is it. If you look at it, it is double-spaced. It takes only half the page, each one. It is not complicated, pretty simple.

The bill is narrowly tailored and very simple. It does not prevent any special interest group or any corporation from donating any amount they want. All we are asking is, tell us who you are. When I say ''us,'' not us here—the American people, who want to know.

The bill will give Americans faith that their elected representatives are not being bought and sold by hundreds of millions of dollars of secret untraceable money.

So I hope we vote on the DISCLOSE Act again, and as soon as tomorrow. And I hope my colleagues from the other side come back to this. Maybe they will have something to say. I do not know. It has been a long night. We have not heard a word from them. It would be nice to have a debate on this. But also let's do what I know Alaskans are asking me every day: Clean up the system. The best way you can do that is to tell people where the money is. Show me the money. Follow the money. And when you follow the money, as in 1972 they did, you know exactly who is trying to buy the government. In this case, we just want to know.

If you are so proud of these ads you run—and I am sure we all sat around a little bit talking about this. As soon as we come to the floor and say these things, people will be—I am sure 2 years from now when I am up, they will be thinking: I am going to run those ads against that Begich guy. My view is, hey, if you want to run them, run them. People want to know who you are. But if you will not disclose, then you pay the consequence of what I think Alaskans will feel; that is, these people who hide behind this money, secret money, do not disclose themselves, basically what they are pitching, what they are selling is hogwash.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. BEGICH). The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I am proud to join so many of my colleagues in speaking out tonight at this late hour to try to call attention to a very serious issue before the body; that is, whether political contributions of over $10,000 should be disclosed.

As Senator BEGICH eloquently stated, I think people are concerned and very troubled by the fact that we are even having this debate; it so defies common sense. I think people at home are saying to themselves: Why is this even an issue? Why are we debating this? Why didn't one Republican step up to join a group of Democrats to say: Obviously, if you are contributing to the political process $10,000 or more, you should make yourself known.

I think Senator BEGICH, the Senator from Alaska, listed many important points. I wish to underscore the point he made about transparency.

Our government is far from perfect. It is the oldest democracy, but it is the best we know of. What are the reasons our democracy is the best and it works most of the time pretty well? It is because it is, most of the time, transparent. The press can come here anytime and write about what we speak. Every word is written in a public record. All the records, vital records of the United States, are public. We publicize our real estate transactions in almost every jurisdiction I know of. There is so much public information available. It is one of the reasons our democracy works pretty well.

So this is a real step backward. And it is a dangerous step backward to have a democracy that prides itself on transparency and here we have half of this Chamber running out the door after they basically voted to keep contributions secret. What is it they are ashamed of? I mean, what is it they are trying to hide? If they are proud of who they are supporting, if they believe in the causes to which they are investing, why not let people know? As the Presiding Officer said, he is a member of the NRA. All of us are members of different organizations. I most certainly do not mind the organizations—I am chair of the Adoption Caucus. I love to see publicity about the members and what we do, and I am proud of what our organization does. It is nonpartisan, of course. But I believe in and we advocate for those principles.

I am alarmed at the stubbornness and the position our friends on the other side of the aisle have taken to not want to let their constituents know who is contributing and for what reason. So I believe that transparency clearly is in jeopardy tonight over this DISCLOSE Act, and I hope we can have

another vote and persuade more people to join us, to open up, let the sunshine in, let people see what is actually going on.

The other point I wish to make is that the middle class in this country is under assault. There was a very startling article in the New York Times last week that talked about in the last 2 years the income, the net worth of the average American has fallen by 40 percent because of secret deals on Wall Street, because of secret collusion of some of the largest financial institutions in the world, because of a lack of transparency in our financial system, and a number of other reasons; but that was primary—and the lack of enforcement, of having good regulations and the enforcement of good regulations. You would think people would be moving forward to open the process to make it more transparent. This is going in the opposite direction.

The middle class is under assault. Congressional rating is at an all-time low. So what do we do? We say it is OK to give tons of money to elections, and to cover it up, and to be secret about it, and to not tell anyone who is giving and for what purpose.

Our poll numbers for Congress are down. I think they were down to 3 percent or 13 percent or something. It is going to go negative. And I would not blame people. We will be a negative number in the polls. Because people are losing confidence in the system. This is an example of why they should lose confidence in the system.

I am disappointed it is just those of us on our side of the aisle who seem to be concerned about this. And the other Members, I am not sure what their points are in the debate because not one single person has come to the floor, at least in the last several hours. I know the minority leader made some weak attempts at explaining their position earlier in the night. If they felt so strongly about this being a pillar of our democracy, they most certainly should be on the floor talking about why, but they are not. They ran out of the Chamber, and they are not here.

And so with the middle class under assault, with people understanding and thinking and seeing special interests having their day in Washington, letting some sunshine in most certainly would not hurt.

The DISCLOSE Act is a necessary piece of legislation to respond to the U.S. Supreme Court's decision in Citizens United.

This legislation, as we said, does not limit the amount of money outside interest groups can spend on campaign expenditures. It simply requires disclosure. We are doing a better job of disclosing our income, our stock transactions. I think our records should be public, our tax returns. I have submitted many of my own in elections. I hope Mitt Romney steps forward to submit more than 1 year of his tax returns. I think it helps to build confidence when those of us who hold public office have full and complete disclosure.

But the money that is being spent in these campaigns is exorbitant. It is billions and billions of dollars. I think this campaign cycle is setting records—and to have this all done in secret. So you are being attacked on television or positions are being taken, and no one watching the ads has any idea who is behind them because there is no requirement for disclosure.

I want to thank Senator WHITEHOUSE for his leadership. Senator MERKLEY has also been very active, other Senators. Senator SCHUMER has taken a leadership role as well. I appreciate the committee that has come together, and I am happy to be of assistance to them in this effort.

But again, this does not limit the amount of money anyone can give to a campaign. It just says, if you give over $10,000, you should disclose it. It does not limit free speech. It does not limit the amount of money that can be spent by an outside organization. It simply says that during this election cycle, you would have to report expenditures of over $10,000.

Of the more than $140 million that has already been spent during this election cycle, the first Presidential election cycle since Citizens United—more than $140 million has already been spent. Why would these groups be spending this much money if they were not going to ask for something? What is their motive? What are they expecting? These are wealthy individuals. These are not organizations of thousands and thousands and thousands of people. Many of these are individuals who are contributing and want to hide behind the recent ruling of the Supreme Court.

So I am proud to lend my voice to the DISCLOSE Act. I am proud to be a cosponsor and want to join my colleagues in asking our colleagues on the other side of the aisle: Do we not need more transparency in government? Do you not think the middle class is under enough assault? Do you not think this would build some confidence that our government would be more transparent, people could see what was actually happening and understand why some of those contributions are being made?

So we have some time. We have opportunities to cast another vote. I hope our colleagues will, and the public will, demand that we have additional votes until we get the required votes necessary to pass such a commonsense solution to a real problem.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. Mr. President, I thank my colleague from Louisiana for her remarks. Would the Senator be able to engage in a question or two?

Ms. LANDRIEU. Yes.

Mr. MERKLEY. I think back to the period when our forefathers and foremothers came here and said: We are going to set up a new set of colonies, a new set of rules.

One of the things at the very heart of that was the notion that we the people, we the settlers, we are colonists. We are going to decide how things run rather than having kings and queens or other very strong folks handing down the laws from now on. That was a powerful concept that got integrated into the first three words of our Constitution, ''We the people.''

Does the Senator have any sense whether this flood of secret, this massive flood of secret money coming from powerful individuals, billionaires and companies, does damage to this concept of ''we the people''?

Ms. LANDRIEU. Absolutely. The Senator is correct. As I said, the recent polling I have seen has the opinion of Congress and the way Washington government is operating at an all-time low. People do not believe they are getting the whole story, the full picture. This is going to contribute in a very negative way to that opinion, which is detrimental to the foundation, the essence of this democracy. I think our Founding Fathers would be horrified to actually think a small group of individuals can, through campaigns, buy the outcome of the election or buy the attention of the candidate or the cause, and not even have to disclose their identity or why they might be interested.

Everyone is entitled to free speech. I do not think people are entitled to secret speech or secret attacks. If you are going to get into a fight, you would like to know with whom are you fighting. Identify yourself. This system obscures the truth, which I think people have a right to know. I think it does cut at the heart of some of the strongest principles of our democracy.

Mr. MERKLEY. I was thinking back to a book that a friend gave me to read. It was called ''Treason of the Senate.'' When I first heard him speak about it over the phone, I think he was saying he had a book about the reason of the Senate. It turned out to be not the reason, but the treason. It was a series of articles, I believe about 20, that were written during the muckraker period.

It was each month taking a different Senator, how they had basically been put in office through a particular company in a different State—different powerful interest. This set of articles apparently was one of the things that led to a constitutional amendment because it helped the public mobilize against the indirect election of Senators and pushed for the direct election.

So here was the public saying: You know, we the people have this system, and it has been violated. So we have to try to change the system so we can reclaim it.

I think that is maybe some evidence of the role of excessive power and money and its corrupting influence or its corrosive influence on the electoral process.

Ms. LANDRIEU. The Senator is perfect to point that out and is an excellent student of history. He has demonstrated his understanding. Before Senators were directly elected, they were elected by the legislators of their States, and oftentimes literally sent to Washington by special interests—for instance, the railroads.

Instead of the laws being written to help people, average citizens or homesteaders or people trying to get a hand up and a helping hand, some of these Senators came, basically bought, sold, delivered, and packaged to Washington, DC, to argue on behalf of one special interest.

It is tough to keep things in balance here right now without us going back to these times. That is what is so frightening. I see Senator WHITEHOUSE on the floor. He has been studying this and has many documents he is referring to, but that is what is alarming. I do not think people realize—I mean this is really moving backwards in time.

When Washington operates in secrecy, there is no way to get the information. Why would we want to do this at a time when the middle class is under assault? They have lost 40 percent of their net worth. At a time when our popularity and trust with the people is at an all-time low, this does not make any sense to me. I do not understand any benefit that would come from it.

Mr. WHITEHOUSE. May I follow up on the points that Senator MERKLEY made. The comparison he made to the constitutional change that took the Senate from election by State legislators to direct election by the people is very much a model for what is happening here. There was a desire to get the vote away from the special interests and put it in the hands of the actual people.

Here it is a desire to get the spending, the money behind the vote, out of the hands of the special interests and back to the people. What Citizens United did was to go backwards, open the flood gates of special interest money, and allow it to be secret. Try to put ordinary voters up against that kind of a force. It is not fair to ordinary voters. It is not right. In some respects it puts the right they are taking up inside out, and that is the right of freedom of speech.

I think we all have seen the four freedoms, the posters by Norman Rockwell. Perhaps the most famous of those posters is the one of the fellow in the tan windbreaker jacket, a thin guy. He is standing up tall surrounded by people, clearly at a townhall meeting. Why is he standing and what is he doing? He is speaking. He is having his say.

The way Citizens United worked out, they are basically saying we do not have a constitutional right to speak. We have a constitutional right to listen. We have a constitutional right to listen when big money speaks. It is essentially a shut-up-and-listen-to-the-big-money version of the first amendment. When money is speech, which is the principle of Citizens United, guess what. Those with the most money get the most speech.

Those who do not have a lot of money do not get a lot of speech, and those who have no money get no speech. That is not what the Founders intended. So there is a strong similarity between the move to take the vote and put it in popular hands and what we are trying to do with disclosure, which is put the money in popular hands. We cannot do that under Citizens United.

With the DISCLOSE Act, at least you know what is going on. You can look at the game that is being played. It is cards up on the table. If you are being denied the ability to speak on even terms with the CEO or a billionaire or a major corporation or some big lobbying group, at least you have the right to know what they are doing, what they are saying, what is going on. You can keep score. When you get together, you can get mad and do something about it.

Behind the veil of secrecy you cannot even keep score. You do not know what is going on.

Mr. MERKLEY. Just a moment ago our colleague from Louisiana was noting that we have important work to do to shore up the American family. Families have lost—the number is, on average, $100,000 of equity in their house per family. That is a phenomenal amount. If we look at the equity held by our Hispanic families, our African-American families, they have been virtually wiped out by a system of deregulation, predatory mortgage, leading to a housing bubble.

We have a desperate need for jobs. I think what I hear the Senator saying is that in the face of these needs, allowing unlimited spending by the most powerful interests in the country to pursue the interest of the most powerful is not going to help us create those living-wage jobs Americans so desperately need. It is not going to help us fund those health care clinics that are the front door for folks who do not have the big salaries and the big benefit packages. It is not going to help put food on the table for those out of work and hungry, and in that sense this process of us working by and for the people is being corrupted by these vast pools of secret spending?

Ms. LANDRIEU. Absolutely. That is why I said the Senator is correct; why I am astonished that people on the other side of the aisle who talk about good government, government for the people—you know, that is what the tea party movement is supposed to be about. It is supposed to be about taking government back. This is not taking government back to the people; this is giving it away to people who have the most power and the most money, and you do not even know who you gave it to because you did not have disclosure.

I think this is going in the opposite direction of what the American people want us to do right now. If the middle class is not angry enough, they really should be angry about this because the consequences of secret, undisclosed, unlimited amounts of money puts the average person at risk. It disenfranchises them.

We have worked for over 230-something years to go through a process of perfecting our democracy to where every man, every woman, every person 18 and older has a right to vote and participate.

Now what do we do? Just wake up after 230 years and say: That is not working. Let's just give the government back to the rich, the few, and they do not even have to say who they are. They do not have to disclose anything about themselves.

This is absolutely going in the wrong direction at the wrong time. I hope people listen to this debate and not say, well, there they go again, but I hope they really understand the consequences of this kind of secret money in the system. It is corrupting. It is not right.

Mr. WHITEHOUSE. Mr. President, I was a prosecutor for many years. I was the U.S. attorney for our State. I was the attorney general for our State. When you are prosecuting crimes, there is one very important thing that you always look for. Motive. You look for a motive. And I think one of the things that is obvious to all Americans is that the folks who engage in unlimited election spending do so because they have a motive. Someone may give $1,000 here or there because they are passionate about an issue. They may give $20 because they know the councilman who is running. But these folks who are giving $4 million at a hike, they are doing it because they have a motive, and it is important for the public to know what that motive is.

So now you take the next step. If it is unlimited, it is to open the doors for the people who have a motive. If it is secret, what does it tell you about that motive? If it is secret, what it tells you about that motive is that it is a bad motive for the American people.

This goes back to the point Senator LANDRIEU and Senator MERKLEY were making, whether it is trying to help get your kids through college, not having to pay the increased interest rates, to be able to get a Pell grant or whether it is paying to put food on the table or trying to get a decent job—and Rhode Island still has 11 percent unemployment—you can name your issue.

If this special interest, unlimited, secret money was aligned with what the American people want, they would not be fighting about this. They would not care whether it was secret. They need it to be secret. They filibustered this bill because they know those special interest motives are against the public interest, against the interests of the American people. There is no other logic.

There is no reason people would give that much money in a race—unlimited money—if they didn't have a motive. There is no reason they would want their behavior to be secret unless that motive was bad. There is no other explanation.

Mr. MERKLEY. I ask the Senator, when the company gets involved in that manner or a billionaire gets involved in that manner and their motive is largely to advance their financial interests, do they use that to fund ads that are an accurate representation of the facts?

Mr. WHITEHOUSE. That is a fascinating development. I don't remember the numbers off the top of my head, but I will try. My recollection is that before the super PACs kicked off with all this, 9 percent of the ads were negative in the last election cycle, at a time when 78 percent, I want to say, were negative—or 70 percent. It went from 9 percent being negative the cycle before—the Presidential cycle before—to 70 percent being negative now. That is nearly eight times as much negativity—more than half, nearly three-quarters, where it was less than 1 in 10 before—an explosion of negativity.

So we know that is happening. The other thing we know is happening is it is misleading. It is not accurate. It is deceptive. The Annenberg Institute has done a study of the top four outside spenders—outside political spenders that aren't campaigns or parties—these special influence manipulating machines. The top four—they looked at their ads and, if I remember the figure correctly, 76 percent of them contained information that was deceptive.

Mr. MERKLEY. While the Senator is on that topic, I have the Annenberg chart here, I believe.

Mr. WHITEHOUSE. There it is, 85 percent. I underestimated it.

Mr. MERKLEY. It was 85 percent deceptive and 15 percent accurate. To the other point, this is taking one of the contests between Gingrich and Romney. You can see the red bar, the negative ads, benefiting Romney for attacks on Gingrich. Positive ads for Romney was zero. Over here, Gingrich didn't have very much super PAC money in this race and so it kind of was wiped out completely.

So what we see is not just a flood of money on behalf of the powerful special interests, but it is being spent to attack people—the negative side—and through lying. Can this in any possible way be healthy for a democracy?

Ms. LANDRIEU. I will respond to that, if I may. The Senator hit the nail on the head. Some people—I am one of them—believe there is literally an effort to discourage people generally from believing that government can work at all by being so negative either to an individual or to the concept of government that it discourages people from voting and participating, and the end result of that is that a small group can manipulate the system.

If people think the system is rigged, which it seems like it is getting more and more because of laws and rules such as this that we cannot seem to get straight, what happens is people get despondent and turned off, and then the special interests can run the show if people don't vote and contribute. So it is a part of a whole strategy to kind of take the government away from the people and hand it over to a group of special interests with unlimited money, secret attacks to basically fashion and write the laws that benefit the few as opposed to the masses. It is completely against the concept of our democracy.

Again, I know there are people who have a lot more money than others, and they should be free to make decisions about what they do with it. I don't have a problem with that, although I have supported campaign limits. But it is the disclosure—the lack of disclosure, I should say, that is frightening here and the secret nature of this—to go on television night after night and tell people how this person is either wrong or the system is broken and people stay home and less and less people vote and the few people who have the power, access, and privilege write the rules even more in their own favor.

This is taking our democracy, in a dangerous way, in the wrong direction.

Mr. WHITEHOUSE. If I can add an additional point that Senator MCCAIN and I made in our brief to the U.S. Supreme Court opposing the Citizens United decision and asking for its reconsideration. It is terrible what these negative ads filled with deception do to the American public, and it is discouraging to people about the participation we expect of Americans and government and, ultimately, it leads to corruption, as the Senator points out. At least in the example Senator LANDRIEU gave, you see the spending. There is at least a dirty, deceptive, negative attack campaign up on the air. So it is not completely invisible. You just don't know who is behind it.

What that leaves open—again, this is the prosecutor in me talking—is the threat of that same campaign—the visit from the lobbyist who comes in to the Congressman and sits him down in a quiet room and says: Have a look at this and places a 30-second commercial—negative, deceptive, slashing, vitriolic, vile, all against him, and says, you know what, under Citizens United, we have the right to spend $5 million playing that ad against you all through the next election, and we are thinking about doing it. You know what, under Citizens United, we have the right to put up phony shell corporations so they will never see our fingerprints. The only thing the public will see is Americans for peace, puppies, and prosperity. That will be the phony name we are going to use. If you vote right, this will be the last time you hear from me. If you don't vote right, you are going to hear $5 million worth from me through my shell companies. How are you going to vote?

If the Congressman gives way to that kind of pressure—pressure that was never possible before Citizens United and is not as possible if it is not secret—then you have no clues and you have actual corruption and the system is even worse than what we see out there.

In some respect, as awful as what we see is that it might be the iceberg that you see above the water and the 90 percent that is under the water that you don't see could be worse still.

Mr. MERKLEY. To my colleague from Rhode Island, I ask this: How is it possible for 5 members of the Supreme Court to look at this issue of unlimited, secret spending and knowing that can be used to intimidate and corrupt the electoral process and corrupt the debate by the threat of future activities, future secret activities, secret negative, lying activity, and not see the corruptive or corrosive effect on the American democracy?

Mr. WHITEHOUSE. That is an interesting question. One would have to look into the hearts of those five Justices to get the answer to it. But why they would be willing to make such a dramatic, activist move without working with four other colleagues to try to bring them along—why it is always those five making these activist steps toward the Republican agenda is a question I can't answer. What is their motive? They know that in their hearts. I don't.

One can observe that over and over again, the five Justices who are performing the Republican role on that Supreme Court are delivering the goods and doing things that advance the Republican agenda. That is not me talking, those are people who have followed this Court for decades—the most prominent writers about the Supreme Court—who noted that fact.

Ms. LANDRIEU. May I expand on the Citizens United? The Senator from Rhode Island and Senator MCCAIN wrote a brief to the Supreme Court suggesting the detrimental impact of the decision the five Justices have made. Did they, in that decision—how did they treat corporations? Do they treat corporations as people? Is that what they did, on equal footing with Citizens United, or was it more of just there should not be limits on contributions? Did they say that corporations are like people and should be allowed to contribute unlimited amounts?

Mr. WHITEHOUSE. In effect, that is what they did. The famous expression that ''corporations are people, my friends,'' is the expression actually of Governor Romney. But it sort of attached itself to the Citizens United decision, which doesn't actually use those words. But it does treat corporations as having the same rights in the political process as human beings do. They don't have consciences because they are not human.

Ms. LANDRIEU. They don't have hearts, and they don't have minds.

Mr. WHITEHOUSE. They don't have children. They don't have aspirations.

They don't have souls because they are not human. They don't have goals. They don't have all the things that make us different and make us human. But, evidently, they have the same rights. Because they don't truly exist, it is a legal fact that they are a legal fiction. What that is doing is empowering the people behind the corporation, the people who control the corporation, ultimately.

Ms. LANDRIEU. It is actually giving more power to the people who control the corporation. Not only do they control their own vote and personal opinion, which is fine, but it gives them extra power because they have access to wealth and influence in the business structure.

It also occurs to me that if the tiny State of Delaware would take this one step further, they might be able to expand their congressional delegation in Washington because I think they have quite a few corporations that are evidently alive and well and walking around in Delaware. Since they have many corporations that are there, they should press this issue a little further and they might only be stuck with two Senators, but who knows how many House Members they could get—maybe equal to California.

This issue or decision the Court made is mind-numbing, doesn't make sense, and it flies in the face of what is good for our democracy and in the face of decisions that courts have made. That aside, which is troubling enough, then you take the next step, as the Senator from Oregon knows, and say that not only are corporations people and have access to their own vote and if you happen to run a corporation, you get a vote for that corporation as well and all the people who run it, then you can do it all in secret. It is very troubling.

Mr. MERKLEY. Even the corporation itself doesn't know what it is doing; that is, the corporation might have 10,000 shareholders and they are the cooperation. The corporation is a legal fiction, as our colleague says, that allows a board of directors to make decisions on behalf of those thousands of people who own stock. So they are not spending their own money, they are spending money that belongs to the stockholders. But those stockholders have no idea how that money is being spent under Citizens United. So it is not just corporations spending money that is secret from the rest of us, it is the officers spending it secretly from the corporation itself, and that is the stockholders.

Ms. LANDRIEU. It makes no sense. We can stay here all night, and I am not sure we can get anybody to understand it. We have to reverse this law and get transparency back into our electoral process.

Mr. MERKLEY. To the Senator's point about the distinction between a corporate forum and an individual justice, John Paul Stevens addressed this in his dissent. He said:

> In the context of elections to public office, the distinction between corporate and human speakers is significant. Although they make enormous contributions to our society, corporations are not actually members of it. They cannot vote or run for office because they may be managed or controlled by nonresidents. Their interests may conflict in fundamental respects with the interests of eligible voters. The financial research, legal structure, and instrumental orientation of corporations raise legitimate concerns about their role in the electoral process.
>
> Our lawmakers have a compelling constitutional basis, if not also a democratic duty, to take measures designed to guard against potentially deleterious effects of corporate spending in local and national races.

So here is the esteemed Justice saying not only—not only is there a compelling constitutional basis but probably a democratic duty. And what is he talking about? He is talking about ''We the People,'' the first three words of our Constitution—the vision that we have a democracy, that we have a representative form of government, we have a republic, and that it is centered around, as President Lincoln so aptly described, ''a government of the people, by the people, and for the people.'' We have a duty to protect that.

Montana had a duty to protect that 100 years ago. Earlier this evening, Senator TESTER was here on the floor, and he was speaking about the 100-year present the Supreme Court delivered. Montana said 100 years ago that companies, through a variety of means, have taken over our State, that it is no longer a government by the people, and so we are going to take it back. We are going to exclude corporations from the electoral process. And they have done that for 100 years with the direct purpose of people, not companies, controlling their State. That is the democratic duty Justice John Paul Stevens was speaking to.

So the people of Montana were very upset about Citizens United. Some folks said: Well, Citizens United is a case. Surely Montana can't continue to keep companies or corporations out of their electoral process, so we will challenge that. And that challenge went all the way to the Supreme Court, and the Supreme Court basically issued a summary judgment—a judgment in which they said: We are not going to look at the facts from Montana. We are not going to look at the 100-year history of why the people of Montana chose to fight for ''We the People.'' We are not going to consider any information at all. We are just going to summarily decide that this case will not stand, and we are going to throw out the Montana law.

Well, that was some gift to the people of Montana who are fighting for ''We the People.'' And this is why I thought I might summarize Citizens United in the following way:

In Citizens United, five Justices of the Supreme Court have taken the first three words of the Constitution and they have X'd out ''people'' and have written in ''powerful,'' so it is now ''We the Powerful.'' That is what Citizens United is all about.

Now, I am deeply disturbed that our Supreme Court made a finding of fact in Citizens United that unlimited secret money—not just dark pools of unregulated cash but vast oceans of unregulated, undisclosed secret money—can be utilized in the electoral process without the people having any right to know. That is what the Supreme Court said is just fine, and that is what attacks ''We the People'' in favor of ''We the Powerful.''

Now, not a single member of the Supreme Court has run for office, to my knowledge. Not a single member of the Supreme Court has served in elected office, to my knowledge. I am happy to stand corrected if any of my colleagues know otherwise. So perhaps they didn't have the personal experience to understand the types of things my colleague from Rhode Island was speaking about, that folks who can wield huge sums in elections not only can affect the outcome of elections, but they can use it as a lever to corrupt the very process we are in tonight—the debate and voting on bills. So one would think, at a minimum, the nine Justices, knowing they may not have the personal experience but who need to make a finding in order to proceed, would want to hear all the evidence. But instead what the five Justices did in summarily dismissing the case from Montana was to cover their ears, cover their eyes, and say that facts don't matter, corruption doesn't matter, the corrosive influence, the vast oceans of secret money—none of it matters. And that is simply wrong.

I must say, when I think about what we are doing here on this floor, fighting to have a Senate and a House that are all about what President Lincoln described as ''of the people, by the people, and for the people,'' and across the street we have a Supreme Court determined to tear down the fundamental heart of our Constitution, it is completely wrong, and yet they won't even listen to the facts in order to understand the issue they are addressing.

It is so important for Americans across this Nation on the right and on the left to understand that this is an attack on their power as citizens to chart the course of their community, their State, and our Nation.

I think I will conclude my remarks. I have a lot of facts and history here that I thought about presenting tonight, but I think the discussion we have been having is really at the heart of this; that is, as we wrestle with the fundamental challenges facing our Nation—a shrinking middle class because we are losing manufacturing jobs—and we need to understand why that is happening and how we can create living-wage jobs in this Nation, where health care is becoming more and more expensive and an enormous challenge for families, where for the first time in the history of our country we are becoming the first group of parents whose children are getting less education than we got—as parents, we are seeing our children get less education—those problems, as we tackle them, are not served

by vast oceans of secret money weighing in on elections because that money does not come from the point of view of fighting for the health and welfare of the citizens of our Nation.

Our forefathers and foremothers talked about, in order to create a more perfect union and enable citizens to pursue happiness and provide for the general defense, and none of these fundamental things were the point or the goal of these entities with vast pools of money. That in itself shows how corrosive and corrupting that money is.

So I say to my colleagues across the aisle, each of us came here and we swore an oath to this constitution. And at the heart of this Constitution is not ''We the Powerful.'' At the heart of our Constitution is ''We the People.'' So before we vote a second time on whether to proceed to this bill, I ask my colleagues to examine their hearts and their responsibility to their citizens, their responsibility to the Constitution, their responsibility to ''We the People,'' and to find that we do have a responsibility to debate this bill in this Chamber, and for that reason to vote yes when we again vote on whether to proceed.

I thank the Chair.

The PRESIDING OFFICER (Ms. LANDRIEU). The Senator from Rhode Island.

Mr. WHITEHOUSE. Madam President, I will be the last speaker for tonight. Let me close with a number of thank-yous.

First, let me thank the Presiding Officer, Senator LANDRIEU of Louisiana, for staying past the midnight hour to help keep the Senate open. Let me thank Senator MERKLEY, who has been—to the extent one can be enthusiastic about staying until this hour, there he is, smiling. Yes, ''enthusiastic'' is the right word. He was part of a group Senator SCHUMER organized himself, along with Senator MICHAEL BENNET, Senator TOM UDALL, Senator AL FRANKEN, Senator JEANNE SHAHEEN, Senator JEFF MERKLEY, and myself, who worked together to redraft this legislation, trim it down, and to organize today's vote and events and tomorrow's vote. So I thank all of them for their enormously hard work.

I thank the pages, who have had to stay very late, and the floor staff, who have had to stay very late. I appreciate the fact that we have put a burden on them and on their families, and we would not be doing that if we didn't consider this to be a very important issue.

I wish to thank the entire Democratic caucus for their support. Our colleague BILL NELSON has had a unique experience. He has actually ridden a rocket up into space. He has been up with the NASA program as an astronaut. In some respects, I feel that I and others who were leading this were really doing nothing more than riding a rocket of the enthusiasm of our caucus to get this thing done for the sake of our country.

I thank the American people, who went out of their way to have their voices heard in this debate. We know the public is strongly behind this.

Six in ten Americans say the middle class isn't going to catch a break while the big lobbyists and big donors control things in Washington. Americans get that you don't spend this kind of money without a motive, and they get that if you will only do it in secret, it is probably not a good motive. They can figure this out, so they understand. Seven out of ten believe super PACs should be outright illegal—not secret, but illegal. Seven in ten agree with the statement that new rules that let corporations, unions, and people give unlimited money to super PACs will lead to corruption. Seventy percent of Americans agree with that. Seventy-seven percent want to reform the campaign finance laws and consider that to be very important. As a number of my colleagues have said, one in four Americans is so upset by what this has done to degrade American democracy. They think it makes them actually less likely to go out and vote because they figure, why bother, this is just a racket at this point.

These numbers really should be a call to arms for the people who believe America is, in fact, a city on a hill, the American exceptionalists—of which I consider myself to be one—the lamp held up to other nations, the alabaster city is gleaming. That is all for real, but the Citizens United decision and the failure to support us on DISCLOSE does nothing for that.

But it wasn't just the polling that brought that up to a lot of people. People came online in a very big way to participate in this debate—617,000. Mr. President, 617,000 Americans have signed up as supporters of the DISCLOSE Act now on a variety of different Web sites, including DISCLOSE Act.Com. DISCLOSE Act.Com got so much activity just before the vote that the public interest in it actually crashed the Web site. So the American public is really paying attention. I thank those folks who paid attention, and I thank those who set up the opportunities for those Americans to have their voices heard. I appreciate it very much.

I want to thank some of the leading newspapers in this country for their editorial support in the past few days. I have already spoken before about the New York Times' editorial, so I won't go back and repeat it at length, except for the phrase they used:

> Corporations love the secrecy . . . because it protects them from scrutiny by nosey shareholders and consumers.

The Washington Post had a very strong editorial entitled ''Expose the Fat Cats.'' It said the following things:

> Not a single Republican in the chamber has expressed support for the Disclose Act . . . It should be interesting to hear how the Republican senators justify this monumental concealment of campaign cash.

They allude to the Watergate break-in and the bad old days of unregulated cash contributions and describe what has happened recently after Citizens United as, ''We seem to have created the political equivalent of secret Swiss bank accounts.''

They asked the question, Who is writing checks for $10 million or $1 million at a single throw? And what do they want? We don't know. This shadowy bazaar undermines our political system. They note that until recently Republicans supported full disclosure. Now that the tide of money is running in their favor, they don't. They described this DISCLOSE bill as a reasonable bill that would, among other things, require identification of donors of $10,000 or more to certain organizations that spend money on political campaigns, and they close with this question and this observation: There is a very good chance that when some government decision or vote comes along next year, responsible politicians will find themselves haunted by the secret money of the 2012 campaign.

Is it really worth it? The Washington Post asks: Do these donors deserve to remain hidden? Why can't they handle a little sunshine?

I want to thank USA Today for a July 6 editorial supporting this: ''Freed by the Supreme Court from spending limits,'' they observed, ''all manner of special interests are opening the spigots to buy influence.''

''Especially worrisome,'' USA Today points out, ''are secret donations, which are proliferating. A corrupting influence in any campaign, secret money is even more dangerous in less expensive races where it can buy a seat in Congress or a state legislature, without voters knowing who the buyers are or what their agenda is.''

USA Today folks said:

> Citizens United left the public only one way to protect itself from the rising threat disclosure. At the federal level, this would be achieved by the Disclose Act. . . . Today's version, scheduled for Senate debate this month, requires that all groups—social welfare, union and business—report all expenditures and all donations more than $10,000.

They fear 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. How long it will take voters to realize they're getting conned and demand disclosure is anyone's guess.''

I will briefly point out that the claim that the DISCLOSE Act favors unions is a complete nonstarter as a criticism. The bill is very short. It has very big print. You can read it very quickly. There is nothing in the bill that gives unions any advantage over any other form of organization. It is just not there.

I have challenged Republican colleagues to point to a single provision or make a single counterproposal, and they have done neither. The DISCLOSE Act applies equally to all corporations, period, end of story.

The $10,000 threshold eliminates another problem, which is this business

that membership organizations are going to have to disclose their donor list. As recently as today, the Republican leader said this will force organizations to disclose their donor lists. It won't. Not at a $10,000 threshold. You can get a lifetime membership in the National Rifle Association for $1,000. If you are a cat and you have nine lives, you can get nine lifetime memberships in the NRA and still not break the $10,000 threshold. It will catch 93 percent of the money that goes into the super PACs because it goes in in such big chunks.

So it is a good number to use. It protects the small membership organizations but hits virtually all the big donors. Clearly, it is not an attack on the first amendment. This charge has its roots only in the opponents' imagination, not in the U.S. Constitution. It contains no restrictions or limitations on speech of any kind. None. Pure disclosure legislation, plain and simple, as my Republican colleagues have heretofore usually supported.

The Court, in Citizens United, fully supported disclosure. Prompt disclosure of expenditures can provide shareholders and citizens with the information needed to hold corporations and elected officials accountable for their positions.

An important point, going back to the words that began this vote, from our Founding Father James Madison: A popular government without popular information or the means of acquiring it is but a prologue to a farce or a tragedy, or perhaps both. The Supreme Court recognized this, and clearly it is constitutional.

The last is the argument that this bill in some way will intimidate the big spenders. First of all, the idea of the billionaire Koch brothers or gigantic coal barons or ExxonMobil—the largest corporation in the world—being intimidated by the unkind words of some blogger is preposterous on its face.

Second, Justice Scalia has said: Requiring people to stand up in public for their political acts fosters civic courage, without which democracy is doomed.

May I point out that it is a rather small courage. On the way here this afternoon, I passed through the trolley lobby. Down in the trolley lobby was a young marine from Pennsylvania who had lost both his legs to an IED explosion in Afghanistan. We can ask our young men and women to travel the roads of Kandahar and to risk blowing off their legs and coming home like that young man, but we can't ask billionaire big spenders to even show who they are even though, clearly, the link to motive and influence and control and corruption is apparent? It is a ridiculous proposition, and I hope my colleagues will not persist in following it.

They have even compared themselves to the NAACP during the civil rights movement—Black families burned out of their homes, and they compare the Koch brothers being criticized by bloggers to that. It simply isn't so, and it simply isn't right.

I will conclude by saying that we are not done. This is too important. It is too important for what America stands for. It is too important for the middle class who are going to be losers in the debates that are influenced and corrupted by special interest money. It is too important for the world which depends on the example that America provides.

So we didn't have any luck today. We are going to vote again tomorrow. I urge my colleagues to vote with us. But even if we don't win tomorrow, we will be back again and again and again.

When Joshua took the Israelites around the city of Jericho, they went around and around blowing their rams horns so that those walls would come tumbling down. It didn't happen on the first circuit, it didn't happen on the second. According to the Bible, Joshua had to go around the city of Jericho seven times before the walls came tumbling down. I don't care if we have to do this 7 times or 77 times; we are going to do this because it is right.

MORNING BUSINESS

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

REMEMBERING VIRGINIA RUTH LONG

Mr. MCCONNELL. Mr. President, today I am privileged to honor Mrs. Virginia Ruth Long of Owsley County, KY. Mrs. Long, wife of Booneville mayor Charles Long, passed away at age 92 on March 27, 2012. A lifelong resident of Owsley County, Mrs. Long, a mother, beautician, and homemaker, was truly beloved by the Booneville community. It is with great respect that I recognize the First Lady of Booneville and her lifetime of commitment and service to Booneville and the people of her community.

Mrs. Long was born in Indian Creek, KY, on October 1, 1919. She graduated from Owsley County High School in 1938. Upon her graduation, she attended cosmetology school in Lexington. After completing her schooling, Mrs. Long returned to her home, Owsley County, where she opened the first beauty shop in Booneville.

In 1939, she married Charles Long. The two were married for 73 years and had two children: Charlotte and Charles Edwin. Mrs. Long not only raised her children and maintained the home but also worked for 62 years in her beauty parlor. She quickly became a staple of Booneville, and many women in Owsley County recall her being the first person to ever style their hair professionally.

Ruth's contributions to the Booneville community stemmed from running a business, raising a family, and playing a major role in her husband's public career. A World War II veteran and mayor of Booneville for 54 years, Charles Long is no stranger to public service. Through the many years that Charles has served the Booneville community, Mrs. Long remained a constant partner to him and accompanied him on many trips he made as Booneville mayor.

Though Ruth was a source of strength for her husband, Mr. and Mrs. Long equally relied upon one other. During one of Mr. Long's trips as Booneville mayor, Mrs. Long fell and broke her hip. Despite the demands of his public post, Mr. Long extended his trip by 3 weeks to help her recover from her injury. The couple was again tested in 2010 when their daughter, Charlotte, passed away. Though this tragic time was very difficult, as it would be for any parent who loses a child, Mr. and Mrs. Long's faith and reliance upon each other helped them to cope with such a great loss. Ultimately, Ruth was able to still find joy in her life through her grandchildren and great-grandchildren.

Apart from being loved by her family, Mrs. Long was beloved by the Owsley County community. She was a faithful member of the First Presbyterian Church of Booneville. She was also famed for having the best angel food cake in the county. However, more importantly, it was her warm, inviting nature that caused members of the community to come to love and admire Mrs. Long. An avid storyteller, she was a friend to all. After her death, many members of the community said they became better people by knowing Mrs. Long.

I am honored to memorialize Ruth today as a lifetime servant of Owsley County. Without holding public office, she dutifully served her Booneville community through her devotion to her husband, Mayor Charles Long, and her life of friendship with its citizens. Kentuckians who live dedicated, humble lives of service like Mrs. Long are what make our Commonwealth strong. Today I ask my colleagues in the U.S. Senate to join me in remembering Mrs. Virginia Ruth Long, the First Lady of Booneville, KY.

Mr. President, an article was recently published by the Booneville Sentinel, an Owsley County-area publication, recognizing the life of Mrs. Long. I ask unanimous consent that said article be printed in the RECORD.

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

[From the Booneville Sentinel, May 10, 2012]

TRIBUTE FOR THE ''FIRST LADY OF BOONEVILLE''

Virginia Ruth Long was born in Indian Creek in Owsley County on October 1, 1919. She later moved to Cow Creek, also in

Owsley County, where she went to school at Athlenia Grade School. She graduated from Owsley County High School in 1938.

Ruth attended beauty school in Lexington, Kentucky. After graduating, she came back to Booneville, where she opened the first beauty shop and worked until she retired at age 62. Even after Ruth retired, her previous clients would talk about what a talented hairdresser she was. A lot of women say that she was the first person who styled their hair.

She married in 1939 to Charles Long, who retired at age 62 also. There are three days difference in their ages. They have been married for 73 years. Her husband Charles has been mayor of Booneville for 54 years, and Ruth accompanied him on many trips he made as mayor with the Kentucky River Area Development District.

They went to Los Angeles, Las Vegas, Washington D.C., and many other meetings and events together. On one particular trip to Salt Lake City, she fell in the Mormon Temple and suffered a broken hip, where she and Charles stayed for almost 3 weeks. Ruth always had many stories and had a way of making them sound exciting. Ruth lived a life that most women don't understand. When WWII started December 14, 1942, Charles was called to active duty. Daughter Charlotte was only 3 years old. Ruth had a son, Charles Edwin, on February 14, 1943. She cared for their home and children until he returned home at the port in San Diego where she met him on December 14, 1945. Ruth traveled to meet Charles whenever he was close enough.

Ruth said it kept her busy cooking and keeping Charles's clothes clean. Ruth was always awfully proud of their two children. Charlotte, their daughter, taught school for over 36 years in Owsley County until she passed away on April 8, 2010. Their son, Charles Edwin Long, has a barber shop in Frankfort, Kentucky, where he lives. They have three grandchildren, one deceased, and now they have five great-grandchildren that they loved to be with. I remember when Charlotte passed that Ruth had said that a child should never go on before the parent. This was a difficult time for both Ruth and Charles, but they were there for each other as they had been many other times over the years.

Ruth has been a faithful member of the First Presbyterian Church of Booneville for over 60 years and enjoyed going to church to listen to Joe Powlas and to visit with friends following. She had the name of having the best angel food cake around. At all her dinners at home and away, they wanted her to bring her angel food cake, and also her dressing at Thanksgiving and Christmas.

Ruth was 92 years old when she passed away in the morning on March 27, 2012. She had been in the Owsley County Health Care Center for over a year. She was a strong lady and was always proud to say that she had led a very fulfilling and happy life. Many people have expressed how she had touched their lives just to offer her friendship. She will be greatly missed by her friends and family greatly.

HONORING OUR ARMED FORCES

LANCE CORPORAL HUNTER D. HOGAN

Mr. NELSON of Nebraska. Mr. President, I rise today to honor Marine LCpl Hunter ''H.D.'' Hogan, who was killed by sniper fire in Helmand Province, Afghanistan on June 23, 2012.

Following in the footsteps of his father, Steve, Lance Corporal Hogan joined the Marines in 2009 immediately after graduating from Brownstown Central High School in Norman, IN. He served admirably and was assigned to 1st Battalion, 8th Marine Regiment, 2nd Marine Division, II Marine Expeditionary Force at Camp Lejeune, NC.

Lance Corporal Hogan grew up in Indiana, where he and his childhood friend, Chase Plumer, built an arena at the Plumer family farm in order to host rodeos. His classmates and friends remember him being ''tough as nails,'' owing in part to his avid love for rodeo. Lance Corporal Hogan was a Marine with the heart of a cowboy and dreamed of finishing his military service, then hitting the road as a professional rodeo competitor. He avidly competed in bull and bareback bronco riding.

By all accounts, everyone who ever met Lance Corporal Hogan liked him. His kind personality and compassion for others translated into him making the personal choice to enter the military and defend his fellow Americans. Lance Corporal Hogan served his country honorably, and his courageous choice to protect our country and to help the people of Afghanistan achieve peace and security represents all that we can be proud of about our Armed Forces.

The numerous family members residing in my home State of Nebraska, including Lance Corporal Hogan's father, Steve, and his grandfather, Jim, gave him a beautiful and touching memorial service, incorporating his love of all things relating to rodeos and cowboys. Not only was his last ride in a beautiful refurbished wagon drawn by two bay draft horses, a white horse less a rider led the procession, displaying the true heart and soul of this Marine cowboy.

I commend Lance Corporal Hogan's bravery and selflessness, while offering my deepest condolences to his wife, Brittney, of New Bern, NC; father, Steve, and grandfather, Jim, both of York; his numerous friends; and the fellow servicemembers he left behind. It is a small comfort for those who must now go on without one they loved so dearly, but they take some solace in knowing he gave his life for a noble goal.

LCpl Hunter Hogan made the most of his short life, and the greatest tragedy is that now it is impossible to know what more this promising young man might have accomplished. I join all Nebraskans in mourning the loss of Lance Corporal Hogan. His heroism and his life remain an inspiration for us all.

ADDITIONAL STATEMENTS

TRIBUTE TO BILL HYBL

• Mr. UDALL of Colorado. Mr. President, today I wish to acknowledge a great Coloradan—Mr. William J. Hybl—on the occasion of his 70th birthday. The epitome of a public servant, Bill has spent the better part of his career tirelessly working to improve the lives of Coloradans. It is only appropriate, therefore, that I take this opportunity to honor his tremendous contributions to our home State and express my profound appreciation.

Raised in Pueblo and educated at the Colorado College and the University of Colorado School of Law in Boulder, Bill is a true product of Colorado—and he began giving back almost immediately upon graduation. After serving as a captain in the U.S. Army, Bill was elected to the Colorado House of Representatives in 1972 and continued to stay involved in the public sector, serving as Special Counsel to President Ronald Reagan in 1981.

In 2010, Bill served as the cochairman of Colorado Governor-elect John Hickenlooper's transition team, but his history of working across the political divide reaches further into the past. Appointed to the U.S. Commission on Public Diplomacy by President George H.W. Bush in 1990, Bill was reappointed by President Bill Clinton in 1993. After 4 years as the committee's vice chairman, President George W. Bush appointed Bill as chairman in 2008 following confirmation by the Senate, and he was reappointed by President Barack Obama in 2011. I think all of us would agree there are not many public servants who are appointed over this many years—by Presidents of both political parties. But that is a testament to Bill and his leadership.

Bill serves as the civilian aide to the Secretary of the Army, having served in this role for 25 years. Additionally, President George W. Bush appointed him as U.S. Representative to the 56th General Assembly of the United Nations, and was chairman of the board of International Foundation for Electoral Systems from 2003 to 2009, currently serving as vice chairman of the board and executive committee chairman.

Despite all of this success, Bill's impact is better measured by looking at the countless lives he has touched and improved. His contributions to our country's Olympic athletes provide a great example. He served twice as president of the U.S. Olympic Committee, leading team delegations at the 1992 Olympic Winter Games in Albertville, France, and the 1992 Olympic Games in Barcelona, Spain. In 1998, he again led the U.S. Team at the Olympic Winter Games in Nagano, Japan, and, in 2000, at the Olympic Games in Sydney, Australia. Bill was a member of the International Olympic Committee from 2000 to 2002. He serves as president emeritus of the USOC and is chairman of the U.S. Olympic Foundation. Especially noteworthy, Bill was inducted into the Colorado Sports Hall of Fame in 2006.

Bill Hybl's reach stretches far beyond sports, though—his philanthropic accomplishments have forever changed the State of Colorado. As chairman and CEO of El Pomar Foundation, he has overseen one of the largest and oldest private foundations in the Intermountain West. Since his arrival in

1973, El Pomar has granted millions of dollars to worthwhile projects and continues to grant approximately $20 million annually. Bill has expanded the general-purpose foundation, creating many programs that focus on excellence in individual and organizational leadership. Because of his service, communities across Colorado are more empowered to improve their quality of life. The fact that the Association of Fundraising Professionals recognized El Pomar in 1998 as the National Foundation of the Year is a testament to Bill's strategic vision and leadership.

Bill is also vice chairman of the board of BROADMOOR Hotel, Inc—a true Colorado landmark—and is president of the Air Force Academy Foundation and the Hundred Club of Colorado Springs. In 2009, Bill received the Outward Bound Compass Award for a lifetime of outstanding service to America's young people. And in 2005, Bill was reelected to the Colorado College Board of Trustees and in 2003 named Citizen of the West. Additionally, he serves on the boards of directors for Garden City Company, in Garden City, KS; FirstBank Holding Company of Colorado in Denver, CO; and Mountain States Employers Council in Denver.

Perhaps most importantly, Bill and his wife Kathleen have two sons and six beautiful grandchildren.

Colorado is fortunate to be home to a citizen like Bill Hybl. I would like to congratulate him for all of his accomplishments, thank him for his endless service, and honor him on his 70th birthday. I look forward to many more years of Bill's leadership in the Centennial State.●

MESSAGE FROM THE HOUSE RECEIVED DURING ADJOURNMENT

ENROLLED BILL SIGNED

Under the order of the Senate of January 5, 2011, the Secretary of the Senate, on July 13, 2012, during the adjournment of the Senate, received a message from the House of Representatives announcing the Speaker had signed the following enrolled bill:

H.R. 3902. An act to amend the District of Columbia Home Rule Act to revise the timing of special elections for local office in the District of Columbia.

The enrolled bill was subsequently signed during the session of the Senate by the Acting President pro tempore [Mr. COONS].

MESSAGE FROM THE HOUSE

At 2:03 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 4402. An act to require the Secretary of the Interior and the Secretary of Agriculture to more efficiently develop domestic sources of the minerals and mineral materials of strategic and critical importance to United States economic and national security and manufacturing competitiveness.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 4402. An act to require the Secretary of the Interior and the Secretary of Agriculture to more efficiently develop domestic sources of the minerals and mineral materials of strategic and critical importance to United States economic and national security and manufacturing competitiveness; to the Committee on Energy and Natural Resources.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

H.R. 6079. An act to repeal the Patient Protection and Affordable Care Act and health care-related provisions in the Health Care and Education Reconciliation Act of 2010.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on July 12, 2012, she had presented to the President of the United States the following enrolled bill:

S. 2061. An act to provide for an exchange of land between the Department of Homeland Security and the South Carolina Ports Authority.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–6858. A communication from the Chief of the Policy and Rules Division, Office of Engineering and Technology, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of the Commission's Rules to Provide Spectrum for the Operation of Medical Body Area Network'' (FCC 12–54, ET Docket No. 08–59) received in the Office of the President of the Senate on July 9, 2012; to the Committee on Commerce, Science, and Transportation.

EC–6859. A communication from the Deputy Office Director, Office of National Marine Sanctuaries, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled ''Flower Garden Banks National Marine Sanctuary Regulations'' (RIN0648–AY35) received in the Office of the President of the Senate on July 10, 2012; to the Committee on Commerce, Science, and Transportation.

EC–6860. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Volvo Ocean Racing Youth Regatta, Biscayne Bay, Miami, FL'' ((RIN1625–AA00) (Docket No. USCG–2012–0178)) received during adjournment of the Senate in the Office of the President of the Senate on July 3, 2012; to the Committee on Commerce, Science, and Transportation.

EC–6861. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Gulfstream Aerospace Corporation Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2012–0494)) received in the Office of the President of the Senate on June 29, 2012; to the Committee on Commerce, Science, and Transportation.

EC–6862. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2011–1259)) received in the Office of the President of the Senate on June 29, 2012; to the Committee on Commerce, Science, and Transportation.

EC–6863. A communication from the Acting Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fisheries; Specifications and Management Measures; Correction'' (RIN0648–BB28) received in the Office of the President of the Senate on June 29, 2012; to the Committee on Commerce, Science, and Transportation.

EC–6864. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule titled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Western Aleutian District of the Bering Sea and Aleutian Islands Management Area'' (RIN0648–XC061) received in the Office of the President of the Senate on June 21, 2012; to the Committee on Commerce, Science, and Transportation.

EC–6865. A communication from the Acting Deputy General Counsel, Office of the General Counsel, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled ''Claims for Patent and Copyright Infringement'' (RIN2700–AD63) received in the Office of the President of the Senate on June 28, 2012; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mrs. BOXER, from the Committee on Environment and Public Works, with an amendment in the nature of a substitute:

S. 1266. A bill to direct the Secretary of the Interior to establish a program to build on and help coordinate funding for the restoration and protection efforts of the 4-State Delaware River Basin region, and for other purposes (Rept. No. 112–183).

By Mrs. BOXER, from the Committee on Environment and Public Works, without amendment:

S. 2018. A bill to amend and reauthorize certain provisions relating to Long Island Sound restoration and stewardship (Rept. No. 112–184).

S. 3264. A bill to amend the Federal Water Pollution Control Act to reauthorize the Lake Pontchartrain Basin Restoration Program (Rept. No. 112–185).

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs:

Report to accompany H.R. 3902, a bill to amend the District of Columbia Home Rule Act to revise the timing of special elections for local office in the District of Columbia (Rept. No. 112–186).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BAUCUS (for himself, Mr. BINGAMAN, Mr. TESTER, Mr. HARKIN, Mr. UDALL of New Mexico, Ms. KLOBUCHAR, Mr. FRANKEN, Mr. JOHNSON of South Dakota, and Mr. CONRAD):

S. 3385. A bill to authorize the Secretary of the Interior to use designated funding to pay for construction of authorized rural water projects, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. CASEY:

S. 3386. A bill to designate the facility of the United States Postal Service located at 320 7th Street in Ellwood City, Pennsylvania, as the ''Sergeant Leslie H. Sabo, Jr. Post Office Building''; to the Committee on Homeland Security and Governmental Affairs.

By Mr. MENENDEZ (for himself, Mr. LAUTENBERG, Mr. CASEY, Mr. SCHUMER, Mrs. GILLIBRAND, Mr. BROWN of Ohio, Mr. BLUMENTHAL, Ms. STABENOW, Mr. ROCKEFELLER, Mr. SANDERS, Mr. MANCHIN, and Mr. FRANKEN):

S. 3387. A bill to amend title 36, United States Code, to require the United States Olympic Committee to adopt a policy that requires ceremonial uniforms purchased or otherwise obtained by the Committee to be produced in the United States, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. LAUTENBERG (for himself, Mr. SCHUMER, Mr. CARDIN, and Mr. WHITEHOUSE):

S. 3388. A bill to amend the Federal Water Pollution Control Act to ensure that sewage treatment plants monitor for and report discharges of raw sewage, and for other purposes; to the Committee on Environment and Public Works.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. UDALL of Colorado (for himself, Mr. ALEXANDER, Mr. BINGAMAN, Mr. BROWN of Ohio, Ms. CANTWELL, Mr. CORKER, Mr. CRAPO, Mrs. GILLIBRAND, Mr. GRAHAM, Mr. MCCONNELL, Mr. REID, and Mr. UDALL of New Mexico):

S. Res. 519. A resolution designating October 30, 2012, as a national day of remembrance for nuclear weapons program workers; to the Committee on the Judiciary.

By Mr. CARDIN (for himself and Mr. GRASSLEY):

S. Res. 520. A resolution commending the National Association for the Advancement of Colored People on the occasion of its 103rd anniversary; considered and agreed to.

By Mr. RUBIO:

S. Res. 521. A resolution designating September 2012 as ''National Spinal Cord Injury Awareness Month''; considered and agreed to.

By Mr. BURR (for himself, Mrs. FEINSTEIN, Mr. ALEXANDER, Mr. COBURN, Mrs. MURRAY, Mr. CASEY, Ms. MURKOWSKI, and Mr. SANDERS):

S. Res. 522. A resolution designating September 2012 as ''National Child Awareness Month'' to promote awareness of charities benefitting children and youth-serving organizations throughout the United States and recognizing efforts made by those charities and organizations on behalf of children and youth as critical contributions to the future of the United States; considered and agreed to.

By Mr. UDALL of Colorado (for himself, Mr. HATCH, Mr. BENNET, Ms. MURKOWSKI, Mr. REID, Mr. HELLER, Mr. MCCAIN, Mr. WYDEN, Mrs. MURRAY, Mr. THUNE, Mr. UDALL of New Mexico, Mr. LIEBERMAN, Mr. TESTER, Mr. BINGAMAN, Mrs. FEINSTEIN, Mrs. BOXER, Mr. LEVIN, Mr. JOHNSON of South Dakota, Mr. ROBERTS, Mr. CRAPO, Mr. SESSIONS, Ms. COLLINS, and Mr. JOHANNS):

S. Res. 523. A resolution recognizing the heroic efforts of firefighters and military personnel in the United States to contain numerous wildfires that have affected tens of thousands of people; considered and agreed to.

ADDITIONAL COSPONSORS

S. 17

At the request of Mr. HATCH, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 17, a bill to repeal the job-killing tax on medical devices to ensure continued access to life-saving medical devices for patients and maintain the standing of United States as the world leader in medical device innovation.

S. 19

At the request of Mr. HATCH, the names of the Senator from Alaska (Ms. MURKOWSKI), the Senator from Florida (Mr. RUBIO) and the Senator from Tennessee (Mr. ALEXANDER) were added as cosponsors of S. 19, a bill to restore American's individual liberty by striking the Federal mandate to purchase insurance.

S. 672

At the request of Mr. ROCKEFELLER, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 672, a bill to amend the Internal Revenue Code of 1986 to extend and modify the railroad track maintenance credit.

S. 687

At the request of Mr. CONRAD, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a cosponsor of S. 687, a bill to amend the Internal Revenue Code of 1986 to permanently extend the 15-year recovery period for qualified leasehold improvement property, qualified restaurant property, and qualified retail improvement property.

S. 703

At the request of Mr. BARRASSO, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 703, a bill to amend the Long-Term Leasing Act, and for other purposes.

S. 1133

At the request of Mr. WYDEN, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 1133, a bill to prevent the evasion of antidumping and countervailing duty orders, and for other purposes.

S. 1440

At the request of Mr. ALEXANDER, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 1440, a bill to reduce preterm labor and delivery and the risk of pregnancy-related deaths and complications due to pregnancy, and to reduce infant mortality caused by prematurity.

S. 1621

At the request of Mr. MENENDEZ, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 1621, a bill to create livable communities through coordinated public investment and streamlined requirements, and for other purposes.

S. 1929

At the request of Mr. BLUMENTHAL, the names of the Senator from Massachusetts (Mr. BROWN), the Senator from Arizona (Mr. MCCAIN), the Senator from Kansas (Mr. MORAN) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. 1929, a bill to require the Secretary of the Treasury to mint coins in commemoration of Mark Twain.

S. 1935

At the request of Ms. COLLINS, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 1935, a bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the 75th anniversary of the establishment of the March of Dimes Foundation.

S. 2125

At the request of Mr. WYDEN, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 2125, a bill to amend title XVIII of the Social Security Act to modify the designation of accreditation organizations for orthotics and prosthetics, to apply accreditation and licensure requirements to suppliers of such devices and items for purposes of payment under the Medicare program, and to modify the payment rules for such devices and items under such program to account for practitioner qualifications and complexity of care.

S. 2134

At the request of Mr. BLUMENTHAL, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 2134, a bill to amend title 10, United States Code, to provide for certain requirements relating to the retirement, adoption, care, and recognition of military working dogs, and for other purposes.

S. 2165

At the request of Mrs. BOXER, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 2165, a bill to enhance strategic cooperation between the United States and Israel, and for other purposes.

S. 2372

At the request of Mr. BURR, the name of the Senator from West Virginia (Mr. MANCHIN) was added as a cosponsor of S. 2372, a bill to authorize pedestrian and motorized vehicular access in Cape Hatteras National Seashore Recreational Area, and for other purposes.

S. 2374

At the request of Mr. BINGAMAN, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 2374, a bill to amend the Helium Act to ensure the expedient and responsible draw-down of the Federal Helium Reserve in a manner that protects the interests of private industry, the scientific, medical, and industrial communities, commercial users, and Federal agencies, and for other purposes.

S. 2884

At the request of Ms. STABENOW, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 2884, a bill to provide an incentive for businesses to bring jobs back to America.

S. 3204

At the request of Mr. JOHANNS, the name of the Senator from Nevada (Mr. HELLER) was added as a cosponsor of S. 3204, a bill to address fee disclosure requirements under the Electronic Fund Transfer Act, and for other purposes.

S. 3227

At the request of Mr. NELSON of Florida, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 3227, a bill to enable concrete masonry products manufacturers and importers to establish, finance, and carry out a coordinated program of research, education, and promotion to improve, maintain, and develop markets for concrete masonry products.

S. 3263

At the request of Mrs. BOXER, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 3263, a bill to require the Secretary of Transportation to modify the final rule relating to flightcrew member duty and rest requirements for passenger operations of air carriers to apply to all-cargo operations of air carriers, and for other purposes.

S. 3290

At the request of Mr. VITTER, the name of the Senator from Kansas (Mr. MORAN) was added as a cosponsor of S. 3290, a bill to prohibit discrimination against the unborn on the basis of sex or gender, and for other purposes.

S. 3364

At the request of Ms. STABENOW, the names of the Senator from Pennsylvania (Mr. CASEY), the Senator from Maryland (Mr. CARDIN) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. 3364, a bill to provide an incentive for businesses to bring jobs back to America.

S. 3366

At the request of Mrs. FEINSTEIN, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 3366, a bill to designate the Haqqani network as a foreign terrorist organization.

S. 3369

At the request of Mr. WHITEHOUSE, the names of the Senator from Alaska (Mr. BEGICH), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Virginia (Mr. WARNER), the Senator from Maryland (Mr. CARDIN), the Senator from Washington (Mrs. MURRAY), the Senator from South Dakota (Mr. JOHNSON), the Senator from Massachusetts (Mr. KERRY), the Senator from Hawaii (Mr. AKAKA), the Senator from California (Mrs. FEINSTEIN), the Senator from Illinois (Mr. DURBIN) and the Senator from Delaware (Mr. CARPER) were added as cosponsors of 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.

S. 3372

At the request of Mr. WEBB, the names of the Senator from Missouri (Mrs. MCCASKILL), the Senator from Colorado (Mr. UDALL) and the Senator from Virginia (Mr. WARNER) were added as cosponsors of S. 3372, a bill to amend section 704 of title 18, United States Code.

S. 3376

At the request of Mr. CASEY, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 3376, a bill to amend the Federal Food, Drug, and Cosmetic Act to prevent the abuse of dextromethorphan, and for other purposes.

S. 3380

At the request of Mr. BLUMENTHAL, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 3380, a bill to provide for the issuance of a Victory for Veterans stamp, and for other purposes.

S.J. RES. 47

At the request of Mr. WARNER, the names of the Senator from Texas (Mrs. HUTCHISON), the Senator from Florida (Mr. NELSON), the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Kansas (Mr. ROBERTS) were added as cosponsors of S.J. Res. 47, a joint resolution amending title 36, United States Code, to designate July 26 as United States Intelligence Professionals Day.

S. CON. RES. 48

At the request of Mr. LEAHY, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. Con. Res. 48, a concurrent resolution recognizing 375 years of service of the National Guard and affirming congressional support for a permanent Operational Reserve as a component of the Armed Forces.

S. RES. 490

At the request of Mrs. BOXER, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. Res. 490, a resolution designating the week of September 16, 2012, as ''Mitochondrial Disease Awareness Week'', reaffirming the importance of an enhanced and coordinated research effort on mitochondrial diseases, and commending the National Institutes of Health for its efforts to improve the understanding of mitochondrial diseases.

AMENDMENT NO. 2491

At the request of Mr. HATCH, the names of the Senator from Missouri (Mr. BLUNT), the Senator from Arkansas (Mr. BOOZMAN), the Senator from North Carolina (Mr. BURR), the Senator from Georgia (Mr. CHAMBLISS), the Senator from Indiana (Mr. COATS), the Senator from Wyoming (Mr. ENZI), the Senator from South Carolina (Mr. GRAHAM), the Senator from North Dakota (Mr. HOEVEN), the Senator from Texas (Mrs. HUTCHISON), the Senator from Oklahoma (Mr. INHOFE), the Senator from Ohio (Mr. PORTMAN), the Senator from Idaho (Mr. RISCH), the Senator from Florida (Mr. RUBIO) and the Senator from Pennsylvania (Mr. TOOMEY) were added as cosponsors of amendment No. 2491 intended to be proposed to S. 2237, a bill to provide a temporary income tax credit for increased payroll and extend bonus depreciation for an additional year, and for other purposes.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 519—DESIGNATING OCTOBER 30, 2012, AS A NATIONAL DAY OF REMEMBRANCE FOR NUCLEAR WEAPONS PROGRAM WORKERS

Mr. UDALL of Colorado (for himself, Mr. ALEXANDER, Mr. BINGAMAN, Mr. BROWN of Ohio, Ms. CANTWELL, Mr. CORKER, Mr. CRAPO, Mrs. GILLIBRAND, Mr. GRAHAM, Mr. MCCONNELL, Mr. REID, and Mr. UDALL of New Mexico) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 519

Whereas, since World War II, hundreds of thousands of men and women, including uranium miners, millers, and haulers, have served the United States by building nuclear weapons for the defense of the United States;

Whereas those dedicated workers paid a high price for their service to develop a nuclear weapons program for the benefit of the United States, including by developing disabling or fatal illnesses;

Whereas the Senate recognized the contribution, service, and sacrifice those patriotic men and women made for the defense of the United States in Senate Resolution 151, 111th Congress, agreed to May 20, 2009, Senate Resolution 653, 111th Congress, agreed to September 28, 2010, and Senate Resolution 275, 112th Congress, agreed to September 26, 2011;

Whereas a national day of remembrance time capsule has been crossing the United States, collecting artifacts and the stories of nuclear weapons program workers relating to the nuclear defense era of the United States, and a remembrance quilt has been constructed to memorialize the contribution of those workers;

Whereas the stories and artifacts reflected in the time capsule and the remembrance quilt reinforce the importance of recognizing nuclear weapons program workers; and

Whereas those patriotic men and women deserve to be recognized for the contribution, service, and sacrifice they have made

for the defense of the United States: Now, therefore, be it

Resolved, That the Senate—

(1) designates October 30, 2012, as a national day of remembrance for the nuclear weapons program workers, including uranium miners, millers, and haulers, of the United States; and

(2) encourages the people of the United States to support and participate in appropriate ceremonies, programs, and other activities to commemorate October 30, 2012, as a national day of remembrance for past and present workers in the nuclear weapons program of the United States.

SENATE RESOLUTION 520—COMMENDING THE NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE ON THE OCCASION OF ITS 103RD ANNIVERSARY

Mr. CARDIN (for himself and Mr. GRASSLEY) submitted the following resolution; which was considered and agreed to:

S. RES. 520

Whereas the National Association for the Advancement of Colored People (referred to in this preamble as the ''NAACP''), originally known as the National Negro Committee, was founded in New York City on February 12, 1909, the centennial of the date on which President Abraham Lincoln was born, by a multiracial group of activists who met in a national conference to discuss the civil and political rights of African-Americans;

Whereas the NAACP was founded by a distinguished group of leaders in the struggle for civil and political liberty, including Ida Wells-Barnett, W.E.B. DuBois, Henry Moscowitz, Mary White Ovington, Oswald Garrison Villard, and William English Walling;

Whereas the NAACP is the oldest and largest civil rights organization in the United States;

Whereas the NAACP National Headquarters is located in Baltimore, Maryland;

Whereas the mission of the NAACP is to ensure the political, educational, social, and economic equality of rights of all people and to eliminate racial hatred and racial discrimination;

Whereas the NAACP is committed to achieving its goals through nonviolence;

Whereas the NAACP advances its mission through reliance on the press, the petition, the ballot, and the courts;

Whereas the NAACP has been persistent in the use of legal and moral persuasion, even in the face of overt and violent racial hostility;

Whereas the NAACP has used political pressure, marches, demonstrations, and effective lobbying to serve as the voice, as well as the shield, for minorities in the United States;

Whereas after years of fighting segregation in public schools, the NAACP, under the leadership of Special Counsel Thurgood Marshall, won one of its greatest legal victories in the decision issued by the Supreme Court in Brown v. Board of Education (347 U.S. 483 (1954));

Whereas in 1955, NAACP member Rosa Parks was arrested and fined for refusing to give up her seat on a segregated bus in Montgomery, Alabama, an act of courage that would serve as the catalyst for the largest grassroots civil rights movement in the history of the United States;

Whereas the NAACP was prominent in lobbying for the passage of—

(1) the Civil Rights Act of 1957 (Public Law 85–315; 71 Stat. 634);

(2) the Civil Rights Act of 1960 (Public Law 86–449; 74 Stat. 86);

(3) the Civil Rights Act of 1964 (Public Law 88–352; 78 Stat. 241);

(4) the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.);

(5) the Fannie Lou Hamer, Rosa Parks, Coretta Scott King, César E. Chávez, Barbara C. Jordan, William C. Velásquez, and Dr. Hector P. Garcia Voting Rights Act Reauthorization and Amendments Act of 2006 (Public Law 109–246; 120 Stat. 577); and

(6) the Fair Housing Act (42 U.S.C. 3601 et seq.);

Whereas in 2005, the NAACP launched the Disaster Relief Fund to help hurricane survivors rebuild their lives in the States of Louisiana, Mississippi, Texas, Florida, and Alabama;

Whereas in the 110th Congress, the NAACP was prominent in lobbying for the passage of H. Res. 826, the resolved clause of which expresses that—

(1) the hanging of nooses is a horrible act when used for the purpose of intimidation;

(2) under certain circumstances, the hanging of nooses can be criminal; and

(3) the hanging of nooses should be investigated thoroughly by Federal authorities, and any criminal violations should be vigorously prosecuted;

Whereas in 2008, the NAACP vigorously supported the passage of the Emmett Till Unsolved Civil Rights Crime Act of 2007 (28 U.S.C. 509 note), a law that puts additional Federal resources into solving the heinous crimes that occurred during the early days of the civil rights struggle that remain unsolved and brings those who perpetrated those crimes to justice;

Whereas the NAACP has helped usher in the new millennium by charting a bold course, beginning with the appointment of the youngest President and Chief Executive Officer in the history of the organization, Benjamin Todd Jealous, and its youngest female Board Chair, Roslyn M. Brock;

Whereas under the leadership of Benjamin Todd Jealous and Roslyn M. Brock, the NAACP has outlined a strategic plan to confront 21st century challenges in the critical areas of health, education, housing, criminal justice, and the environment;

Whereas on July 16, 2009, the NAACP celebrated its centennial anniversary in New York City, highlighting an extraordinary century of ''Bold Dreams, Big Victories'' with a historic address from the first African-American President of the United States, Barack Obama;

Whereas as an advocate for sentencing reform, the NAACP applauded the enactment of the Fair Sentencing Act of 2010 (Public Law 111–220; 124 Stat. 2372), a landmark piece of legislation that reduces the quantity of crack cocaine that triggers a mandatory minimum sentence for a Federal conviction of crack cocaine distribution from 100 times that of people convicted of distributing the drug in powdered form to 18 times that sentence;

Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the 103rd anniversary of the historic founding of the National Association for the Advancement of Colored People; and

(2) commends the National Association for the Advancement of Colored People on the occasion of its anniversary for its work to ensure the political, educational, social, and economic equality of all people.

SENATE RESOLUTION 521—DESIGNATING SEPTEMBER 2012 AS ''NATIONAL SPINAL CORD INJURY AWARENESS MONTH''

Mr. RUBIO submitted the following resolution; which was considered and agreed to:

S. RES. 521

Whereas the estimated 1,275,000 individuals in the United States who live with a spinal cord injury cost society billions of dollars in health care costs and lost wages;

Whereas an estimated 100,000 of those individuals are veterans who suffered the spinal cord injury while serving as members of the United States Armed Forces;

Whereas accidents are the leading cause of spinal cord injuries;

Whereas motor vehicle crashes are the second leading cause of spinal cord and traumatic brain injuries;

Whereas 70 percent of all spinal cord injuries that occur in children under the age of 18 are a result of motor vehicle accidents;

Whereas every 48 minutes a person will become paralyzed, underscoring the urgent need to develop new neuroprotection, pharmacological, and regeneration treatments to reduce, prevent, and reverse paralysis; and

Whereas increased education and investment in research are key factors in improving outcomes for victims of spinal cord injuries, improving the quality of life of victims, and ultimately curing paralysis: Now, therefore, be it

Resolved, That the Senate—

(1) designates September 2012 as ''Spinal Cord Injury Awareness Month'';

(2) supports the goals and ideals of Spinal Cord Injury Awareness Month;

(3) continues to support research to find better treatments, therapies, and a cure for paralysis;

(4) supports clinical trials for new therapies that offer promise and hope to those persons living with paralysis; and

(5) commends the dedication of local, regional, and national organizations, researchers, doctors, volunteers, and people across the United States that are working to improve the quality of life of people living with paralysis and their families.

SENATE RESOLUTION 522—DESIGNATING SEPTEMBER 2012 AS ''NATIONAL CHILD AWARENESS MONTH'' TO PROMOTE AWARENESS OF CHARITIES BENEFITTING CHILDREN AND YOUTH-SERVING ORGANIZATIONS THROUGHOUT THE UNITED STATES AND RECOGNIZING EFFORTS MADE BY THOSE CHARITIES AND ORGANIZATIONS ON BEHALF OF CHILDREN AND YOUTH AS CRITICAL CONTRIBUTIONS TO THE FUTURE OF THE UNITED STATES

Mr. BURR (for himself, Mrs. FEINSTEIN, Mr. ALEXANDER, Mr. COBURN, Mrs. MURRAY, Mr. CASEY, Ms. MURKOWSKI, and Mr. SANDERS) submitted the following resolution; which was considered and agreed to:

S. RES. 522

Whereas millions of children and youth in the United States represent the hopes and future of the United States;

Whereas numerous individuals, charities benefitting children, and youth-serving organizations that work with children and youth

collaborate to provide invaluable services to enrich and better the lives of children and youth throughout the United States;

Whereas raising awareness of, and increasing support for, organizations that provide access to healthcare, social services, education, the arts, sports, and other services will result in the development of character and the future success of the children and youth of the United States;

Whereas the month of September, as the school year begins, is a time when parents, families, teachers, school administrators, and communities increase their focus on children and youth throughout the United States;

Whereas the month of September is a time for the people of the United States to highlight and be mindful of the needs of children and youth;

Whereas private corporations and businesses have joined with hundreds of national and local charitable organizations throughout the United States in support of a month-long focus on children and youth; and

Whereas designating September 2012 as ''National Child Awareness Month'' would recognize that a long-term commitment to children and youth is in the public interest, and will encourage widespread support for charities and organizations that seek to provide a better future for the children and youth of the United States: Now, therefore, be it

Resolved, That the Senate designates September 2012 as ''National Child Awareness Month''—

(1) to promote awareness of charities benefitting children and youth-serving organizations throughout the United States; and

(2) to recognize efforts made by those charities and organizations on behalf of children and youth as critical contributions to the future of the United States.

SENATE RESOLUTION 523—RECOGNIZING THE HEROIC EFFORTS OF FIREFIGHTERS AND MILITARY PERSONNEL IN THE UNITED STATES TO CONTAIN NUMEROUS WILDFIRES THAT HAVE AFFECTED TENS OF THOUSANDS OF PEOPLE

Mr. UDALL of Colorado (for himself, Mr. HATCH, Mr. BENNET, Ms. MURKOWSKI, Mr. REID of Nevada, Mr. HELLER, Mr. MCCAIN, Mr. WYDEN, Mrs. MURRAY, Mr. THUNE, Mr. UDALL of New Mexico, Mr. LIEBERMAN, Mr. TESTER, Mr. BINGAMAN, Mrs. FEINSTEIN, Mrs. BOXER, Mr. LEVIN, Mr. JOHNSON of South Dakota, Mr. ROBERTS, Mr. CRAPO, Mr. SESSIONS, Ms. COLLINS, and Mr. JOHANNS) submitted the following resolution; which was considered and agreed to:

S. RES. 523

Whereas firefighters and residents of the United States have contended with extreme and erratic fire behavior and rapid rates of fire spread;

Whereas, as of July 12, 2012, more than 31,754 wildfires have burned more than 3,281,008 acres of land, resulting in a devastating loss of life and property;

Whereas, as of July 12, 2012, firefighters have battled fires all across the Nation, including—

(1) 1,637 fires that have burned more than 516,482 acres in the Southwest United States;

(2) 13,584 fires that have burned more than 291,957 acres in the Southern United States;

(3) 3,178 fires that have burned more than 819,345 acres in the Northern and Central Rocky Mountain region of the United States;

(4) 4,963 fires that have burned more than 975,669 acres in the State of California and the Great Basin region of the United States;

(5) 787 fires that have burned more than 595,096 acres in the State of Alaska and the Northwest United States; and

(6) 7,605 fires that have burned more than 82,459 acres in the Eastern United States; and

Whereas, the brave men and women who fight wildfires on a daily basis help minimize the displacement of individuals and protect against the loss of life and property: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the heroic efforts of firefighters and military personnel to contain wildfires and protect lives, homes, natural resources, and rural economies throughout the United States;

(2) encourages the people and Government of the United States to express their appreciation to the brave men and women in the firefighting services throughout the United States;

(3) encourages the people and communities of the United States to act diligently in preventing and preparing for a wildfire; and

(4) encourages the people of the United States to keep in their thoughts the individuals who have suffered as a result of a wildfire.

NOTICE OF HEARING

COMMITTEE ON INDIAN AFFAIRS

Mr. AKAKA. Mr. President, I would like to announce that the Committee on Indian Affairs will meet during the session of the Senate on July 19, 2012, in room SD–628 of the Dirksen Senate Office Building, at 2:15 p.m., to conduct a hearing entitled ''Impacts of Environmental Changes on Treaty Rights, Traditional Lifestyles, and Tribal Homelands.''

Those wishing additional information may contact the Indian Affairs Committee at (202) 224–2251.

AUTHORITY FOR COMMITTEES TO MEET

SELECT COMMITTEE ON INTELLIGENCE

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on July 16, 2012, at 4:45 p.m.

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

PRIVILEGES OF THE FLOOR

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that for the duration of today's session, Alex Link, Rob Famigletti, and Samantha Freeman, who are fellows on my Judiciary Committee staff, be granted floor privileges.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that privileges of the floor be granted to the following Members of Senator FRANKEN's staff: Whitney Brown and Joel Salomon, for the rest of today's session.

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

ORDERS FOR TUESDAY, JULY 17, 2012

Mr. WHITEHOUSE. I ask unanimous consent that at 3 p.m. Tuesday, July 17, 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 be agreed to; that the motion to reconsider be agreed to; and the Senate proceed to the cloture vote on the motion to proceed to S. 3369, the DISCLOSE Act, upon reconsideration.

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

Mr. WHITEHOUSE. I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. on Tuesday, July 17; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that the majority leader be recognized and the time until 12:30 p.m. be equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first 30 minutes and the majority controlling the second 30 minutes; and that the Senate recess from 12:30 p.m. to 2:15 p.m. to allow for the weekly caucus meetings; finally, that the time from 2:15 until 3 p.m. be equally divided and controlled between the two leaders or their designees.

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

PROGRAM

Mr. WHITEHOUSE. Mr. President, today at 3 p.m. there will be a cloture vote on the motion to proceed to S. 3369, the DISCLOSE Act, which we have discussed at such length tonight, upon reconsideration.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. WHITEHOUSE. If there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 12:26 a.m., adjourned until Tuesday, July 17, 2012, at 10 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate July 16, 2012:

THE JUDICIARY

KEVIN MCNULTY, OF NEW JERSEY, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEW JERSEY.

EXTENSIONS OF REMARKS

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, July 17, 2012 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JULY 18

9:30 a.m.
Finance
Business meeting to consider Enforcing Orders and Reducing Customs Evasion (ENFORCE) Act, citrus, cotton, and wool trust funds, African Growth and Opportunity Act (AGOA) amendments, Dominican Republic-Central America-United States Free Trade Agreement (CAFTA–DR) technical corrections, and Burma sanctions, and Russia Permanent Normal Trade Relations (PNTR) and Moldova PNTR.
SD–215

Homeland Security and Governmental Affairs
To hold hearings to examine improving the transparency of Federal spending.
SD–342

10 a.m.
Judiciary
To hold hearings to examine improving forensic science in the criminal justice system.
SD–226

Veterans' Affairs
To hold hearings to examine the nomination of Thomas Skerik Sowers II, of Missouri, to be Assistant Secretary of Veterans Affairs for Public and Intergovernmental Affairs.
SR–418

2 p.m.
Aging
To hold hearings to examine Medicare and Medicaid coordination for dual-eligibles.
SH–216

Commission on Security and Cooperation in Europe
To hold hearings to examine the escalation of violence against Coptic women and girls in Egypt.
Room to be announced

2:30 p.m.
Homeland Security and Governmental Affairs
Federal Financial Management, Government Information, Federal Services, and International Security Subcommittee
To hold hearings to examine the census, focusing on planning ahead for 2020.
SD–342

Foreign Relations
To hold hearings to examine to examine the nominations of Marcie B. Ries, of the District of Columbia, to be Ambassador to the Republic of Bulgaria, John M. Koenig, of Washington, to be Ambassador to the Republic of Cyprus, Michael David Kirby, of Virginia, to be Ambassador to the Republic of Serbia, Thomas Hart Armbruster, of New York, to be Ambassador to the Republic of the Marshall Islands, and Greta Christine Holtz, of Maryland, to be Ambassador to the Sultanate of Oman, all of the Department of State.
SD–419

Judiciary
Privacy, Technology and the Law Subcommittee
To hold hearings to examine what facial recognition technology means for privacy and civil liberties.
SD–226

United States Senate Caucus on International Narcotics Control
To hold hearings to examine prescription drug abuse.
SD–562

3 p.m.
Commerce, Science, and Transportation
Aviation Operations, Safety, and Security Subcommittee
To hold hearings to examine the global competitiveness of the United States Aviation Industry, focusing on addressing competition issues to maintain United States leadership in the aerospace market.
SR–253

JULY 19

9:30 a.m.
Armed Services
To hold hearings to examine the nominations of General Mark A. Welsh III, USAF for reappointment to the grade of general and to be Chief of Staff, United States Air Force, Lieutenant General John F. Kelly, USMC to be general and Commander, United States Southern Command, and Lieutenant General Frank J. Grass, ARNG to be general and Chief, National Guard Bureau.
SH–216

Foreign Relations
Business meeting to consider The Convention on the Rights of Persons with Disabilities, Adopted by the United Nations General Assembly on December 13, 2006, and Signed by the United States of America on June 30, 2009 (Treaty Doc 112–7).
SD–G50

10 a.m.
Health, Education, Labor, and Pensions
To hold hearings to examine making college affordability a priority, focusing on promising practices and strategies.
SD–430

Judiciary
Business meeting to consider S. 285, for the relief of Sopuruchi Chukwueke, S. 3276, to extend certain amendments made by the FISA Amendments Act of 2008, and the nominations of Frank Paul Geraci, Jr., to be United States District Judge for the Western District of New York, Fernando M. Olguin, to be United States District Judge for the Central District of California, Malachy Edward Mannion, and Matthew W. Brann, both to be a United States District Judge for the Middle District of Pennsylvania, and Charles R. Breyer, of California, to be a Member of the United States Sentencing Commission.
SD–226

2:15 p.m.
Indian Affairs
To hold an oversight hearing to examine the impacts of environmental changes on treaty rights, traditional lifestyles, and tribal homelands.
SD–628

2:30 p.m.
Intelligence
To hold closed hearings to examine certain intelligence matters.
SH–219

JULY 20

10:30 a.m.
Homeland Security and Governmental Affairs
To hold hearings to examine the nominations of Walter M. Shaub, Jr., of Virginia, to be Director of the Office of Government Ethics, and Rainey Ransom Brandt, and Kimberley Sherri Knowles, both to be an Associate Judge of the Superior Court of the District of Columbia.
SD–342

JULY 24

2:30 p.m.
Commerce, Science, and Transportation
To hold hearings to examine the Cable Act at 20.
SR–253

JULY 25

10 a.m.
Judiciary
To hold hearings to examine ensuring judicial independence through civics education.
SH–216

2:30 p.m.
Homeland Security and Governmental Affairs
Federal Financial Management, Government Information, Federal Services, and International Security Subcommittee
To hold hearings to examine assessing grants management practices at Federal agencies.
SD–342

Energy and Natural Resources
Water and Power Subcommittee
To hold an oversight hearing to examine the role of water use efficiency and its impact on energy use.
SD–366

JULY 26

2:15 p.m.
Indian Affairs
To hold an oversight hearing to examine the regulation of tribal gaming, focusing on brick and mortar to the internet.
SD–628

AUGUST 1

9 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine MF Global, focusing on accountability in the futures markets.
SR–328A

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S4985–S5050

Measures Introduced: Four bills and five resolutions were introduced, as follows: S. 3385–3388, and S. Res. 519–523. **Page S5047**

Measures Reported:

S. 1266, to direct the Secretary of the Interior to establish a program to build on and help coordinate funding for the restoration and protection efforts of the 4-State Delaware River Basin region, with an amendment in the nature of a substitute. (S. Rept. No. 112–183)

S. 2018, to amend and reauthorize certain provisions relating to Long Island Sound restoration and stewardship. (S. Rept. No. 112–184)

S. 3264, to amend the Federal Water Pollution Control Act to reauthorize the Lake Pontchartrain Basin Restoration Program. (S. Rept. No. 112–185)

Report to accompany H.R. 3902, to amend the District of Columbia Home Rule Act to revise the timing of special elections for local office in the District of Columbia. (S. Rept. No. 112–186)

Page S5046

Measures Passed:

National Association for the Advancement of Colored People 103rd Anniversary: Senate agreed to S. Res. 520, commending the National Association for the Advancement of Colored People on the occasion of its 103rd anniversary. **Page S5023**

National Spinal Cord Injury Awareness Month: Senate agreed to S. Res. 521, designating September 2012 as ''National Spinal Cord Injury Awareness Month''. **Page S5023**

National Child Awareness Month: Senate agreed to S. Res. 522, designating September 2012 as ''National Child Awareness Month'' to promote awareness of charities benefitting children and youth-serving organizations throughout the United States and recognizing efforts made by those charities and organizations on behalf of children and youth as critical contributions to the future of the United States. **Pages S5023–24**

Firefighters and Military Personnel Recognition: Senate agreed to S. Res. 523, recognizing the heroic efforts of firefighters and military personnel in the United States to contain numerous wildfires that have affected tens of thousands of people. **Page S5024**

Measures Considered:

DISCLOSE Act—Agreement: Senate resumed consideration of the motion to proceed to consideration of S. 3369, to amend the Federal Election Campaign Act of 1971 to provide for additional disclosure requirements for corporations, labor organizations, Super PACs and other entities. **Pages S4985–S5003, S5007–44**

During consideration of this measure today, Senate also took the following action:

By 51 yeas to 44 nays (Vote No. 179), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to close further debate on the motion to proceed to consideration of the bill. **Page S5008**

Subsequently, Senator Reid entered a motion to reconsider the vote by which cloture was not invoked on the motion to proceed to consideration of the bill. **Page S5008**

A unanimous-consent agreement was reached providing that at 3 p.m., on Tuesday, July 17, 2012, the motion to proceed to the motion to reconsider the vote by which cloture was not invoked on the motion to proceed to consideration of the bill, be agreed to; that the motion to reconsider be agreed to; and Senate proceed to the cloture vote on the motion to proceed to consideration of the bill, upon reconsideration. **Page S5050**

Nomination Confirmed: Senate confirmed the following nomination:

By 91 yeas to 3 nays, 1 responding present (Vote No. EX. 178), Kevin McNulty, of New Jersey, to be United States District Judge for the District of New Jersey. **Pages S5003–07, S5050**

Messages from the House: **Page S5046**

Measures Referred: **Page S5046**

Measures Placed on the Calendar: **Page S5046**

Enrolled Bills Presented: **Page S5046**

Record Votes: Two record votes were taken today. (Total—179) Pages S5007–08

Adjournment: Senate convened at 2 p.m. on Monday, July 16, 2012 and adjourned at 12:26 a.m. on Tuesday, July 17, 2012, until 10 a.m. on the same day. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S5050.)

Committee Meetings

(Committees not listed did not meet)

NOMINATIONS

Committee on Foreign Relations: On Thursday, July 12, 2012, Committee concluded a hearing to examine the nominations of Gene Allan Cretz, of New York, to be Ambassador to the Republic of Ghana, Deborah Ruth Malac, of Virginia, to be Ambassador to the Republic of Liberia, David Bruce Wharton, of Virginia, to be Ambassador to the Republic of Zimbabwe, and Alexander Mark Laskaris, of Maryland, to be Ambassador to the Republic of Guinea, all of the Department of State, after the nominees testified and answered questions in their own behalf.

INTELLIGENCE

Select Committee on Intelligence: Committee held closed hearings on intelligence matters, receiving testimony from officials of the intelligence community.

Committee recessed subject to the call.

House of Representatives

Chamber Action

The House was not in session today. The House is scheduled to meet at 12 noon on Tuesday, July 17, 2012.

Committee Meetings

No hearings were held.

Joint Meetings

No joint committee meetings were held.

COMMITTEE MEETINGS FOR TUESDAY, JULY 17, 2012

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Agriculture, Nutrition, and Forestry: to hold hearings to examine the "Dodd-Frank Wall Street Reform and Consumer Protection Act", focusing on two years later, 10 a.m., SR–328A.

Committee on Appropriations: Subcommittee on Financial Service and General Government, to hold hearings to examine if consumers are adequately protected from flammability of upholstered furniture, focusing on the effectiveness of furniture flammability standards and flame retardant chemicals, 2:30 p.m., SD–138.

Committee on Banking, Housing, and Urban Affairs: to hold hearings to examine the semiannual Monetary Policy Report to Congress, 10 a.m., SD–G50.

Committee on Energy and Natural Resources: to hold hearings to examine the status of action taken to ensure that the electric grid is protected from cyber attacks, 10 a.m., SD–366.

Committee on Foreign Relations: to hold hearings to examine the next ten years in the fight against human trafficking, focusing on attacking the problem with the right tools, 9:30 a.m., SH–216.

Committee on Homeland Security and Governmental Affairs: Permanent Subcommittee on Investigations, to hold hearings to examine United States vulnerabilities to money laundering, drugs, and terrorist financing, focusing on HSBC case history, 9:30 a.m., SD–106.

Select Committee on Intelligence: to hold closed hearings to examine certain intelligence matters, 2:30 p.m., SH–219.

House

Committee on Energy and Commerce, Subcommittee on Energy and Power, hearing entitled "The American Energy Initiative", 3 p.m., 2123 Rayburn.

Committee on Foreign Affairs, Subcommittee on Africa, Global Health, and Human Rights, hearing entitled "Global Challenges in Diagnosing and Managing Lyme Disease—Closing Knowledge Gaps", 2 p.m., 2172 Rayburn.

Next Meeting of the **SENATE**

10 a.m., Tuesday, July 17

Senate Chamber

Program for Tuesday: The Majority Leader will be recognized. At 3 p.m., Senate will vote on the motion to invoke cloture on the motion to proceed to consideration of S. 3369, DISCLOSE Act, upon reconsideration.

(Senate will recess from 12:30 p.m. until 2:15 p.m. for their respective party conferences.)

Next Meeting of the **HOUSE OF REPRESENTATIVES**

12 noon, Tuesday, July 17

House Chamber

Program for Tuesday: To be announced.

Congressional Record

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