

they have been experts at stalling everything. That is what they are going to do again today.

But we are going to go ahead and vote on this tonight, and we are going to vote on it again Wednesday. There will be no amendments. It is not a difficult issue. You are either for campaign spending reform or not. So my Republican colleagues can stall for time. We are going to be very patient. We are going to see if there is a single Republican who believes an election in America today should be determined by how much money you have. That is what this vote is all about.

I am going to move this legislation forward regardless of any Republican obstruction because this issue is important. Simply put, this constitutional amendment is what we need to bring back sanity to elections and restore Americans' confidence in our democracy. We must overturn the status quo created by the Supreme Court and instead put in place a system that works for all Americans, not just the richest of the rich.

It is such a shame what this Republican-driven tea party has done in Congress to try to stop everything. Virtually everything is a filibuster. I do not know how much longer the American people are going to put up with it. These are artificial numbers anyway. Should not we be a democracy? We are not because everything in this Senate requires 60 votes. That is not the way of the Founding Fathers. And, of course, a number of the Founding Fathers were from the Presiding Officer's State. None from Nevada; we were not a State. But the Founding Fathers must be turning over in their graves. They must be looking down at this and saying: What in the world are they doing to our country?

We must overturn the status quo. This is what the entire issue boils down to: whether our democracy, as President Lincoln said, is a "government of the people, by the people and for the people." That is what Lincoln said, and we know that is what he meant—or as we have it today: a government of the rich, by the rich, and exclusively for the rich.

Is America for sale? The American people want change. They want their place in government to be protected. The constitutional amendment before the Senate protects working families. It protects Americans. It protects their voice and participation in government because our voice—not the wealth of a few—is the very essence of American democracy.

#### RESERVATION OF LEADER TIME

Mr. President, would the Chair announce the business of this afternoon.

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

#### MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will be

in a period of morning business until 5:30 p.m., with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees.

Who yields time?

The Senator from Vermont.

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

The PRESIDING OFFICER. We are currently in a period of morning business.

#### CONSTITUTIONAL AMENDMENT

Mr. LEAHY. Mr. President, I know we are going to hold our first vote relevant to S.J. Res. 19 later today, so let me speak about that for a few minutes. It is a constitutional amendment. It is something rare here, but this would restore to Congress and the States the authority to set reasonable limits on contributions and expenditures in our elections. The amendment would also allow Congress and the States to distinguish between natural persons and corporations when shaping legislation regarding the financing of elections.

Both the States and the national government have exercised this power for a long time in a responsible way until a narrow majority of Supreme Court justices ignored history, and, worse than that, they ignored the Court's own precedent. These Court opinions have now eviscerated campaign finance laws, and they have invited corruption into our political system. If we do not respond, we will continue on a path back to the days when only the wealthy few had access to our government. If we do not respond, corruption will flourish and hard-working Americans will lose any remaining faith they have in their elected officials. So I believe it is time to restore some sanity to our campaign finance laws but also to restore the true meaning and intent of the First Amendment.

I came to the Senate in January 1975, in the wake of the Watergate scandal. Americans were voicing concerns about the integrity and honesty of their elected leaders. They were concerned about the corrupting influence of anonymous money flowing into elections. The public's confidence in our democratic institutions was at a low point, so Congress passed the 1976 amendments to the Federal Election Campaign Act. As a freshman Senator—in fact, the junior most Member of the Senate—I was proud to vote for this law.

Decades later Democrats and Republicans again came together in 2002 to pass the McCain-Feingold Bipartisan Campaign Reform Act. It targeted the use of soft money donations and the unlimited spending that could be done anonymously, used to finance attack ads before an election. Just as we did in the wake of Watergate, our bipartisan effort recognized the need to pass important campaign finance reforms to

protect our democracy from corruption and to preserve access to our popular democracy.

But it appears today that many of our elected officials and a narrow majority of the U.S. Supreme Court no longer even acknowledge the corrosive influence of unfettered, anonymous money flowing in to fund our elections. Anonymous money—somebody can try to buy an election, and they do not even have to put their fingerprints on it. They just spend the money. They can say it is the Committee to Bring Honesty and Openness to Government even though it might be funded by a group who wants just the opposite.

Over the last decade a slim majority of the Supreme Court has issued one dreadful campaign finance decision after another. In fact, in 2010, in a 5-to-4 ruling—five Republicans on the Supreme Court—in *Citizens United*, the Court reversed a century of precedent by declaring that corporations have a First Amendment right to spend endlessly to finance and influence elections. In effect, they said corporations were people. I have said this many times before, and sometimes people chuckle, but stop and think about it. This country elected General Eisenhower as President. If you really listen to what the Supreme Court said, we could elect General Electric to be President or General Motors to be President.

In this past year the same five Justices held that aggregate limits on campaign contributions are now somehow a violation of the First Amendment. In other words, if you are running in a local election somewhere where people would normally spend \$300 or \$400, but it is critical because that local board may decide what the tax policy of a big corporation might be in that community, they could say: OK, people running the board are going to spend \$300 or \$400 each. We will just put \$1 million in to elect a different board that will give us a \$10 million tax break.

The Court's radical reinterpretation of the First Amendment contradicts the principles of freedom, equality, and self-government upon which this Nation was founded. The consequence of the Court's opinions is that a small, tiny minority of very wealthy individuals and special interests are drowning out the voices of hard-working Americans and skewing our electoral process. What they are saying is: I have millions of dollars. I have a voice in elections. You? You are just an average hard-working man or woman, and you do not have any voice.

The expressed justification for time-honored campaign finance laws has been a genuine concern about the corrupting influence of money in politics. But despite this well-founded concern, Justice Kennedy's opinion in *Citizens United* nonsensically confined corruption to mean only quid pro quo corruption or bribery. In doing so, these five Justices discarded what our very

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

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

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

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

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

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

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

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

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

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

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

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

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

I hope Senators will join with me on this vote.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Alabama.

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

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

#### AMNESTY IN AMERICA

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

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

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

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

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