again, leading the way. I am most honored to serve the great people of Michigan who are, without a doubt, the toughest, friendliest, hardest-working people in the country.

The author John Steinbeck once wrote of a trip he took to Michigan. He said, ''It seemed to me that the Earth was generous and outgoing here in the heartland, and, perhaps, its people took a cue from it.'' In fact, our people have.

Today, as we celebrate Michigan's 175th birthday, we have an incredible history to be proud of and an incredible future to look forward to.

Mr. LEVIN. Mr. President, the State of my birth, the State I am honored to represent in the Senate, the great State of Michigan celebrates its 175th birthday today. This landmark occasion is cause to reflect on Michigan's contributions to the greatness of our nation.

Michigan has never failed to excite imaginations. The great Civil War historian Bruce Catton, a Michigan native, once wrote that Michigan has always been less about the present than about our voyage to the future, ''to the fantastic reality that must lie beyond the mists.'' From the first European explorers who yearned to learn what they would find on the far lakeshore or around the next river bend, to the scientists and engineers who today are charting the technologies that will define our world for decades to come, Michigan has always helped to answer America's burning question: What comes next?

To a large degree, that voyage of discovery has always been about the growth of America's economy and the prosperity of her people. The lumber that built great cities in New York and Chicago came from our forests. The ores that fed the Industrial Revolution came from our Copper Country and Iron Mountains. The cars that put the world on wheels, and helped build America's middle class, came from our factories—as did the bombers and tanks that helped win World War II. And today, the exploration of new technologies in energy and transportation is helping to shape America's economy so that we can prosper in an extraordinarily competitive global marketplace.

Our State's identity is inextricably linked to the jewels that surround us: the Great Lakes. Their waters provide the drinking water that sustains us. They drive our economy. They help move goods to and from the far corners of the globe. They bring visitors to our shores. And they are a treasure trove of memories—of families sharing a picnic on the beach, of a kayaker's solo paddle through the mists of early morning, of a youngster's first successful cast of a fishing line or of a sunset walk along the water. We are custodians of the largest store of fresh water on the globe, and throughout our history, Michiganians have sought to exercise that responsibility with gratitude and care.

Michiganians have left an indelible mark on history, a mark that reaches far beyond our borders. The cry ''Remember the Raisin!'' rallied American troops to win the War of 1812, and Custer's shout, ''Come on, you Wolverines!'' helped turn the tide at Gettysburg. From W.K. Kellogg's cereal to Thomas Edison's light bulb to Henry Ford's assembly line, Michigan innovators have shaped the world around us. Michiganians helped to run the Underground Railroad and to lead the fight for civil rights. A Michigan woman, Sojourner Truth, changed the world by asking, ''Ain't I a woman?'' And a Michigan man in the White House, Gerald Ford, helped heal the wounds of division in the dark days of Watergate.

Michigan has given the world remarkable artists, from the poems of Philip Levine to the sounds of Motown. Michigan has given the world Magic Johnson's smile, Joe Louis's power and Derek Jeter's leadership.

Michiganians look back with pride on these 175 years. And we look forward with hope and anticipation to that always-approaching future that Bruce Catton described, to the fantastic reality that awaits our State in the years ahead. I hope my colleagues will join me in celebrating the 175th anniversary of Michigan statehood and the greatness ahead for our State.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

CITIZENS UNITED ANNIVERSARY

Mr. WHITEHOUSE. Mr. President, representing a State that is coming up on our 350th anniversary, I am delighted to salute the great State of Michigan on its 175th anniversary.

I rise to note the anniversary of an unfortunate event that is undermining the very core of our cherished democracy. This past Saturday marked the 2-year anniversary of the Supreme Court's disastrous 5-to-4 decision in a case called Citizens United v. the Federal Election Commission. With that feat of judicial activism, the conservative block of the Supreme Court gnawed a hole in the dike protecting our elections integrity, overturned the will of Congress and the American people, and allowed unlimited, anonymous corporate money to flood into our elections.

Senator MCCAIN recently called this ''one of the worst decisions in history.'' Senator SCHUMER said, at the time, ''One thing is clear; the conservative block of the Supreme Court has predetermined the outcome of the next election; the winners will be the corporations.''

It is no secret around here that big corporate interests long have had oversized influence in the legislative and executive branches. But Citizens United supersizes that influence so it threatens to overrun our elections. Here is how my home State newspaper, the Providence Journal, explained it:

> The 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.

This election year already confirms those fears. Senator MCCAIN noted earlier this month—and I will quote him again:

> I predicted when the United States Supreme Court, with their absolute ignorance of what happens in politics, struck down [the McCain-Feingold finance] law, that there would be a flood of money into campaigns, not transparent, unaccounted for, and this is exactly what is happening . . . and I predict . . . that, in the future, there will be scandals because there is too much money washing around political campaigns now that nobody knows where it came from and nobody knows where it's going.

Senator MCCAIN got it right. Look at Iowa, New Hampshire, and South Carolina. This election cycle has been the coming-out party for the super-PACs, the so-called ''evil twins'' of candidates' campaigns.

Why evil twins? Because unlike candidates' campaigns, super-PACs can accept unlimited corporate cash. Unlike candidates' campaigns, super-PACs can hide the identities of who is funding them until long after the voting is over. Unlike candidate's campaigns, super-PACs can run vicious and misleading advertisements without anyone being accountable to the voters.

Super-PACs supposedly cannot coordinate their activities with the candidates' campaigns, but we all know this is pure fiction. In practice, they are run by close confederates of the candidates, fueled by the same donors and acting in perfect harmony with the campaigns and it is out of control. Through the date of the New Hampshire primary, super-PACs spent over $14 million, far more than the candidates' campaigns did themselves. Here is the problem: Corporations are not people. By refusing to acknowledge this, the Citizens United opinion has undermined the integrity of our democracy, allowing unlimited corporate money to drown out ordinary citizens' voices.

This is not just some unfortunate side effect of a longstanding right enshrined in our Constitution. This is new and novel. The Founders certainly did not consider corporations to be citizens of our democracy. Corporations are not even mentioned in the Constitution once. Indeed, private business corporations were actually rare at our Nation's founding.

As Justice Stevens noted in his dissent in Citizens United it is:

> Implausible that the Framers believed 'the freedom of speech' would extend equally to all corporate speakers, much less that it would preclude legislatures from taking limited measures to guard against corporate capture of elections.

So there is no case to support the Citizens United decision if one is an ''originalist.''

Federal laws have restricted corporate spending on campaigns since 1907. The principle that an inanimate business corporation is not allowed to spend unlimited dollars to influence political campaigns is a long-established cornerstone of our political system from Teddy Roosevelt, a century ago, to Senators MCCAIN and Feingold in our time, who won that bruising legislative battle for the 2002 bipartisan Campaign Reform Act. Citizens United overturned not just all that legislation but also overturned a long line of judicial decisions upholding those restrictions on corporate cash and elections. So there is no case based on precedent either.

Justice Stevens noted that ''the only relevant thing that has changed [since those prior precedents] . . . is the composition of this Court.''

The conservatives got a majority of five and they ran with it—judicial activism pure, plain, and simple. The activism appears pretty nakedly in the majority's finding of fact.

For starters, a Supreme Court is not supposed to make findings of fact. Its role is to review the factual record presented to it and interpret the law. But the Supreme Court's conservative bloc nevertheless made findings of fact in Citizens United. Here is one:

> We now conclude that independent expenditures, including those made by corporations, do not give rise to corruption or the appearance of corruption.

They just declared that to be true. So a company comes in, drops a couple million dollars to smear one candidate on behalf of the other in a closely contested race, and you don't think that other candidate is in the company's pocket? Please.

Say a year later that company comes back and it sits down quietly with the Congressman and says: Remember that ad we ran smearing your opponent last year that helped you win the election? Well, here is one we are going to run against you through a different, phony shell organization unless you vote with us on this bill. No possibility of corruption or the appearance of corruption? Please. It is ludicrous. It is patently false.

Here is another finding of fact by this bloc of judges:

> The appearance of influence or access, furthermore, will not cause the electorate to lose faith in our democracy.

If all we are doing is listening to the corporations, people are going to be fine with that. Please. Anyone in politics knows how phony that statement is. There are hundreds of thousands of pages to the contrary in the records of the previous Supreme Court decisions that were overturned and from legislative hearings.

Here is what the Senate said 100 years ago, speaking about corporate money in elections:

> The evils of the use of [this] money in connection with political elections are so generally recognized that the committee deems it unnecessary to make any argument in favor of the general purpose of this measure. It is in the interest of good government and calculated to promote purity in the selection of public officials.

This finding of the Senate was magically overturned by the Citizens United Five. Other courts are having trouble swallowing this phony factfinding.

The Montana Supreme Court recently rejected this false premise that underlies Citizens United. Here is what they said:

> Clearly the impact of unlimited corporate donations creates a dominating impact on the political process and inevitably minimizes the impact of individual citizens.

Now, that is true. But the conservative justices comprising the Citizens United Five had to make these unsupported findings of fact. They are the analytical linchpin of the Citizens United decision. Without the pretense that corporate money could never corrupt or appear to corrupt elections, the rest of their analysis falls to pieces, and they would never have been able to open the floodgates for the big corporations.

So they had to make these findings, even though the findings were contrary to precedent, contrary to common sense, contrary to fact.

Americans of all political stripes are disgusted by the influence of unlimited, anonymous corporate cash in our elections. Rhode Islander Charles—I will just use his first name—in Little Compton wrote to me:

> [i]t is wrong that someone who shouts louder or further, in this instance solely because they have more money, should drown out another person . . . [C]orporations have no problems getting their views aired.

Hope-Whitney in Bristol wrote to me:

> [j]ust the idea that a corporation is considered an individual in regards to politics goes against everything American to me . . . [T]hey have become the Emperors as they have the financial ability to be heard everywhere . . . I'd be willing to bet that a majority of their own employees do not agree with their political representation.

Elizabeth in Wakefield, RI, wrote:

> Big business should not control our elections. It is bad enough that they deeply influence our politicians through lobbyists.

Rhode Islanders, like Americans across the country, have had enough. In 2010, we came within one vote in this Chamber of passing the DISCLOSE Act, which would have at least kept the corporate cash from flooding our elections anonymously. This year, let's redouble our efforts to limit the damage done by Citizens United. We must if we are to preserve democracy of the people, by the people, and for the people from this tide of unlimited, unaccountable, and anonymous corporate money polluting the power of elections.

Thank you, Madam President. I yield the floor.

The PRESIDING OFFICER (Mrs. MCCASKILL). The Senator from Minnesota.

Mr. FRANKEN. Madam President, I rise today to talk about one of the worst Supreme Court decisions in the history of the Court. Two years ago the Supreme Court handed down the landmark decision Citizens United, and with it they gave corporations a blank check to utterly destroy our political system. I wish to take a few minutes this afternoon to tell my colleagues about the practical impact of this decision and how it threatens our democracy and why we need to do something about it.

Let me start with the punch line. In Citizens United, the Supreme Court ruled for the first time that corporations are guaranteed the same free speech rights as real people to influence elections. I didn't say it was a funny punch line. The Court had previously held that money or campaign contributions are speech, so functionally that means the corporations are now able to spend as much money as they want, whenever they want, in any election in this country.

Let me tell my colleagues how.

My colleagues may have heard a lot about PACs. ''PAC'' is short for political action committee, and it is an entity that is separate from a campaign that can run political ads on issues or support or oppose a candidate. They can also give a limited amount of money directly to campaigns. The idea behind them is that if a number of citizens share views on issues, say, the environment, they can pool their resources, make their views known, and influence an election. They can run ads to call for the election of a candidate who supports those shared beliefs. But a PAC cannot coordinate with that candidate's campaign. It is not supposed to be an extension of that campaign.

Prior to Citizens United, corporations could get involved in the political process, but there were special protections in place. They couldn't use their money to make a direct contribution to a campaign, and they couldn't buy political ads to directly influence elections. Instead, they had to give money to a PAC, and how much they could give was very tightly restricted. Corporations could only use their treasury funds to pay to set up and administer a PAC and could not use any money to expressly advocate for the election or defeat of any candidate. Their executives, like all other individuals, could only write checks of up to $5,000 to these PACs.

Citizens United began the process of unraveling these protections when it was found that companies could give unlimited money to PACs for the purposes of running ads directly advocating for or against a candidate. This kind of activity is called ''independent expenditures.''

There is one line from the Supreme Court's opinion that I think is worth sharing with my colleagues, as Senator WHITEHOUSE did as well, because it highlights for me and for him just how absurd the thinking of the Court was on this case. It said:

> [I]ndependent expenditures, including those made by corporations, do not give rise

to corruption or the appearance of corruption.

I added the emphasis.

This one line that is so flawed and so out of touch with reality is what has spawned the complete unraveling of our campaign finance system, and it has opened the floodgates for political spending.

A subsequent case, FreeSpeechNow.org v. FEC, continued what Citizens United started by finding the contribution caps—the limits on what corporations and wealthy individuals can give to PACs—to be unconstitutional.

The combination of these two court cases is what gave rise to what is now known as a super PAC, and as a result many regular PACs have now given way to these super PACs. What does this mean in practice? It means that corporations can now give an unlimited amount of funds directly from their general treasuries to PACs and that those funds can be used to run ads supporting a candidate or running attack ads against their opponents. And because the cap on contributions to PACs was eliminated for individuals as well, now CEOs and other superwealthy individuals can write multimillion-dollar checks to influence elections. This entirely undermines the restrictions that were put in place on how much an individual or corporation can give to a candidate running for office. A person just gives however much they want to the candidate's super PAC, and they buy ads that support the candidate's election or, as we have seen a lot of lately, they run negative ads that smear another candidate.

A super PAC is not a new legal entity; it is just a PAC that started to bundle together these unlimited corporate donations with unlimited donations from super-rich individuals with the goal of supporting or defeating certain candidates. Let's be clear. These super PACs aren't about issues, they are about campaigning for candidates—even though they ostensibly can't coordinate with the official campaign and legally a candidate can't even force them to stop.

As so many people have noted, in this new political reality it would be unilateral disarmament—and ultimately electoral defeat—for elected officials to run away from super PACs. That is why the system needs to be changed.

But it gets even worse. In a post-Citizens United world, one often cannot even find out where the money is coming from. PACs and super PACs have to disclose several times a year where they get their money from, but companies often don't want us to know they are giving lots of money to elect or defeat someone, so they do something that looks like money laundering, except that it is legal. They might create and give money to a shell corporation which in turn donates to a super PAC. When you look at the records of the super PAC, which are published only about quarterly, you 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, could give money to another PAC, and so on, until it finally reaches the ultimate super PAC. With records published so infrequently, it is nearly impossible to trace back to the original corporation.

To make matters even worse, many super PACs have been able to get permission from the Federal Election Commission to delay their disclosure statements, rendering all of these supposed disclosures completely useless.

So back to the punch line. Corporations can now spend an unlimited sum of money to buy elections, and the American people generally won't even know about it. Corporations and superwealthy individuals no longer have to play by any sensible rules when it comes to the checks they write for campaigns. Citizens United ushered in the wild, wild west of political spending. But don't take my word for it. Let's look at some of the numbers.

In the 2010 election, outside groups spent over $280 million on political ads and other campaign expenses. This is more than double the amount spent by outside groups in 2008 before the decision, and it is more than five times the amount spent by these groups in 2006. The chamber of commerce alone spent more than $32 million on campaigns in 2010, which is more than any other single outside group, and it is nearly double the amount it spent in 2008. Outside groups spent more on political advertising in 2010 than the official Democratic and Republican Party committees.

But that was 2010, when corporations and the superwealthy were just beginning to understand the utility of this amazingly misguided decision. The last several months have given us example after example of what big money can do to control the political process.

Now, I may not agree with the views of all of the Republican primary candidates—or any of them, for that matter; some of them individually, maybe, but not as a whole—but I do believe that everyone deserves a fair shake when they run for office. And a fair election is just not possible when corporations and wealthy individuals can swoop in and drown out the voices of hundreds of thousands of Americans with a single fat check.

Madam President, I ask unanimous consent for 4 more minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. FRANKEN. Former Speaker Newt Gingrich pulled off a surprise win in South Carolina. But I would venture to guess it wouldn't have happened if Mr. Gingrich's super PAC hadn't received a $5 million check from one guy, a multibillionaire from Las Vegas. This super PAC, also known as the group Winning Our Future, used the money to pay for attack ads against former Governor Mitt Romney. Just a few days ago, it was announced that the wife of this same billionaire wrote another $5 million check to Mr. Gingrich's super PAC to help him out in Florida. Now, I wish I could offer an example of a company writing a similar check, but as I mentioned before, there is just no way of knowing if they did or didn't because they don't have to disclose it and they can take steps to hide it. But this example of two $5 million checks from one couple who just happened to be willing to talk about their donations should show just how big we are talking about. This is very, very big money, and it is happening now.

To be fair, Mr. Romney has his own super PAC called Restore Our Future, and it is currently outspending every other PAC in Florida by 20 to 1. I wish I could tell my colleagues how this is possible, but the first disclosure statement for this campaign season won't be out until the end of this month, and even then it will be hard to trace it back to individual companies or people through all the shell corporations and other PACs.

This is only the beginning. Hold on to your hats. Over the next 10 months, I predict we will not just see a flood, but we will see a tidal wave of political spending by corporations and the wealthiest of the wealthiest Americans, the vast majority of whom are also running these corporations. And what will this mean? It means it will be hard for $25 individual contributions to make any impact when compared to a single $5 million check from a superwealthy and super-self-interested individual. Your voice and the voice of millions of Americans like you will be overwhelmed by the voice of a corporation or ''uber'' wealthy individual who can write multimillion-dollar checks without blinking an eye. All of this is going to happen under a shroud of secrecy.

We may not know who is bankrolling these groups, but we do know who is hurt by them, and it is all of us—Democrats and Republicans alike. No matter where one's ideology falls or with what political party one associates, I think people will agree with me that this process isn't fair. It isn't right, and it is something we need to change.

Congress tried to do something about this a little over a year ago when we took up CHUCK SCHUMER's DISCLOSE Act. Despite overwhelming public support for disclosure laws, this tremendous piece of legislation did not pass. It failed in the Senate by one vote. I am sad to say that every Democrat voted for it and every Republican voted against it. That is a very disappointing outcome because this is an issue that affects candidates of both parties. It is one we should all be able to get behind.

We are all hurt by corporations that can write enormous checks to their favorite politician, and we are all hurt when wealthy individuals can shield their contributions from the public by donating to shell groups and phony organizations that do nothing but pass

those dollars on to help the candidate of their choice. This is a matter of transparency and accountability and fairness which should cut across the entire political spectrum.

Although we may not agree on everything, I do think we can all agree we need to do more to bring greater transparency to the election process. A number of my Republican colleagues agree with me—and had agreed for years before the Supreme Court further unraveled restrictions on corporate spending.

I will read one of the quotes. A good friend of mine, Senator JEFF SESSIONS, said:

> I don't like it when a large source of money is out there funding ads and is unaccountable. . . . To the extent we can, I tend to favor disclosure.

I could go for minute upon minute upon minute reading these quotes. I will not in the interest of time.

So this is a problem we all need to recognize, we all need to deal with. Republican Presidential candidates are dealing with it now, but soon it will be the Democrats' turn. So I have teamed up with a number of my colleagues, many of whom will be speaking today, to see that Congress can take up legislation where we disclose, where we have greater transparency for this out-of-control spending. We are going to work hard to bring our Republican colleagues to the table and get their agreement on a path forward. Disclosure will not fix all the evils of Citizens United, but it certainly will be a step forward. I hope my colleagues will join with us in this effort, and I hope to be back on the floor many times on this issue.

Madam President, I thank you for your indulgence because I have run out of time.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Madam President, I thank the Senator from Minnesota. As he was eloquently telling us, last Saturday was the 2-year anniversary of the Citizens United Supreme Court decision that caused our democracy to take a giant step back from the values we hold dear in this country. It was a ruling that overturned decades of campaign finance law and policy, allowed corporations and special interest groups to spend unlimited amounts of their money influencing our democracy, and blew the door wide open for foreign corporations to spend their money on elections right here in the United States.

That disastrous decision opened loopholes in our campaign finance laws big enough for the biggest corporations and wealthiest Americans to drive truckloads of anonymous money right through, and as we have seen over the last 2 years, that is exactly what they have done. Tens of millions of dollars have flooded our electoral process, with no transparency, no accountability, no way for the American people to know where it is coming from or who would benefit from the policies being advocated. This is wrong. It is not the way elections in America are supposed to work.

We are a country that believes very strongly that every voice deserves to be heard. If you have a good idea, you can go out and talk about it. If your fellow citizens agree with you, they can stand with you. They can tell their friends and their neighbors and vote for you or in support of the issue. That is one of the foundations of our great democracy. Today it is being subverted. The Citizens United ruling has given special interest groups and the wealthiest Americans a giant megaphone to drown out the voices of ordinary citizens across America—to spend unlimited money and do it with no transparency, no accountability.

This is a personal issue for me. When I first ran for the Senate back in 1992, I was a long-shot candidate with some ideas and a group of amazing and passionate volunteers by my side. Those volunteers cared deeply about making sure the voices of average Washington State families were being represented. They made phone calls. They went door to door. They talked to families across my State who wanted more from their government. Well, we ended up winning that grassroots campaign because the people's voices were heard loudly and clearly. But to be honest, I do not think it would have been possible if corporations and special interests had been able to drown out their voices with a barrage of anonymous negative ads.

My story is not unique. In every election across the country, ordinary citizens make the decision to get involved in the political process. They lace up their shoes, hit the streets, and make their case to their fellow citizens. They ask their friends and their neighbors for financial support to help them spread their ideas. And they publicly—publicly—release the names and contributions of everyone who supports their campaign.

These men and women come from all different walks of life, and they each have their own reasons for running, but for most of our Nation's history, they had a shot. They could compete. Ordinary Americans who wanted to get involved in public service to improve their community or their State or their Nation could do that because their voice could be heard. But if Citizens United is allowed to stand, these Americans are going to be drowned out and beaten down by the onslaught of unlimited and anonymous money special interests can throw into races to support the candidates who agree with them, the candidates who will be good for their own bottom line and who will not threaten the loopholes and subsidies or tax breaks from which their financial backers profit. This is wrong. It needs to end.

Last session, I was proud to support legislation—the DISCLOSE Act—that would shine a bright spotlight on this process and force special interest groups and CEOs to take responsibility for the ads they put on the airwaves—the same way candidates do. That bill would have strengthened overall disclosure requirements for groups that are attempting to sway our elections. It would have banned foreign corporations and special interest groups from spending in U.S. elections, made sure corporations are not hiding their election spending from their shareholders, limited election spending by government contractors to make sure taxpayer funding is never used to influence an election, and would have banned coordination between candidates and outside groups on advertising so corporations and special interest groups can never sponsor a candidate.

That bill was blocked on the Senate floor last session, but we cannot give up. We need to overturn Citizens United and hand democracy back to our citizens. Anyone who believes special interest groups and big corporations should not be able to spend unlimited money influencing our elections without any accountability or any transparency should support this effort. Anyone who believes foreign entities should have no right to influence U.S. elections should stand by our side. And anyone who agrees with Justice Brandeis that ''sunlight is the best disinfectant'' should drop their opposition to this and work with us to get this done.

Throughout the history of our great Nation, ordinary citizens have had a strong voice in our electoral process. The Citizens United decision is a threat to that critical foundation of or democracy, and 2 years later, it is clearer than ever that we cannot allow it the stand. So I thank all of our colleagues who are speaking out here on this floor and vow to continue to work with them to right this wrong.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. BLUMENTHAL. Madam President, I am proud to follow the distinguished Senator from the State of Washington who has spoken so powerfully on this issue, which is especially appropriate at this time because we do mark the 2-year anniversary of the U.S. Supreme Court's momentous and misguided decision in Citizens United v. Federal Election Commission. That decision strikes at the core of democratic ideals and principles, not just because it opens the floodgates for money that can drown out the voices of millions of ordinary Americans in the political process, but it also demonstrates the results of judicial activism at its worst. In that case, the Court, by a 5-to-4 margin, held that corporations have a first amendment right to spend unlimited amounts of money in the service of political candidates and that those rights cannot be abridged by placing limits on their

independent spending for political purposes.

This decision not only expanded the ability of wealthy individuals and large corporations to flood out the voices of millions of ordinary Americans, it also reversed nearly a century of existing law and struck down the validly approved—by this Congress—Bipartisan Campaign Reform Act, approved in 2002. The purpose of that act was to limit the corrosive influence of money on our political process that has been discussed and denounced by Members of this body again and again and again and by the President of the United States as recently as a couple nights ago.

This decision, in my view, was wrong as a matter of law as well as policy. It enables unlimited anonymous money to be contributed in support of or opposition to candidates. It allows the wealthy and powerful to have a disproportionate voice in the most important and fundamental aspect of our democracy—a free and fair election that counts everyone's vote equally.

The shock waves of that decision in Citizens United are reverberating now with increasing impact throughout our political system. We can see them every day, literally, in the ads that appear on TV in major markets in the primary States and throughout the country that could and would—might as well be in the voices of the candidates themselves. Outside groups spent four times as much money in the 2010 midterms as in the 2006 midterms—nearly $300 million. Nearly half of the money spent in the 2010 elections was spent by just 10 groups. Outside spending per race tilted in favor of the winning candidate in 60 of the 75 contests last year where power changed hands. This impact is visible and tangible, undeniable in our political process. It is right before us, as visible as the desks and people in this Chamber. That impact can be expected to grow dramatically in 2013, as spending in the Presidential years is typically much higher than in the midterm elections.

According to opensecrets.org, which tracks political spending, as of today, 296 groups organized as super PACs have already reported spending nearly $41 million on the upcoming election. These super PACs are banned from explicitly coordinating with the candidate they support, but they are operated and controlled by supporters, many of them former staff members. Their collaboration and confederacy are no less impactful because of that rule barring explicit coordination.

We must act to limit the destructive effects of Citizens United before it permanently alters the nature of our political system, undermining it forever and eviscerating the fundamental rights and freedoms that are protected by our Constitution.

I am a strong proponent of legislative proposals to force corporations and individuals to disclose their enormous donations and expenditures to the public—a number of them have been mentioned by my colleagues—and I support them. The Supreme Court's opinion in Citizens United naively argued that voters could readily learn the identity of companies behind these corporate-funded political advertisements. But the fact is otherwise.

Nearly half of the $300 million spent by outside groups in 2006 came from groups that did not disclose their funding source. We must pass disclosure legislation immediately to at least allow sunshine to rein in the worst excesses of this new system, to give ordinary Americans the knowledge they need so that disclosure protects their freedom.

But I also believe we need to go further, and that is why I am a cosponsor of the constitutional amendment that would reverse this decision. The amendment, S.J. Res. 29, would reiterate what we all believed the law to be before Citizens United. That resolution clarifies, and the amendment would do so, that Congress does indeed have the power ''to regulate the raising and spending of money and in kind equivalents with respect to Federal elections and that States have the authority with regard to State elections to do the same.''

I know that amending the Constitution is not easy, and supporting a proposed amendment is not something I do lightly. But, unfortunately, the Supreme Court has clearly demonstrated that it will permit unchecked corporate power over elections, and the task is then for Congress and the States and the people to restrain such spending and thereby rein in the Supreme Court.

Many have seen Citizens United as an expression of the U.S. Supreme Court's judicial activism in favor of well-funded and well-lawyered corporations, often at the expense of vulnerable Americans, and there is support for that view of the Supreme Court trend in decisions.

In AT&T v. Concepcion, it expanded the ability of companies to force consumers into secretive binding arbitration agreements. In Wal-Mart v. Dukes, it restricted the ability of similarly situated persons, including female employees who faced discrimination in the workplace, to ban together and seek redress against a powerful company.

In PLIVA v. Mensing, a case involving a woman who sustained injuries from a drug company's failure to properly disclose the risk of a generic drug, the Court sided with the drug companies, holding that a generic drug company is not liable under State law for failing to notify the FDA or the consumer about newly discovered risks of the drug.

In Sorrell v. IMF Health, the Court overturned a Vermont law intended to prevent improper and invasive practices of drug companies tracking doctors' prescriptions to patients. Just 2 weeks ago, in CompuCredit v. Greenberg, the Court halted a class action lawsuit by consumers who signed up for a credit card marketed to individuals with poor credit histories. Each of those decisions and others has been interpreted as part of a pattern that led the Senate Judiciary Committee to hold a hearing a few months ago entitled: ''Barriers to Justice and Accountability: How the Supreme Court's Recent Rulings will Affect Corporate Behavior.''

But more important than that perception and the appearance of that favoritism in judicial activism is the activism itself, the potential overreaching that undermines the faith and confidence of people in the Court. Citizens United exemplifies judicial activism at its worst. People want limits on the corrosive and corrupting influence of money. They want restraints on the power of corporations and wealthy individuals to fund——

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

Mr. BLUMENTHAL. I ask unanimous consent for 2 additional minutes.

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

Mr. BLUMENTHAL. In closing, people speak through their legislature. The judiciary struck down a measure through which the people spoke to place those limits on the ability of corporations to shape results, and the judiciary now should be overturned through a constitutional amendment that restores the Democratic voice of the people as a whole.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon State.

Mr. MERKLEY. Madam President, my colleagues and I come here today to speak out against the hijacking of American democracy by powerful special interests. It was 2 years ago this last Saturday that the Supreme Court found in Citizens United that unlimited secret funding of campaigns in America is just fine. This is not an opinion shared by Americans who understand that secret donations corrupt the electoral process. It is not an opinion shared by virtually everyone who serves in this body, who has come to this floor and talked about transparency and accountability. Certainly it is a viewpoint that would be very strange to the authors of the Constitution.

What are those first beautiful three words of the Constitution? Are they, ''We the powerful''? Are they, ''We the special interests''? No, they are not. Those three words are, ''We the people.'' Virtually every schoolchild in America can tell you that. ''We the people.'' That is what American democracy is all about.

The entire Constitution is written for the prosperity and success for the rights of the citizens of the United States of America. Indeed, it was President Lincoln who captured the genius of American democracy in this phrase: A government of the people, a government by the people, for the people.

Citizens United is the opposite. Secret unlimited donations are an instrument of the powerful. Secret unlimited donations are an instrument of very large companies. Our Constitution honors free speech. The first amendment is about free speech. It recognizes how important it is that citizens are able to openly debate the merits of candidates and the merits of ideas. But the action of the first amendment is that competing voices must be heard and measured against each other in a marketplace of ideas. But that falls apart under Citizens United.

Under Citizens United, the torrent of cash amounts to the equivalent of a stadium sound system drowning out the voices of the people. Let me give you an example of what I am talking about. If you were to take a very successful company in 2008—I will choose one, Exxon, a very profitable company—if it had spent 3 percent of its net profits in 2008, that money would have been equal to the money spent by all Americans on the Presidential campaign. One company, one board room, one proposal, spending 3 percent—only 3 out of 100—of the net profits, equivalent to all money spent by all of the rest of America on a Presidential election. That completely corrupts the concept of a government of the people, by the people, and for the people.

Now, in 2012 we are seeing the results. I am going to put up a chart. Take a little comparison. We see that spending in 2008 at this point in the campaign was about $23 million. About half of that, where these blue arrows come to, was coming from independent expenditures. The other half was coming from candidates and parties.

Well, here we are 4 years later, post-Citizens United. Look down here, and you will see the very small amount that comes from candidates and parties. You will see this enormous part of the funding coming from independent parties. Ninety-five percent up to this point is coming from independent parties. Well, the number went from 26 to 45, and the amount spent through the ordinary system has dropped massively. This is the special interest impact on American elections. This is the impact of the powerful on American elections.

Now, let's look at the campaigns to date for the Presidency. The Iowa caucuses: Newt Gingrich started to rise to the top of the polls, but then super PACs supporting Mitt Romney weighed in. They came to town and they spent a huge amount of money. When caucus night came, Gingrich lost, and he lost badly.

Newt Gingrich commented, ''For a State this size,'' referring to Iowa, ''to spend that number of dollars in negative ads aimed at one candidate is pretty amazing.''

It is amazing and it is effective. The story changes when Newt Gingrich had a super PAC of his own that came in with $5 million in South Carolina. Instead of being defeated, he won. The pattern is clear. The message is clear: The vast expenditures of secret powerful money make an enormous difference in who wins elections.

Why is this corrupting? Every person on this floor, every one of us sees that pattern. Everyone running across this country sees that pattern. It means, when the powerful come to an individual and say: You are going to run. This is my position. Will you not back it? And they know that company can put millions into their race, that corrupts the process.

When a bill is on the floor of this Chamber and someone knows the person backing that bill can spend millions of dollars in the upcoming race, that corrupts this process. That is not what American democracy is all about. So we must change that. We must have full disclosure of donors. We must have timely disclosure of donors. We must have commonsense limitations on how money is raised and how it is spent. That is why with others, I have joined to back Senator TOM UDALL's constitutional amendment that makes it very clear that is exactly what can be done.

This does not constrain speech; this makes free speech work as designed in the Constitution for the citizens in a government by and for the people.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Madam President, I commend my colleague from Oregon for his statement.

Mr. SCHUMER. Would the Senator yield?

Mr. WYDEN. I would yield.

Mr. SCHUMER. I ask unanimous consent that I be allowed to speak immediately after Senator WYDEN for no more than 5 minutes.

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

Mr. WYDEN. I thank the Senator from New York for his courtesy. I too will be brief. It is an extraordinary honor to represent Oregon in the Senate. Having this special privilege, I have tried to make the lodestar of my service transparency and accountability. It is why I worked with the distinguished Senator from Missouri Mrs. MCCASKILL to end secret holds in the Senate.

I have had more than 600 open town meetings. That is why we take legislative drafts and put them online so citizens can comment wherever possible. It is all about transparency and accountability. Today's campaign finance system is neither. It is not transparent, it is not possible for Americans to see who is giving what sums to what particular candidate, and there is no accountability—certainly no accountability in the sense that when people go to the polls in Vermont or New Hampshire or New York or anywhere else people know who has given a donation so that they can factor that in to their political judgment.

With the explosion of mass media, the tradition of negative campaigning through pamphleteers and partisans has grown and grown to the point where the typical voter cannot find a way to avoid the flood of half truths and outright falsehoods. It becomes even harder to send the message that voters want; that is, we made our choice because we have full and complete information.

Now, all of this was getting worse until the Congress came together to take two steps. The first was Congress enacted regulations of independent expenditures and eliminated the so-called soft corporate money that had begun to overwhelm the process.

The second step—and I want to thank Senator COLLINS from Maine for working with me on this issue—is we passed what is called ''stand by your ad.''

This is the law that requires candidates who sponsor political ads to take individual responsibility for their ads and state in the ads that they ''approve this message.'' I thank Senator SCHUMER, who has been a champion for this kind of accountability for years.

That is where we were until the U.S. Supreme Court's decision in Citizens United drove the system right back into the mud. Through this decision, the Supreme Court has seen fit to create what amounts to a new route for massive sums of unreported, unaccountable, and unacceptable spending to drown out any responsible discourse. In my view, this decision degrades our democracy and creates the appearance that the American Government is simply up for sale to the highest corporate bidder.

This decision by the 5-to-4 majority on the Supreme Court overturned almost a century of precedent and undermined the intent of the Founders. The decision, in my view, reflects a lack of understanding about a political process and an inability to see the corrosive effect of massive and hidden expenditures.

Justice Kennedy, in the decision, specifically said this:

> We now conclude that independent expenditures, including those made by corporations, do not give rise to corruption or the appearance of corruption.

In effect, it was the opinion of the Court that if Disney or Comcast or British Petroleum spends $20 million in an otherwise $10 million Senate race advocating one candidate, that newly elected Senator will not even have the appearance of working in their corporate interests instead of the public interest. In my view, that kind of reasoning does not pass the smell test. This is the sort of decision that ought to be left to the branch of government with constituents who understand not just the theory but the reality of elections.

It is incumbent upon the Congress, whose members do understand the electoral system, to begin the process of restoring balance to the mechanisms of democracy. This needs to be done before our elections are entirely overrun by shadowy interests warring unchecked, using the political system and American voters as pawns.

My final point is that I do not reach this judgment lightly. I believe constitutional amendments ought to be reserved for those situations when the delicate balance set up by the Founders has been upset by time, circumstance, or, in this case, a sudden and ill-considered change in the jurisprudence that governs our system. That is the situation we face today, and it is why I have decided to add my name to the sponsors of this amendment.

I yield the floor.

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

Mr. SCHUMER. Mr. President, I rise today to again call for increased disclosure of campaign contributions and expenditures so the American people are informed about who is spending in our elections.

I thank my colleagues from Oregon, Senator WYDEN and Senator MERKLEY, for their good remarks, as well as many of the others who have spoken.

This week marks the second anniversary of the Supreme Court's appalling decision in Citizens United, in which Chief Justice Roberts and his cohort of activist judges overturned a century of legal precedent and created a flood of special interest group spending coursing through the veins of American elections.

It is my view this decision has done more to poison our politics than most any other in recent times. In fact, some have argued this is the worst decision the Supreme Court has made since Plessy v. Ferguson. I agree a great deal with that argument.

The Court's decision created a loophole that allowed entities to create groups to serve as a conduit to anonymously funnel money and mislead the public about their true motives. The decision has also led to the creation of super PACs, which are not only able to receive unlimited contributions and spend money at unprecedented levels, they are able to do so without accountability, working under the protective shadow of anonymity. As a result, a multimillionaire individual, corporations, and labor unions could spend $1 million or $5 million or $10 million against a candidate because they didn't like his or her stand on the environment, but all the ads would talk about would be, say, gay marriage. Nobody would know where the ads came from.

What the decision does is make our people feel more and more distant from our politics and our government. That is corrosive—vituperatively corrosive for any democracy. What has happened since this decision is appalling. I sometimes wonder what our Supreme Court Justices are thinking as they watch what is happening. Can they hide up in their ivory tower and say this is the first amendment at work? They know better than anybody that no amendment is absolute. They know we can't scream fire falsely in a crowded theater and we have libel laws, child pornography laws, and other kinds of laws that balance the needs of the first amendment with other societal needs.

One of the foremost needs of our society is for a fair functioning democracy, where there is some semblance of equality, that each person who votes has the same weight in the system. We know money counterbalances that fundamental fairness, but never has the balance been so put out of whack as by this decision. This decision—it is hard to believe that our Supreme Court Justices, whatever their ideology, went for this. I hope some of them are paying attention.

To be honest with you, I sat behind the Supreme Court Justices at the State of the Union Address. I was so tempted to talk to them about this, but I wasn't sure if that was appropriate protocol. I hope they are listening today—particularly Justice Kennedy, the swing vote, who wrote the majority decision. I hope they will listen to what we are saying because what they are doing is undoing our democracy. It is that fundamental.

In short, the Citizens United decision represents one of the most corrosive and destructive changes in law that has occurred in recent memory. Democracy is already struggling to stay afloat in a sea of powerful special interests, and this decision is an anchor around its neck.

In my judgment, there is no more important step we can take to ensure America's continued greatness than to fight back against this deeply flawed decision allowing anonymous special interests to subvert democracy. The need for reform is urgent.

Last Congress, I sponsored the Disclose Act to foster effective disclosure. I pledged my continuing commitment to fight for disclosure legislation in this Congress. The Disclose Act failed to get cloture by one vote. I hope the level of unmitigated spending in the Republican primary has changed the minds of the opponents. As we have seen, we now have a system where a single person can change the course of an election. That is a system more like monarchy than a democracy.

This is not a partisan issue. There are super PACs and other kinds of anonymous giving on both sides. In fact, two of the leading candidates for the Republican Presidential nomination called super PACs ''totally irresponsible, totally secret'' and ''a disaster . . . [that] makes a mockery out of our political campaign season.'' That wasn't me or Senator SHAHEEN or BERNIE SANDERS speaking. One quote came from Newt Gingrich and one quote came from Mitt Romney.

Disclosure will lift the curtain of secrecy and at least reveal the true identity of these organizations. One of the Supreme Court Justices' predecessors, Justice Brandeis, said, ''Sunlight is the greatest disinfectant.'' People would not have malicious, pernicious, and false ads if they had to disclose who they are. It is plain and simple. But if you can hide behind the shroud of secrecy and put unlimited money into these campaigns, as the Supreme Court decision allows—and we have not changed it because our colleagues on the other side are even against disclosure, which, of course, is allowed by the law—the American democracy gets weaker.

Even eight of the nine Justices, in the activist and overreaching decision in Citizens United, agreed that the American people deserve meaningful disclosure. That makes the decision even more galling because they didn't require disclosure or limit what they did in light of the fact that we don't have disclosure, as they wrote. The Court found, though, that there was a strong governmental interest in ''providing the electorate with information about the sources of election-related funding.''

In conclusion, we cannot afford to be complacent while our democracy is under attack. The effect of the Court's decision is clear. The flood of secret money has begun cascading through our election system, and the American people need us to act. Spending by special interest groups must be checked, and the very least we can do is demand that these groups step into the light and identify themselves.

The Citizens United decision is a poison coursing through our body politic and disclosure is the antidote.

I yield the floor. If Mr. COATS is not here, with the permission of the minority, I ask unanimous consent that the Senator from New Hampshire be allowed to proceed immediately after me.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from New Hampshire.

Mrs. SHAHEEN. Mr. President, to all of my colleagues who have come to the floor today to talk about the critical nature of spending in our campaigns, I say I am pleased to join them to talk about the importance of preserving our representative democracy by restoring some commonsense restrictions to our Nation's campaign finance system.

As we have heard, Saturday was the second anniversary of the Supreme Court decision in the case of Citizens United v. The Federal Election Committee. Already we have seen how that decision has altered the landscape of politics in this country.

When the Supreme Court struck down limits on corporate financing of elections, it ushered in the age of the super PAC. These so-called super PACs can raise and spend unlimited amounts of money during political campaigns with very limited disclosure requirements.

This election cycle the floodgates have opened. Super PACs have already spent over $30 million in the 2012 cycle, and the election is still 10 months away. That amount of money is staggering.

When I was home over the holidays in New Hampshire, before our Presidential primary, I witnessed firsthand that influx of corporate cash and what

it does to the Presidential election. Negative ads paid for by the super PACs contributed to disaffecting our voters and drowning out the voices of the people, those ordinary, everyday citizens of New Hampshire who aren't able to put in tens of thousands of dollars, in some cases millions, to affect the outcome of an election.

This has to stop. This is not a partisan issue. The commonsense restrictions that were struck down in the Citizens United decision were part of legislation like the Bipartisan Campaign Reform Act of 2002, otherwise known as McCain-Feingold. That thoughtful legislation which had broad, bipartisan support limited soft money and corporate funding of political ads and campaign spending in a way that made sense.

Our campaign finance system has gotten way off course. It is time for us in the Congress to help put it back on track. The unchecked influence of money in our elections compromises the very future of our representative democracy.

The monied special interests and corporations have been given free rein to spend unlimited amounts of money during campaigns, and they do not need our help being heard. It is homeowners struggling to pay their mortgages, parents who want to send their children to college but aren't sure how they can afford it, and unemployed workers who are looking for jobs and hoping tomorrow will be better than today—those are the voices that are being drowned out in a sea of corporate and special interest cash, and those are the voices of the American people who need to be heard in Washington.

So on the second anniversary of this decision, as we think about what we need to do to address this and to change the negative direction it is taking this country, I urge all of my colleagues to turn their attention to this important work and to reach across the aisle to build consensus on this issue. Let's all tell the American people that we hear their voices calling for change.

I look forward to speaking with all of my colleagues in the coming weeks and months about the specific approaches we can take to repair our broken campaign finance system, and I hope we will have the courage and the commitment to do something about this.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. UDALL of New Mexico. Mr. President, I very much appreciate joining all my colleagues on the floor who have been speaking about the Citizens United case. I think what we are seeing in the Senate is what we are seeing in the country. The citizens of this country are concerned about unlimited corporate funds in campaigns, and Senators who are also concerned about that are standing and speaking out, as I know our Presiding Officer has, and are offering constitutional amendments in trying to resolve the situation we have before us.

Two years ago this week, the Supreme Court issued its misguided decision in Citizens United v. FEC. Citizens United was a victory for special interests at the expense of the average American. It held that corporations deserve the same free speech protections as individual Americans. It enables these corporations to spend freely from their treasuries on campaign advertising. It also gave rise to so-called super PACs that we are seeing too much of. These super PACs can raise and spend unlimited funds to campaign for or against candidates.

Now, what do we mean by corporate treasuries and super PACs? Let me cite an example. Exxon—the large oil company—has $80 billion in its corporate treasury. If Exxon wanted to go out and create a super PAC or contribute to these 200-plus super PACs that are out there to the tune of $80 billion, it could do it. That is what the Supreme Court opened in terms of its ruling.

The toxic effect of this ruling has become brutally clear in the last 2 years. The Citizens United decision opened the floodgates to unprecedented campaign spending, drowning out the voices of ordinary Americans. 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. The American public—rightly so—looks on in disgust. As we head into the election year, this bad situation will only get worse. The checkbooks are out, and the money is gushing. Citizens United really means citizens denied—denied a fair playing field, denied an equitable influence in our political system, denied their right to be truly heard, and denied the right to even know who is spending all of this money.

While much of the focus this week is on Citizens United, we must realize that the corruption of our campaign finance system did not suddenly happen 2 years ago. The Citizens United decision sparked a renewed focus on the need for reform, but the Supreme Court laid the groundwork for a broken system many years ago.

In 1976, the Court held in Buckley v. Valeo that restricting candidate campaign expenditures violates the first amendment right to free speech. It established the flawed precedent that money and speech are the same. Since then, the influence of money has continued to play an increasing role in our Nation's elections. Sadly, in many cases, a candidate's ability to either raise money or self-finance can outweigh the quality of a candidate's ideas or dedication to public service.

The Buckley and Citizens United decisions, among others, demonstrate the Court's willingness to ignore longstanding precedent and declare our campaign finance laws unconstitutional. Because of this, I believe the only way to truly fix the problem is to first amend the Constitution and grant Congress clear authority to regulate the campaign finance system. In November of last year, I introduced such an amendment. I am proud to say it currently has 19 cosponsors and support continues to grow.

Our proposed constitutional amendment is broadly tailored and similar to bipartisan proposals introduced in previous sessions of Congress dating back to 1983. It would authorize Congress to regulate the raising and spending of money for Federal political campaigns, including independent expenditures, and it would allow States to regulate such spending at their level. It would not dictate any specific policies or regulations.

I chose my approach to not only overturn the previous bad Court decisions but also to prevent future ones. We don't know what a future Court may do. In Citizens United, the Court upheld campaign contribution disclosure requirements. A future Court might declare the same laws unconstitutional. Our amendment would remedy this problem by restoring Congress's authority—stripped by Buckley v. Valeo and subsequent decisions—to regulate the campaign finance system. If ratified, the amendment would ensure that campaign finance laws would stand constitutional challenges regardless of the makeup of the Supreme Court.

The text of my constitutional amendment and any of the others is less important right now than the concept. Hearings can be held, and the text can be worked out. That is really the easy part of a difficult process. What is harder to achieve—and something we rarely see in our country—is gaining the widespread support necessary to amend the Constitution.

The Citizens United decision was disastrous, and it may have been the very catalyst we needed to build a movement to amend the Constitution. There is a groundswell of support growing across the country for a constitutional amendment to rein in the out-of-control campaign finance system. City councils, from places as diverse as Los Angeles and New York to Missoula, MT, have endorsed resolutions calling on Congress to pass an amendment. Several grassroots organizations and coalitions have formed to advocate an amendment. Hundreds of thousands of citizens have signed petitions. Is it difficult to amend the Constitution? Yes, and it should be. But I believe the growing momentum demonstrates that this is the right time for Congress to act.

Our Founders did not intend for elections to be bought and paid for by secretive super PACs. Our Founders did not bequeath a government of the millionaires, by the millionaires, and for the millionaires. Money can have a corrosive effect on the political process. We have seen evidence of that in campaigns at all levels of government.

We need to put elections back in the hands of average Americans and not in

the hands of special interests with unlimited bank accounts. We need to answer to the American people and not just to the privileged. 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 being corrupted by big money. It is time to restore that faith. It is time for Congress to take back control. It is time for a constitutional amendment that will allow real reform.

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

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

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

DRUG SHORTAGE CRISIS

Ms. KLOBUCHAR. Mr. President, I rise today to talk about the drug shortage crisis that is continuing to spread across the country. I am proud to stand here today with my friend and colleague, Senator SUSAN COLLINS of Maine, who has been a leader on this issue and who shares my concern for so many patients who are struggling to find much needed medication. This is a crisis that has grown to such proportion that current drug shortages have impacted individuals all across the country, forcing some patients to delay their lifesaving treatments or use unproven, less effective alternatives. In some cases, drug shortages have even resulted in patient deaths. Enough is enough. We can no longer just simply talk about this issue and have meetings. We need to act.

Here is one story. A few months ago, I met a young boy named Axel Zirbes. Axel has bright eyes and a big smile. He also happens to have no hair on his head because he has childhood leukemia. When his parents found he had leukemia, and he was scheduled to start chemotherapy treatment last year, they learned that an essential drug—Cytarabine—was in short supply and might not be available for their son. Understandably, they were thrown into a panic, desperately looking for any available alternatives. They even prepared and made plans to take Axel to Canada, where the drug was still readily available. Fortunately, it didn't come to that.

But Axel and his parents are not alone. Earlier this month, I held a forum in Edina, MN, where a woman by the name of Mary McHugh Morrison shared her story of how she struggled with the shortage of the chemotherapy drug Doxil. When Doxil went into shortage last year, Mary was in the middle of her chemotherapy regimen and was shocked when her doctor told her they had actually run out of the drug necessary to continue her treatment. This is in Minnesota, where we have excellent health care, as you know, Mr. President. Literally, they ran out of the drug in the middle of a chemotherapy treatment.

While trying to get herself added to a wait list, Mary was able to call around to other hospitals and clinics in her area in search of any available Doxil and was able to find extra treatments four separate times. She actually talked to the forum about how she grappled with the ethics of the fact that because she knew people and was able to call around and get this, that she was taking this limited drug out of supply for herself and not for other patients.

However, because of a few delays in the treatment, Mary's doctor told her that her tumor had, unfortunately, returned and that she was no longer responding to Doxil. She is now going without treatment and, depending on her health condition, could be placed on a clinical trial at the Mayo Clinic in March.

But these shortages aren't just affecting cancer patients. There are also shortages in drugs that help people improve their quality of life. Just this week, the Minneapolis Star Tribune reported that hundreds of patients in the Minnesota Sleep Disorder Center at Hennepin County Medical Center have suffered a shortage of Ritalin, Adderall, and their generic equivalents. These shortages have had significant impacts on these patients' quality of life, oftentimes forcing them to pay hundreds more dollars for expensive alternatives or professionals risking their careers to adjust to their diseases and spending extra hours and days of time trying to find ways to fill their prescriptions or their pharmacists doing that or their doctors doing that or their nurses doing that. We know how difficult this health care system is anyway, and now we are putting patients in this position and wasting the time of medical professionals to find drugs that should be readily available.

These are just a few examples of real people who are just trying to deal with their disease, and there are many more like them.

Across the country, hospitals, physicians, and pharmacists are confronting unprecedented shortages. Many of these are generic drug products that have been widely used for years and are proven effective. Many of them are for cancer. The number of drug shortages has more than tripled over the last 6 years—and if you don't believe my stories, listen to this—jumping from 61 drug products that were in shortage in 2005 to more than 200 last year. That is not 200 instances, that is 200 different kinds of drugs that affect hundreds of thousands and millions of patients across this country. A survey by the American Hospital Association found that virtually every single hospital in the United States of America has experienced shortages of critical drugs in the past 6 months. More than 80 percent reported delays in patient treatment due to a shortage. These aren't just a few stories that come into our office anymore, these are the facts.

For some of these drugs, no substitutes are available or, if they are, they may be less effective and may involve greater risk of adverse side effects. The chance of medical errors also rises as providers are forced to use second- or third-tier drugs with which they are less familiar.

A survey conducted by the American Hospital Association showed that nearly 100 percent of their hospitals experienced a shortage. Another survey conducted by Premier Health System showed that 89 percent of its hospitals and pharmacists experienced shortages that may have caused a medication safety issue or error in patient care.

It is clear that there are a large number of overlapping factors that are resulting in unprecedented shortages. Experts cite a number of factors that are responsible. These include market consolidation and poor business incentives, manufacturing problems, production delays, unexpected increases in demand for a drug, inability to procure raw materials, and even—and this is a new phenomenon—the influence of a ''gray market,'' where middlemen are literally hoarding the drugs because they have heard there is going to be a shortage.

Financial decisions in the pharmaceutical industry are also a major factor. Many of these medications are in short supply because companies have simply stopped production. They decided it wasn't profitable enough to keep producing them. Mergers in the drug industry have narrowed the focus of production lines. As a result, some products are discontinued or production has moved to different sites, leading to delays. When drugs are made by only a few companies, a decision by any one drugmaker can have a large impact.

To help correct a poor market environment or to prevent ''gray market'' drugs from contaminating our medication supply chain, we must address the drug shortage problem at its root. Last year, I introduced the Preserving Access to Life-Saving Medications Act to address this issue. With the support and leadership of Senator COLLINS, Senator BOB CASEY, and others, this bipartisan bill would require drug manufacturers to provide early notification to the FDA whenever there is a factor that may lead to a shortage. This will help the FDA take the lead in working with pharmacy groups, drug manufacturers, and health care providers to better manage and prepare for impending shortages, more effectively manage those shortages when they occur, and