measure in the more than a year since the House barely passed it? Well, I will point back to another surprisingly candid interview. According to one Democratic Senator: ''If it is after the election, it may well be that some members feel free and liberated.'' Let me read that again. ''If it is after the election, it may well be that some members are free and liberated.''

Free and liberated, you ask. Well, the answer is as obvious as it is chilling. The plan to do cap and trade in a lameduck is premised on Senators and House Members being free and liberated from the tethers of the American people. That is extraordinary, and it is deeply troubling. But it gets worse because the plan is not simply to wait until after the election. The plan is to add cap and trade in conference or attach it to some other legislation from the House, even though the Senate will not have considered, debated or approved a cap-and-trade bill. Stunning.

Again, do not take my word for it. You can read it in the various news reports. For example, on June 16, Politico reported that the Senate legislative plan for passing cap and trade is to: ''. . . conference the new Senate (Energy) bill with the already-passed House bill in a lame-duck session after the election, so House Members don't have to take another tough vote ahead of midterms.''

On June 28, Energy and Environment Daily reported that House Democratic leadership: '' . . . acknowledged that lawmakers on the conference committee may wind up merging the House cap-and-trade plan with a Senate bill that does not include it.''

On June 30, the Hill newspaper reported: ''House Energy and Commerce Committee Chairman HENRY WAXMAN (D-Calif.) said he would 'absolutely' seek to keep greenhouse gas limits alive in a House-Senate conference if the Senate approves energy legislation this summer that omits carbon provisions.''

So the not-so-secret plan is not secret at all. In fact, it is very transparent and clear: Pass an energy bill, any energy bill, pass it out of the Senate so it can be conferenced with the House cap-and-trade bill after the election. My legislation directly addresses this plan in a very concise way. It simply says, if the Senate has not previously approved cap-and-trade legislation, and you try to slip it into law during a lameduck session, then a point of order will lie against the legislation. However, if the Senate has already approved a cap-and-trade bill under regular order, then my amendment would not be triggered.

My amendment, therefore, preserves the opportunity for the Senate to debate this critically important issue. It takes the debate out of the shadows and the back rooms and the conferences onto the Senate floor, in full view of the American people, and it permits the American people to see what is in this bill.

It says, if the Senate has not approved cap and trade, do not slip it in an appropriations bill, do not add it to a defense bill, do not sneak it into another stimulus, and do not hide it in the heaven knows what during a conference committee meeting secretly held who knows where.

I urge my colleagues to look ahead down the road a few months. Members will be here. Maybe they will be ''free and liberated'' from the will of the American people as one Democratic colleague describes it. The shenanigans are already being forecast. Let's stop it here. I ask for support on this very important legislation.

If debate is intentionally circumvented, our business owners and all Americans will be impacted and hurt. They deserve to know what the debate is going to be about in cap and trade, and my amendment provides this assurance.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

DISCLOSE ACT

Mr. CARDIN. Mr. President, I take this time to urge my colleagues to allow us to proceed to the DISCLOSE Act to deal with campaign finance reform. I thank Senator SCHUMER for his hard work on this issue to bring forward a bill that I hope can enjoy sufficient support so we can continue to advance campaign finance reform. Election campaign finance reform is difficult to pass in this body for many reasons. First, it requires bipartisanship. We know that. We know we need to bring together Democrats and Republicans to say: Our legacy on fair elections is more important than our own individual elections, and we have a responsibility to the American public to deal with a growing problem in American politics; that is, the influence of money, particularly during election time.

That is why we celebrated in 2002 with passage of a bipartisan campaign reform act. Under the leadership of Senator MCCAIN and Senator FEINGOLD, we were able to come together, Democrats and Republicans, and advance campaign finance reform to reduce somewhat the influence of special interest corporate money in our political system and to add further disclosures so the American public could know who is trying to influence their vote. That is what campaign finance reform is about, to limit corporate money and provide greater disclosure. Democrats and Republicans came together in 2002 to get that done. The protection of our fair election process has now met a new opponent. That is the Supreme Court or, more specifically, five Justices on the Supreme Court, the so-called conservative Justices. They legislated from the bench, reversing precedent, and ruled on the side of corporate interests over the concerns of ordinary Americans. These were the so-called Justices many of my colleagues look to for judicial restraint. It is not judicial restraint when they legislate from the bench. It is not judicial restraint when they reverse precedent, when they rule on the side of corporate America over ordinary Americans.

Let me quote from Justice Stevens in his comments as they reflect on the decision the Court made:

> [E]ssentially, five justices were unhappy with the limited nature of the case before us so they changed the case to give themselves an opportunity to change the law. There were principled, narrow paths that a court that was serious about judicial restraint could have taken.

Justice Stevens goes on to warn, the majority ''threatens to undermine the integrity of the elected institutions across the Nation. The path that is taken to reach its outcome will, I fear, do damage to this institution.''

Justice Stevens, in his minority opinion, says:

> At bottom, the Court's opinion is thus a rejection of the common sense of the American people, who have recognized a need to prevent corporations from undermining self government since the founding, and who have fought against the distinctive corrupting potential of corporate electioneering since the days of Theodore Roosevelt. It is a strange time to repudiate that common sense. While American democracy is imperfect, few outside the majority of this Court would have thought its flaws included a dearth of corporate money in politics.

We tried to do something about that in 2002. We passed a law that said corporations cannot directly try to influence elections. Then we set up how they can do so through a transparent way, collectively, through political action committees. But we stopped undisclosed direct corporate influence in American elections. Now the Supreme Court has reversed that bipartisan action. So how should we in Congress respond? What options do we have? We could amend the Constitution, but that is a matter that requires a great deal more deliberation. I am concerned about amending provisions in the Constitution. We need to think long and hard before we act. We could do something many of us have talked about for a long time—provide incentives for public financing of campaigns to try to reduce dramatically the amount of private money in our campaigns. Senator DURBIN has been a leader in this effort. I am proud to be a cosponsor. That is a matter that should be given serious review. But we don't have the opportunity to do that today.

Today we do have an opportunity to act as Senator SCHUMER has brought forward the DISCLOSE Act which we all profess we support—disclosure. All of us have said we should be serious about giving the public an opportunity to know who is trying to influence their vote.

The minority leader in the House of Representatives, JOHN BOEHNER, said:

> I think what we ought to do is we ought to have full disclosure, full disclosure of all money we raise and how it is spent. And I think that sunlight is the best disinfectant.

He was, of course, quoting from Justice Brandeis's famous comments in an opinion when he was a Justice on the Supreme Court, about sunshine being the best disinfectant.

Shortly we will have an opportunity to proceed with the DISCLOSE Act. We will have an opportunity to vote.

I understand some of the concerns of my Republican colleagues. They say: Look, corporations generally side with Republicans. Therefore, if we can get corporations to put more money into the election process, won't that be good for Republicans?

Let me counter that by saying we all benefit. Each Member of this body benefits by reducing the influence outside interests have in the independence we can exercise in the Senate. Look at what is going to happen if we don't change this. Karl Rove has indicated he intends to bring forward $52 million to try to influence the 2010 elections by so-called anonymous donors, without disclosing the source of the funds. We know there is the potential of hundreds of millions of dollars being spent to influence votes without disclosing where that money is coming from, under the banner of Citizens United and corporate contributions. We can do something about that.

Our legacy to protect a free and fair election process from undue influence of corporate special interests is more important than even our own individual elections. We were able to come together in 2002. Let's reconfirm what we did. Let's each do what is right for the integrity of the election process. Let's each do what we said we believe in—full disclosure. We can do that with the motion to proceed.

Voting for cloture on this motion does not preclude a Member from offering an amendment. If there is something in the proposal one doesn't like—all of us would wish to see it stronger, or maybe there are other provisions we wish to take a look at—let's proceed to the debate. Let's not be afraid to have the debate on the floor of the Senate, supposedly the greatest debating institution in the world. Let's not be afraid to have the debate on how we can make elections more responsive to the needs of the people, ordinary citizens, so they have a right to know who is trying to influence their vote. Let's have that debate on the floor of the Senate. We will have a chance to do that in a few hours by voting for cloture on the motion to proceed.

I urge my colleagues, give the American people this debate they so richly deserve.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Could the Chair let us know how much time is left on either side?

The PRESIDING OFFICER. We are no longer under controlled time. There are 10-minute segments for Senators.

The Senator from Kansas is recognized.

Mr. ROBERTS. Mr. President, I come to the floor to speak with regard to election reform, democracy, and unfortunately partisanship, and most importantly, the first amendment.

There is a threat to the Constitution on the floor of the Senate today. It is called the DISCLOSE Act. I urge my colleagues to oppose this bill.

The DISCLOSE Act, an Orwellian oxymoron if there ever was one, contradicts the Supreme Court's January decision in Citizens United. It is essential to put the decision in context and shed sunlight on this dangerous bill.

First, I applaud the Court's ruling. It reaffirms the right to freedom of speech. This is precisely the Court's role in our government system of checks and balances: to rein in Congress when legislation does not square with our founding principles. Let us remember the 10 words in the first amendment that are most relevant for this debate:

> Congress shall make no law . . . abridging the freedom of speech.

However, some of my colleagues across the aisle have mischaracterized the Citizens United decision as undoing 100 years of law and precedent. This is a reference to the Tillman Act of 1907 that prohibits corporations from directly financing political campaigns. This was not affected by the Court's ruling. The Supreme Court did rule, however, against provisions of the so-called Bipartisan Campaign Reform Act of 2002 that barred corporations and unions from running political ads 30 days before a primary and 60 days before a general election. Corporations and unions cannot donate directly to a Federal candidate and, contrary to the claim of DISCLOSE Act supporters, it is already illegal for foreign entities to participate in American elections.

Unfortunately, the sponsors of the DISCLOSE Act have chosen partisan fiction over fact in their effort to override the Court. The DISCLOSE Act is anything but full and fair campaign disclosure. It is politically skewed, motivated by a majority desperate to continue to be a majority.

The DISCLOSE Act is loaded with handouts to the most monied of Washington special interests, including the National Rifle Association and the Sierra Club. They didn't want tape put on their mouths. Others doubtlessly were standing in line saying: Don't muzzle me, you can simply muzzle the other guy behind the tree.

I challenge anyone who comes to the floor to preach the virtues of this bill to explain, with a straight face, the carefully tailored exemptions from disclosure included in title III. Moreover, despite a clever rewording of the House-passed version, the Senate bill retains carve-outs for labor unions by exempting donations under $600 under title II, section 211. This figure is conveniently below the average union dues. So for 600 bucks you have free speech. If it is over $600, you don't.

Supporters of the DISCLOSE Act claim it is necessary to keep a flood of money out of politics, but carve-outs for special interests say otherwise. On June 24, the National Journal's Congress Daily reported that environmental, labor, and other groups—many of which specifically benefit from title II and title III exemptions—announced they would spend $11 million to either reward or admonish Senators in both parties for their positions in regard to climate change legislation.

Another example is the American Federation of State, County, and Municipal Employees. The Hill newspaper reported on June 21 that this union, exempt under the bill, had ponied up $75,000 for ads in Maine to pressure Senators OLYMPIA SNOWE and SUSAN COLLINS to support a taxpayer-funded bailout for unions.

These facts present an inconvenient truth for the sponsors of the DISCLOSE Act. It flies in the face of our democracy for the majority to ration the right of free speech to one set of Americans at the expense of others.

In May, it was reported in the press that sponsors of this bill boasted that its deterrent effect should not be underestimated. Americans do not, and never have found it appropriate for government to shut down any political dissent.

The DISCLOSE Act abandons the longstanding practice of treating corporations and unions equally. But even if title II and title III exemptions were removed, the bill is still unworkable. On May 19, writing in the Wall Street Journal, over half a dozen former FEC Commissioners noted that the FEC has regulations for 33 types of contributions and speech and 71 different types of speakers. The DISCLOSE Act adds to this complexity with another layer of Byzantine requirements that raise serious concerns about whether the law can be enforced consistent with the first amendment. We do not need any more regulations to the first amendment.

If anyone doubts this bill is motivated by politics, they need to look no further than a June 22 letter sent by the bill's Senate sponsor and the Senate majority leader to Members of the House in which they pledge to bring the measure to the floor in advance of the fall elections. Why the rush? In so doing, the majority has again used rule XIV to bypass the Senate Rules Committee—a committee upon which I serve—in order to expedite the DISCLOSE Act's passage.

Unfortunately, it is becoming all too common for the majority to circumvent regular order, stifle the minority, and force unwanted legislation on the people by filling the amendment tree, misusing rule XIV, and ping-ponging legislation between the Houses. I am tired of Ping-Pong. Give me table tennis. Give me a paddle. Give me five serves, and then I will let Senator SCHUMER have five serves, and we can go back and forth as we should in regard to amendments in the Rules Committee, where this debate ought to

be held. Senator CARDIN said: Let us have a debate. I am for that. And let's put it in the Rules Committee, where it should be debated first.

To review, the Citizens United decision does not upend a hundred years of law and precedent. The DISCLOSE Act has intentional loopholes in title II and title III to keep special interest dollars on behalf of the majority flowing, and the rest of the bill is a confusing set of redundant regulations. The bill's sponsors are rushing this legislation to the floor without consideration by the Rules Committee—again, here we go; that is what happened with health care; that is what happened with the Dodd-Frank bill—in order to protect the incumbent majority before the fall elections.

Under the first amendment, the American people have a right to speak out against policies and legislators who kill jobs, curb growth, and expand the government at the expense of the private sector—and now a proposed tax increase. These policies hurt millions and millions of Americans employed in the private sector and millions more looking for work during a recession. They must be protected under the first amendment. The people have a right to be heard.

Mr. President, I yield back.

Mr. SCHUMER. Mr. President, I yield 5 minutes to the senior Senator from the State of Washington, who has been a leading advocate for the voice of average Americans in government.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, I come to the floor today to speak in strong support of the DISCLOSE Act, to close the glaring campaign finance loopholes that were opened by the Citizens United ruling.

This Supreme Court ruling was a true step backward for this democracy. It overturned decades of campaign finance law and policy. It allowed corporations and special interest groups to spend unlimited amounts of their money influencing our democracy. And it opens the door wide for foreign corporations to spend their money on elections right here in the United States.

The Citizens United ruling has given special interest groups a megaphone they can use to drown out the voices of average citizens in my home State of Washington and across the country. The DISCLOSE Act we are considering will tear that megaphone away and place it back into the hands of the American people, where it belongs.

This is a very 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 represented here in the Senate. They made phone calls. They went door to door. They talked to families across our 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 an unlimited barrage of negative ads against candidates who did not support their interests. That is why I so strongly support this DISCLOSE Act. I want to make sure no force is greater in our elections than the power of voters across our cities and towns. And no voice is louder than citizens who care about making their State and country a better place to live. This DISCLOSE Act helps preserve that American value. It shines a bright spotlight on the entire process.

What the DISCLOSE Act will do will make corporate CEOs and special interest leaders take responsibility for their ads. When candidates put campaign commercials up on television—you have seen them—we put our faces on the ad and tell every voter we approve the message. We do not hide what we are doing. But right now, because of this Supreme Court decision, corporations and special interest groups do not have to do that. They can put up deceptive, untruthful ads with no accountability and no ability for people to know who is trying to influence them.

The DISCLOSE Act strengthens overall disclosure requirements for groups that are attempting to sway our elections. Too often, corporations and special interest groups are able to hide behind their spending because of a mask of front organizations because they know voters would be less likely to believe the ads if they knew what the motives of the sponsors were. The DISCLOSE Act ends that. It shines a light on the spending and makes sure voters have the information they need so they know whom they can trust.

This bill also closes a number of other loopholes opened by the Citizens United decision. It bans foreign corporations and special interest groups from spending in U.S. elections. It makes sure corporations are not hiding their election spending from their shareholders. It limits election spending by government contractors to make sure taxpayer funding is never used to influence an election. And it bans coordination between candidates and outside groups on advertising, so corporations and special interest groups can never ''sponsor'' a candidate.

This DISCLOSE Act is a commonsense bill that should not be controversial. Anyone who thinks voters should have a louder voice than special interest groups ought to vote for this bill. Anyone who thinks foreign entities should have no right to influence U.S. elections should support this bill. Anybody who agrees with Justice Brandeis that ''sunlight is the best disinfectant'' ought to support this bill. And anyone who thinks we should not allow corporations such as BP or Goldman Sachs to spend unlimited money influencing our elections ought to support this bill.

Every 2 years, we have elections across this country to fill our federally elected offices. Every 2 years, voters have the opportunity to talk to each other about who they think will represent their communities best. And every 2 years, it is these voices of America's citizens that decide who gets to stand right here representing them in the Congress. That is the basis of our democracy, and it is exactly what this DISCLOSE Act aims to protect. So I am proud to support this bill, and I urge all of our colleagues to move forward on this bill on the floor.

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

Mrs. MURRAY. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. KYL. Mr. President, first of all, I wish to thank the Republican leader, Senator MCCONNELL, for his expertise and leadership on this issue. Secondly, as several of my colleagues have pointed out, the DISCLOSE Act is a direct assault on the first amendment right to free speech. Protecting political speech, guaranteed by the Bill of Rights, is one of our most sacred responsibilities.

This is a partisan bill drafted behind closed doors by current and former Democratic campaign committee leaders. It is obviously written to disadvantage Republicans and favor special interests supportive of Democrats. The closed-door process under which the DISCLOSE Act was written contradicts its supporters' professed goal of transparency. It is a partisan rewrite of campaign finance laws without hearings, without testimony, without studies, without a markup—again, written behind closed doors with the help of lobbyists and special interests.

The problems it purports to address are purely hypothetical since there have been no elections since the Citizens United case. I have seen no evidence of any abuse in the current election cycle. This legislation is an attempt to change the rules to protect incumbent candidates from criticism of unpopular decisions and positions. I know none of us like to be criticized, but we must uphold the right of others to criticize us.

Even those of us who opposed the Bipartisan Campaign Reform Act—BCRA but also known by the name McCain-Feingold—recognize that its authors sought to avoid any partisan advantage. The new rules then applied to everyone, and they only applied after the subsequent election. The same cannot be said for the DISCLOSE Act. It is 117 pages in which the bill's authors pick winners and losers, either through outright prohibitions or restrictions that are so complex they achieve the same result. The effort is too political, benefiting traditional Democratic allies,

such as labor unions, while placing burdensome restrictions on for-profit organizations and the associations that represent them.

Let me give you one example regarding the union exemptions. The new law applies to government contractors but not their unions or unions with government contracts or government unions. It is obviously discriminatory. As Leader MCCONNELL has asked, where in the first amendment does it say that only large and entrenched special interests get the ''freedom of speech''?

Here is what the AFL–CIO president, Richard Trumka, said about the bill in April:

Congressional leaders today took a vitally important first step to begin to address the Supreme Court's recent decision in Citizens United v. Federal Election Commission. The AFL–CIO commends these efforts and supports increasing disclosure and reexamining some current campaign finance rules. . . .It is imperative that legislation counter the excessive and disproportionate influence by business.

Well, they have made sure it does.

Unlike BCRA, the DISCLOSE Act has an effective date of 30 days after enactment. In other words, proponents want people to stop political speech now, before the midterm elections in November.

Hundreds of diverse organizations oppose this bill, from the ACLU to the chamber of commerce. Let me just quote two.

Here is a letter from several hundred of the Nation's leading trade association and business groups:

By attempting to silence corporations' voice in the political process while enabling unions to retain their enormous influence, Schumer-Van Hollen is a patently unconstitutional threat to the elections process. Schumer-Van Hollen is a direct attack on the rights of the business community and the role our organizations play in the national political dialogue.

And a letter from the National Right to Life organization:

The overriding purpose is . . . to discourage, as much as possible, disfavored groups, such as the [National Right to Life Committee], from communicating about officeholders. . . .This legislation has been carefully crafted to maximize short-term political benefits for the dominant faction of one political party, while running roughshod over the First Amendment protections for political speech that have been clearly and forcefully articulated by the Supreme Court.

So I hope my colleagues will recognize the damage they are doing to political discourse in violation of the first amendment that is a result of the legislation that has been drafted here for purely political advantage and will oppose the DISCLOSE Act.

Mr. SCHUMER. Mr. President, I yield 5 minutes to the Senator from Oregon.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. MERKLEY. Mr. President, the Citizens United case has aimed a dagger at the heart of American democracy. So I rise today in support of the DISCLOSE Act, to stop that dagger aimed at our heart.

Our Nation is unique in world history in that it was founded not on nationality or royal bloodlines but on an idea—a simple yet revolutionary idea—that the country's people are in charge. As was so often the case, Abraham Lincoln said it better than anyone—that the United States is a ''government of the people, by the people, for the people.'' What that means is we, the elected officials, work for the people. They elect us. They are in charge. But this idea, this vision, this government by and for the people cannot survive if our elections are not open, fair, and free. The government is not by or for the people if corporations and even foreign corporations and giant government contractors are able to hijack the electoral process to run millions of dollars of attack ads against any candidate or any legislator who dares to put the public interest ahead of a company's interest.

Our Constitution, through the first amendment, puts the highest protection on political speech, recognizing how important it is that citizens be able to debate the merits of candidates and the merits of ideas. But if the essence of the first amendment is that competing voices should be heard in the marketplace of ideas, the Citizens United decision just gave the largest corporations a stadium sound system with which to drown out the voice of American citizens.

Think about the scale of the spending this decision allows. My Senate race was far and away the most expensive election in Oregon history. The two candidates together spent around $20 million. ExxonMobil, a single corporation, made $20 million in profits every 10 hours in 2010, and that was during their worst year in a decade. If you like negative ads, you would love the impact of Citizens United. Imagine what corporations will do to put favorite candidates in office. The sheer volume of money could allow corporations to handpick their candidates, providing unlimited support to their campaigns to take out anyone who would dare to stand up for the public interest.

The DISCLOSE Act will help prevent special interests from drowning out the voice of American citizens. First, this bill will bring transparency to campaigns now that unlimited money is allowed to be spent on negative attack ads. If you are looking to buy a used car and someone tells you the engine looks great, you would want to know if the person saying that is your trusted mechanic or the used car salesman. Who is speaking is critical information in evaluating the message. With that principle in mind, the DISCLOSE Act makes the CEO of a company stand by their words. The CEO will have to say at the end of the ad that he or she approves this message, just as political candidates have to do today. It is common sense. If a company is willing to spend millions working against a candidate, the voters have a right to know about that company's involvement instead of allowing it to hide behind shadowy front groups.

The second problem the DISCLOSE Act takes on is the system of ''pay-to-play'' where companies campaign on behalf of candidates in order to get access to government contracts. This legislation bars that form of corruption. It bars government contractors from running campaign ads and paying for other campaign activities on behalf of a Federal candidate.

Passing the DISCLOSE Act is key to sustaining the healthy democracy that represents the interests of American citizens. A healthy democracy requires transparency, an equal voice for all its citizens, not an amplified voice for those who represent very large corporations.

So I urge all my colleagues to support this legislation. As President Lincoln, a great Republican President, reminds us: The essence of the Nation, the cause that brought a generation of patriots to challenge the greatest military power of the 18th century, the idea that inspired people to leave everything behind to come to our shores is a government of the people, by the people, and for the people.

We are here because we work for the American people. Let's pass the DISCLOSE Act today so our successors can say the same thing tomorrow.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, how much time is available to this side?

The PRESIDING OFFICER. There is 24 minutes 10 seconds available.

Mr. BENNETT. Mr. President, I appreciate the opportunity of addressing this issue and of listening to my colleagues as they talk about it. I haven't heard some of this exorbitant language since I left the campaign trail. I left the campaign trail forcibly but, nonetheless, I have some memory of it, and I realize that in a period of a campaign, people get carried away.

''A dagger at the heart of our democracy'' is a phrase that has been used. ''The destruction of government of the people'' is a phrase that has been used. If I can think of someone who uses this kind of language quite normally in the political discourse, the name of Michael Moore comes to mind. The reason I raise Michael Moore is because we are talking about a movie. That is the source of this entire decision.

There is a group of people who decided they wanted to make a movie that was critical of a candidate for President of the United States. In this case it was former Senator Hillary Clinton. They didn't like her and they wanted to make a movie and they did. In the same vein, Michael Moore, who didn't like George W. Bush, made a movie entitled ''Fahrenheit 9/11.'' Nobody got excited about Michael Moore's movie in terms of violating the Constitution or a dagger at the heart of our democracy or destroying the legacy of Abraham Lincoln because

we knew Michael Moore. We knew the kinds of things Michael Moore was famous for doing, and overstating a position is Michael Moore's stock in trade.

So the folks at Citizens United decided they were going to follow the Michael Moore precedent and make a movie. I haven't seen either movie, so I don't know whether Citizens United's movie about Hillary Clinton went as far over the top as Michael Moore's movie about George W. Bush, and I don't care because Michael Moore, regardless of what distortions may have been in his movie, had every right under the Constitution of the United States to make that movie, to make the political speech, and to do the very best he could to influence the election.

The movie was a financial success, and the movie was a critical success, and the movie did not win the election. The movie did not defeat George W. Bush. The American people had other things to do besides watch Michael Moore's movie. He exercised his first amendment right to freedom of speech. He got the opportunity to say what he wanted to say, he spent a lot of money doing it, and the movie was widely seen. The democracy did not come to an end as a result of the making of the movie. Now we are told that Citizens United made a movie and somehow that is going to have a vastly different effect.

I don't believe Senator Clinton's loss to Barack Obama in the primaries had much to do with the movie that Citizens United made. They spent a lot of money, but I don't think it was an avalanche of spending by a corporation that destroyed American democracy because Hillary Clinton did not win the nomination. I think it had a great deal more to do with Barack Obama's ability to run a decent campaign rather than Hillary Clinton's suffering at the hands of Citizens United making this movie.

Well, because Citizens United was not one individual in the form of Michael Moore, but because it was a group of individuals who got together and took the opportunity to create a corporate form of identity for the making of their movie, that got them in trouble. An individual could do it, but a group of individuals who organized themselves into a corporation couldn't do it. That went to the Supreme Court, and the Supreme Court said yes; they could. I don't find that to be a great destruction of the first amendment. I find that to be the proper statement on the part of the Supreme Court to say: Let's have vigorous political speech in this country, and if a group of people want to do that vigorous speech in the form of a corporation, let them go at it. Let them have at it. The Supreme Court was right, in my opinion.

I hear those people who attack Citizens United say: Yes, the first amendment protects the right of free speech, but it does so for individuals. Corporations are not individuals, neither are unions. Yet the DISCLOSE Act treats unions differently than it treats corporations. The DISCLOSE Act goes after corporations and their right of free speech and does its very best to see to it that the restrictions they put on corporations do not apply to unions.

The DISCLOSE Act listens to the outcry of some corporations such as the National Rifle Association and says: Well, we won't make it apply to you and, thus, demonstrates that it is responding to political pressure from people who say we will punish you at the polls if you take away our right of free speech. So the act is written in such a way that some corporations get treated differently than other corporations. Of course, unions get treated different from all corporations.

Is this the way we want to deal with the first amendment right of free speech where everybody ought to have exactly the same rights? I am told: Oh, no. This bill doesn't prohibit any free speech. All this does is disclose. That is why it is called the DISCLOSE Act. You Republicans are in favor of transparency. You want to disclose things. Why don't you support the DISCLOSE Act?

Well, if it is a bill aimed at disclosure, why does the word ''prohibit'' and the companion word ''prohibition'' appear all through the bill? I have a copy of the bill right here.

On page 4, section 3, listed on page 4, it begins, ''Prohibiting independent expenditures and electioneering communications . . . ''

On page 5, section 3: ''Prohibiting independent expenditures'' and so on.

Section 6: ''Prohibiting independent expenditures . . . ''

Then, on page 6, in section 7: ''In these ways, prohibiting independent expenditures . . . ''

We go to the first title of the bill, and it is titled ''Regulation of Certain Political Spending.'' Section 101: ''Prohibiting independent expenditures and electioneering communications . . . ''

This is not the DISCLOSE Act. This is an act aimed at prohibiting expenditures by certain people and certain groups. Who are they? Well, government contractors. I have been in business. I have solicited government business. If I got the government business, was I told in advance: If you get this business, you are giving up your first amendment rights when it comes to political speech? If you can stay away from contracting with the government, you can hang on to your first amendment rights. But as soon as you become a government contractor your rights are gone.

It prohibits free speech from those who received TARP money. There is an interesting precedent to set. I know some of the folks who received TARP money who didn't want it. They were told in that circumstance: You will accept TARP money. The TARP money, as it was distributed in that program, was forced upon certain corporations. Were they told at the time, or should they be told under the DISCLOSE Act—let's have full disclosure and transparency—when you accept this money, you cannot exercise your freedom of speech rights as a result of accepting this money?

General Motors received TARP money, so General Motors says you cannot run an ad expressing your opinion on any matter of public affairs; however, the United Auto Workers can. The United Auto Workers received the benefit of TARP money. The United Auto Workers received stock in General Motors. They are the shareholders of General Motors, to a large extent.

So do we say, well, under the DISCLOSE Act the unions can express their first amendment rights all they want, but General Motors, as a corporation, cannot, even though the TARP money was what allowed the union members to keep their jobs.

It has been pointed out here that the groups opposed to this are wide and diverse—from the Sierra Club to the ACLU. I turn to the letter the ACLU wrote with respect to this, and they are not dealing with hyperbole. They are dealing with experience in reality. Let me go to the first key issue the ACLU talks about and give an example from real life. They say:

> The DISCLOSE Act fails to preserve the anonymity of small donors, thereby especially chilling the expression rights of those who support controversial causes.

Then the first sentence in that section of their letter says:

> By compelling politically active organizations to disclose the names of donors giving as little as $600, S. 3628 both violates individual privacy and chills free speech on important issues.

I take my colleagues back to one of the most controversial issues we have seen in this country for a long time, which was proposition 8 in California in the last election.

I am acquainted with an individual who made a contribution in favor of those who were trying to support proposition 8. That is all she did. She wrote out a check. Someone came to her and said: We are in favor of the proposition and we are trying to raise some money; will you help us?

She wrote out a check of less than $1,000 and went about her business. Her business was a restaurant in Hollywood—a restaurant that was routinely and significantly supported by people in the entertainment industry—actors, directors, and others connected with making movies. When the contribution list for propositions was made public, and it became known that this woman had made a contribution in favor of proposition 8, patronage at her restaurant dropped off more than half. People opposed to proposition 8 started using hate speech toward this woman: You are a bigot, and we cannot patronize your restaurant.

She had no idea that when she wrote that check in support of those who wanted a position that she agreed with—to put it on the ballot to be voted on by Californians—and it was by

a majority of Californians who supported it—when she took the majority position of the voters in her State, she had no idea she was going to see her business ravaged by those discovering her name on that list who would go after her.

They have a right not to eat at her restaurant, I understand that. But this is a real-life example of what can happen to people in controversial situations and the ACLU is appropriately concerned about.

The DISCLOSE Act, in the name of transparency, would expose small donors to that kind of retaliation. However, if you belong to a union, and you pay union dues, and the union dues are spent to produce a movie, something along the lines of what Michael Moore did with ''Fahrenheit 9/11,'' no one will ever know your union dues were spent for that purpose, because unions are treated differently than corporations.

This is a bad bill. It hasn't been through the committee. I am the ranking member of the Rules Committee to which the bill normally would be referred. The majority leader, exercising his authority, saw to it that the bill didn't get referred to committee. There have been no hearings. There is no opportunity for anybody to come forward and say this will be a problem. We haven't heard from the ACLU and a witness that we could question. We only got a letter, because they were shut out from any hearings.

For those who are offended by my reference to the ACLU and would prefer the National Right to Life Organization, well, we have their letter, too, but we didn't have an opportunity to hear any of their witnesses or the legal authorities who believe that the Supreme Court ruled correctly, who might have come before the committee and given us the benefit of their analysis; we haven't had a chance to hear from them either.

The bill has been drafted and redrafted a number of times behind closed doors, but we only see the final draft when it gets here on the floor, with no hearings, no background, no opportunity to question, comment, amend, or improve. I am in favor of transparency as much as the next Senator. I am in favor of free speech as much as anyone. I have stood on this floor and quoted James Madison with respect to free speech on a number of issues and have been dismissed on the grounds that, well, anybody can quote James Madison. I believe in the tenth Federalist, where Madison made it very clear that the right of factions to express themselves freely and openly, even when they clash bitterly, is a very fundamental right in the Constitution itself. ''Factions,'' as they used the word in Madison's day, referred to political parties. I think the term ''factions'' also refers to those whom we speak of as special interest groups today. James Madison made it very clear that if we attempt to stifle the ability of a faction to express itself, we strike at the core of liberty itself. I hope that people don't interpret that as over-the-top language, as I have heard some other things that I have interpreted as over-the-top language. I sincerely believe that and I strongly support it.

The DISCLOSE Act would not pass the test of truth in advertising. The title does not disclose what it does here. It is filled with prohibitions and violations of the first amendment, and it is filled with special favors for certain groups and attacks on others. For that reason, I will oppose cloture and, if cloture is invoked, I will oppose the bill.

Mr. SCHUMER. Mr. President, I yield 5 minutes to the Senator from New Jersey, who has been an outstanding leader on this issue.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. MENENDEZ. Mr. President, I have listened to my colleagues in this debate, and I am reminded of a great Republican, President Reagan, who said, ''There they go again.'' I always find it incredibly interesting when some of my most conservative colleagues quote the ACLU. Then I know something is amiss. Let me ask, what is the vote that is going to take place? It is simply to allow us to go forward and have a debate, offer amendments, and ultimately vote on the bill. That is what this bill is all about. So those who say they are for transparency won't even let a process move forward that is transparent, so we can debate and so that the American people can decide do we want corporations—including foreign corporations—to have access to who is elected in America, in this body and in the Congress, and ultimately making decisions that affect their lives every day?

That is what this vote is all about. You can paint it any way you want, but that is what this vote is about. I am amazed they cannot even say yes to proceeding to a debate and a vote on the merits of the bill itself.

We all know that the Roberts Supreme Court and its activist conservative majority overruled, wrongly in my view, restrictions on spending by corporations and unions. My colleagues on the other side are well aware that, as a result of a perceived loophole in current law, foreign corporations—those from other countries—would now be allowed to fund American election campaigns, to pick their candidates who would reflect their interests if elected or defeat candidates who would not reflect their interests—all without any meaningful mechanism or disclosure. Amazing. It is absurd. Nothing could be more ill advised or misguided. But here we are, once again, unable to even proceed to consider a bill that would remedy that situation. Once again, my Republican friends are standing in the way of proceeding to a bill, standing in the way of what I consider to be good governance, all in the name of those in their party who hold to some misguided attempt to twist first amendment rights to suit an ideologically based argument that somehow a requirement to disclose contributions would violate the first amendment. You still can spend the money; nobody is going to stop you from spending the money. But you have to disclose who is behind that contribution. I don't think transparency is something that violates the first amendment. It is the right of the American people to receive the information required by these proposed disclosure laws.

Then they twist it even further, virtually saying that all money anywhere—even foreign money—is somehow free speech in American elections. I think the American people want to be the ones in control of who they elect to Congress to decide the issues of the day in their lives, not somebody who is backed by some foreign corporation. Imagine if BP could say: I don't like Senator MENENDEZ lifting that liability cap; I don't want to be liable for more than $75 million, even though I have created billions of dollars in costs, so let me fund candidates who agree that Senator MENENDEZ's legislation to lift the liability caps on limited liability should be the ones to get elected, because they are going to take care of what? BP, which is a foreign corporation.

Imagine if the insurance industry said: We don't even have to put our face on that announcement, that advertisement. Let's go fund those candidates who will allow us, the insurance industry, to continue to deny people who have a preexisting condition in this country the opportunity to get health insurance—where a child at birth has a defect and cannot get health insurance, or a father who had a heart attack on the job cannot get health insurance. Let's fund those candidates who will ensure that we as an industry don't have to insure those individuals.

Imagine those companies on Wall Street which don't like the new law that we just passed and want to see it rolled back so they can continue to have the excesses that almost brought this Nation to economic collapse. They could say: Let's fund those candidates who will allow us to have not a free market but a free-for-all market. That is what this law is all about. That is what this vote is all about. I believe the people of New Jersey, which I represent, and people elsewhere, want disclosure.

Finally, disclosure takes place by knowing who is giving this money.

The bottom line is I want Americans to decide American elections. I don't want some foreign company funding candidates who ultimately enhance their views. I don't want big business deciding elections on the basis of their corporate interests versus the interests of the people. That is what this bill is all about. I can't understand the fear my colleagues on the other side of the

aisle have of simply letting us go to a full debate and an up-or-down vote.

Look, if this law is poorly drafted and the majority of the Senate votes against it, so be it. But not even to allow us to go to that debate, to stop foreign corporations and foreign influence in our elections, to allow the BPs of the world to influence the way in which we have the gulf cleanup, or to allow the insurance industry to deny people based on preexisting conditions, or allow Wall Street to run wild—on and on—that is fundamentally wrong. That is what this debate is about, and that is what the vote will be all about.

I yield back the remainder of my time.

Mr. SCHUMER. Mr. President, I yield 7 minutes to the Senator from Rhode Island, Senator REED, who is speaking as in morning business. Senator FRANKEN spoke on the bill during morning business, and Senator REED was kind enough to give him time.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. REED. Mr. President, last Friday, this Chamber played host to heroes: seven wounded warriors from the 82nd Airborne Division, who are currently recuperating at Walter Reed Army Hospital. They came down for a tour of the Capitol, and for moments here on the floor of the Senate, in which they were able to see their government in action.

More important, we were able to thank them for their extraordinary service and sacrifice to the Nation. I am particularly proud because they are soldiers from my division—the 82nd Airborne Division.

We had among our guests SGT Steven Dandoy, who was wounded last month in a mortar attack in Afghanistan, of the third battalion 321st Field Artillery, whose hometown is Milwaukee, WI; SGT Allen Thomas, who is from Adelphi, MD, and serves with the 2–508 Parachute Infantry Regiment, who was wounded in Afghanistan this past March during an attack from a suicide bomber, and he was joined by his fiancee, Donna; SPC Antonio Brown, from Florence, SC.

We were honored to have SPC Antonio Brown from Florence, SC. He was wounded in Iraq in 2007 when a 50-caliber round detonated in his hand. He was serving with the 2nd Battalion of the 325th Parachute Infantry Regiment.

SPC John Doherty of Jerome, ID, was wounded when a 50-caliber round detonated in his hand in April while he was serving with the 2nd Battalion of the 508th Parachute Infantry Regiment. Amazingly, he recently passed his flight physical with the goal of qualifying as an Army helicopter pilot despite his wound.

SPC Jeffrey McKnight of the 1st Battalion of the 508th Parachute Infantry Regiment and hailing from Littleton, CO, was also our guest. He was wounded last month during a vehicle rollover in Afghanistan.

SPC William Ross also serves with the 2nd Battalion of the 508th Parachute Infantry Regiment. He was our guest also. Specialist Ross hails from Knoxville, TN. He is recovering from a gunshot wound he received during a dismounted patrol in March. He was joined by his fiancee Tiffany.

SPC Nicholas Stone of the 2nd Battalion of the 508th Parachute Infantry Regiment was also our guest. He hails from Buffalo, NY. He is recovering from wounds suffered in an IED attack on a dismounted patrol in May. He was joined by his wife Kristen.

Let me also say it is appropriate to recognize the families of these wounded warriors because they, too, serve. They, too, sacrifice. In fact, during the long hours of rehabilitation and therapy at Walter Reed, they are at the bedside literally of their wounded soldiers. I thank them.

I also thank SFC Albert Comfort and SSG Rodolfo Nunez from the 82nd Airborne Division. They are the Division Liaisons for the wounded warriors at Walter Reed Army Medical Center.

These young men left the comfort and safety of their homes all across this country to serve this Nation. Their service, their sacrifice sustains us. They are the fabric of our defense. They are those young men and women who serve in great danger but with unfailing fidelity to the Army and to the Nation. Because of them, we are able to oppose those who seek us harm.

We can never repay them enough. We can never thank them enough. But last Friday we had seven of these wounded warriors down just to say: Thank you, well done, and to give them a chance to look at the Senate and see the history that was made by their predecessors, and which they are sustaining and will make in the future.

It was a special moment for me because these soldiers come from the 82nd Airborne Division. One of the great privileges of my life—in fact, I believe this is one of the greatest privileges an American can have—was leading American soldiers in the 82nd Airborne Division as the company commander of Bravo Company, 2nd Battalion of the 504th Parachute Infantry Regiment. I learned a lot about service, sacrifice, and the contribution of Americans from across this globe, as well as the great potential of Americans, not only to defend our Nation but to do great things, furthering the goals and ideals of this country.

I conclude by saying to these young soldiers: Thank you very much for your service. Good luck. Godspeed.

I yield back the remainder of my time to the Senator from New York.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I thank my colleague from Rhode Island. He looks out, as our only West Point graduate in the Senate, for all our troops throughout the Nation. We salute him for it. I was proud he mentioned a brave trooper from Buffalo, NY.

Mr. President, may I inquire how much time is left on our side and how much time on the other side?

The PRESIDING OFFICER. There is 4 minute 45 seconds remaining on the side of the Senator from New York. On the Republican side, there is 6 minutes 52 seconds remaining.

Mr. SCHUMER. I wish to reserve 5 minutes for Senator BROWN, who wishes to speak. I believe he is on his way. I ask unanimous consent that the last 5 minutes be reserved for Senator BROWN, and I will speak on the remaining time—I know it is the other side's time—until one of them appears.

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

Mr. SCHUMER. Mr. President, we heard a lot from the other side. I will be speaking in conclusion on this bill, along with Senator REID, after the lunch break. We have never heard such falsities. The other side, first, talks about free speech and talks about how corporations have the right to free speech. The Constitution now guarantees that after Citizens United—and our bill does not get in the way of free speech. It simply requires disclosure, which the Court said was important.

Second, they are talking about how it treats unions and corporations differently. The bottom line is, the unions are opposed to this bill and to simply say that a $600 limit favors unions, no, we are just favoring big, huge givers who give tens of thousands, hundreds of thousands of dollars over small, little givers. If there is a union person who gives $10,000, they will be under this law. If there is a corporate person who gives $500, they will not be. It is a misnomer.

I see my friend and colleague from Illinois has arrived. Since I will be speaking after the lunch, and I am just waiting for Senator BROWN to arrive, I yield the remaining time, other than the 5 minutes for Senator BROWN, to my friend and colleague from Illinois, Senator DURBIN.

The PRESIDING OFFICER. Without objection, the Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, I thank the Senator from New York for his leadership on this legislation. We are here because the Supreme Court, across the street, decided, in a case called Citizens United, to change the way we campaign for office in America. They want to change it and say corporations and special interest groups can spend unlimited amounts of money on political campaigns.

Most of the people I talk with in Illinois and across the country think they have enough political advertising when it comes to campaigns. Hold on tight because, for example, the U.S. Chamber Commerce announced they may spend as much as $75 million in this election cycle on more television advertising to promote candidates who agree with their positions on issues. That is about a five or six times increase in the amount of money they will spend.

What it does, of course, is crowd out those of modest means. Any mere mortals left on this political scene who have to rely either on their own limited savings or raising money from others are going to find themselves overwhelmed and inundated by this Supreme Court decision. But it is a Supreme Court decision. Senator SCHUMER and the Rules Committee, on which I serve, sat down and said that at least if we are going to do this, let's have disclosure about the sources of these ads by special interest groups. Let's find out who is paying for the ads. Let's make them stand and say: This is my ad; I paid for it, rather than sneak around with names that mean little to nothing and inundate the airwaves so voters are confused and overwhelmed and not sure from where the ads are coming.

The act is called the DISCLOSE Act because that is what it is all about. Sadly, it appears there is going to be a straight party vote, perhaps with a few exceptions, on this DISCLOSE Act.

It is hard to understand how the Republicans can take this position. Let me read a quote. ''What we ought to have is disclosure,'' this Senator said. ''I think groups should have the right to run those ads, but they ought to be disclosed and they ought to be accurate.'' Who said that? The Senator from Kentucky, the minority leader, the Republican leader in the context of McCain-Feingold during the debate on campaign finance reform.

The Senator from Kentucky is not the only Senator who seems to support the concept of disclosure. The Senator from Alabama, Mr. SESSIONS, the ranking member of the Judiciary Committee, said earlier this year:

> 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.

Pretty clear, isn't it? That looked like the Republican position until the Supreme Court decision. Why would they be against disclosure? They are betting that most of these ads are going to be on behalf of their candidates and against Democrats. That is what it comes down to.

I happen to think disclosure is right whether it is a union or corporation. I think voters ought to know from where this information is coming. I can talk to you about why I think this is important as a voter, as a Senator, as a taxpayer. But what it boils down to is if we are going to have a system electing people to this Chamber who are accountable to the people they represent and not to special interest groups, the voters have to understand where candidates are coming from.

If my opponent—or even if I decide to be heavily supported by special interest groups—decides to put money in the race, I think the voters of Illinois are entitled to know that. They should take that into consideration when they decide how they are going to vote come the next election. That is only fair.

I support Senator SCHUMER's effort on the DISCLOSE Act. It is a move in the right direction. I hope after we enact this legislation, we will consider something else. I have a bill for the public funding of campaigns. Wouldn't it be great if we got out of the business of raising money to create trust funds for television stations across America, if instead we basically had a publicly funded campaign? That would be in the best interests of democracy and the best interest of giving the voters the information they need but not overwhelmed by special interests.

The Senator from Texas, the chairman of the Senate Republicans' campaign committee, seems to agree with Senator SESSIONS. He said earlier this year:

> I think the system needs more transparency, so people can more easily reach their own conclusions.

Amen.

The DISCLOSE Act would bring greater transparency to the source of campaign ads flooding the airwaves before an election, so that voters can make good decisions for themselves as to whether the ads are truthful or not.

As a voter, I want to know who has paid for a political ad, and I don't want foreign companies trying to buy our elections.

As a taxpayer, I don't want big companies with more than $10 million dollars in Federal contracts to be able to buy ads so they can curry favor with legislators who they hope could help them receive even larger contracts.

As a shareholder of a company, I want to know what political activities the management of the company is spending my company's money on.

The DISCLOSE Act would help with all of these goals.

The bill would make CEOs and other leaders take responsibility for their ads; require companies and groups to disclose to the FEC within 24 hours of conducting any campaign-related activity or transferring money to other campaign groups; prevent foreign countries from contributing to the outcome of our elections; mandate that corporations, unions, and other groups disclose their campaign activities to shareholders and members in their annual and periodic reports; bar large government contractors from receiving taxpayer funds and then using that money to run campaign ads; restrict companies from ''sponsoring'' a candidate.

This is all commonsense stuff.

Let me be clear: I think we should go much further to change the way we finance campaigns in this country.

I believe very strongly in the Fair Elections Now Act, which would allow viable candidates who qualify for the fair elections program to raise a maximum of $100 from any donor. These candidates would receive matching funds and grants in order to compete with high roller candidates.

That would change the system fundamentally, and put average citizens back in control of their elections and their country.

But in the wake of the Citizens United decision, which would allow companies to spend freely and directly on political campaigns, the least we should do is to pass this commonsense transparency bill.

Is it asking too much to require a group or company to briefly mention that they are behind an ad, so that the American people know who is paying for what? I don't think it is. And once upon a time, many Republicans did not think so either.

I will close with one more quote from my friend from Kentucky, the minority leader, from an interview years ago on ''Meet the Press'':

> Republicans are in favor of disclosure.

You can't state a position much more clearly than that. Are they still? Or were Senate Republicans for campaign finance disclosure before they were against it?

We will find out soon enough.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. SCHUMER. Mr. President, I thank my colleague from Illinois for his, once again, elegant words and yield to my friend from Ohio who has been a great voice in this body for the average family, the working family. I yield the remaining time we have left this morning on our side to Senator BROWN.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN of Ohio. Mr. President, I thank the senior Senator from New York. How much time remains?

The PRESIDING OFFICER. There is 4 minutes 32 seconds remaining.

Mr. BROWN of Ohio. Mr. President, yesterday, in the Rose Garden, President Obama made clear the choice Members of this body face as they vote on the DISCLOSE Act. It is a choice between granting special interests unfettered and secret influence over their elections and the choice of ensuring basic protections to voices of everyday Americans.

Again, these will be ads run by interest groups that do not identify themselves—unfettered, secret, unlimited in the amount of money they can spend to elect their friends to Congress.

We know what happened in 2009 when corporations spent over $3 billion lobbying Congress to influence their agenda. We know with the Wall Street bill and the health care bill, more than $1 million a day was spent to weaken those laws. We know what ultimately happens, what happens when this kind of special interest influence descends on this body. First of all, the money they spend in elections to elect their friends and allies—BP, the drug companies, the insurance industries, the big companies that outsource jobs from the United States to China—we know what happens when they spend money to elect their friends, and we know what happens when they lobby in the Halls of Congress.

We saw examples of that particularly during the Bush years. I was in the

House of Representatives in those days, as was the Presiding Officer representing a district in New Mexico. We saw in those days the drug companies writing the Medicare legislation. The legislation was a bailout for the drug and insurance companies in the name of Medicare privatization. We saw it on trade issues. We saw the big companies that outsource jobs write trade agreements, such as NAFTA and CAFTA. On health care issues, we saw the big insurance companies writing legislation, assisting President Bush in getting his pro-insurance company legislation through. We know on the energy legislation, something the Presiding Officer worked to try to fix—unfortunately, we were all unsuccessful in the Bush years—with regard to writing energy legislation, we saw the oil companies do that.

If we do not fix this, if we do not pass the Schumer bill, we are going to see a further betrayal of the middle class, further betrayal of democratic ideals—democratic with a small ''d.'' We no longer can brook in this institution, giving the drug companies the authority to write Medicare legislation, the insurance companies the ability to write health care legislation, the big companies that outsource the ability to write trade legislation, the oil industry to write energy legislation. It has happened over and over again. We should have learned this lesson this decade.

My colleagues on the other side of the aisle are very comfortable with helping their benefactors, with helping the oil industry, the drug companies, the insurance companies, and those big companies that move overseas and outsource our jobs. That is why the DISCLOSE Act is very important. Whether you are a Republican or a Democrat, you do not want to see our democratic system become the puppet of corporate America or any other special interest. You do not want to give corporations the ability to drown out the voices of the people—their customers, workers, and, frankly, their shareholders.

The least we can do is empower citizens with information to evaluate the motives behind corporate and special interest spending. I do not want to see these huge dollars spent in these races, to be sure. But at a minimum, we have to make sure the public knows who is spending it, who the executives are who will benefit from these huge expenditures from the drug and insurance companies, from the oil industry, and those big companies that outsource.

It is a pretty clear choice. A vote for the DISCLOSE Act, a vote for cloture is a vote for the public interest. A vote against cloture, a vote against the DISCLOSE Act is getting right in line with giving those special interests—Wall Street, the drug companies, the insurance companies, the big companies that outsource jobs, the oil industry—what they want.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. SCHUMER. I thank my colleague once again for his outstanding pointed words—right on the money—and we will hear the end of this debate after we close.

INDEPENDENT LIVING CENTERS TECHNICAL ADJUSTMENT ACT

Mr. SCHUMER. Mr. President, I ask unanimous consent that the HELP Committee be discharged of H.R. 5610, the Independent Living Centers Technical Adjustment Act, and that the Senate then proceed to its consideration.

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

The clerk will report the title of the bill.

The legislative clerk read as follows:

A bill (H.R. 5610) to provide a technical adjustment with respect to funding for independent living centers under the Rehabilitation Act of 1973 in order to ensure stability for such centers.

There being no objection, the Senate proceeded to consider the bill.

Mr. SCHUMER. Mr. President, Senator HARKIN has a technical amendment, and I ask that the amendment be considered agreed to; the bill, as amended, be read a third time, passed, and the motion to reconsider be laid upon the table; that any statements relating to the bill be printed in the RECORD.

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

The amendment (No. 4518) was agreed to, as follows:

(Purpose: To extend a date)

In section 2(a)(2)(A), strike ''July 30'' and insert ''August 5''.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 5610), as amended, was read the third time and passed.

ORDER OF PROCEDURE

Mr. SCHUMER. Mr. President, I ask unanimous consent that the cloture vote scheduled to occur at 2:45 p.m. today be delayed to occur at 3 p.m., with the time division as previously ordered and under the same conditions and limitations.

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

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, at 12:31 p.m., the Senate recessed until 2:16 p.m. and reassembled when called to order by the Presiding Officer (Mr. BEGICH).

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

DISCLOSE ACT—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the time until 3 p.m. will be equally divided and controlled between the two leaders or their designees, with the majority leader controlling the final 15 minutes prior to a vote on the motion to invoke cloture on the motion to proceed to S. 3628.

Mr. LEAHY. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be equally divided.

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

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 PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCONNELL. Mr. President, I am going to proceed on my leader time.

The PRESIDING OFFICER. The Senator can proceed.

Mr. MCCONNELL. Mr. President, 8 years ago, Congress passed and the President signed a bill known as the Bipartisan Campaign Reform Act or BCRA. This bill was the culmination of a long and protracted battle in which I played a major part, as many of my friends on both sides of the aisle will recall. It garnered bipartisan support and bipartisan opposition. Many hearings were held, studies were conducted, and a lengthy record on both sides of the issue was developed.

I strongly opposed that bill. But I commend its authors for one thing: In drafting and passing BCRA, they made every effort to ensure that everybody had to play by the same rules—rules, moreover, that would not take effect in the middle of an election year. They wanted to make sure there was no appearance of giving one party a partisan advantage, and in that they succeeded.

Fast forward to today. Late last week, Democratic leaders decided to take us off of the small business bill to move to the DISCLOSE Act, a bill that is the mirror opposite of BCRA in the partisan way it was drafted and in the partisan way it is being pushed ahead of an election.

Let's be perfectly clear here. This bill is not what its supporters say it is. It is not an effort to promote transparency. It is not a response to the Supreme Court's ruling in Citizens United which has now been the law of the land for 7 months and which, contrary to the breathless warnings of some, has not caused the world to stop turning on its axis.

This bill is a partisan effort, pure and simple, drafted behind closed doors by current and former Democratic campaign committee leaders, and it is aimed at one thing and one thing only. This bill is about protecting incumbent Democrats from criticism ahead of this November's election—a transparent attempt to rig the fall election.