should have their vote counted as a ''no'' vote, you probably ought to vote for my friend's resolution. I do not think we should.

I think we should uphold good democratic principles, principles by which, I say, bond issues or other ballot initiatives are always done. You do not count someone if they do not vote. We do not do it here. We do not do it anywhere in this country, and it should not apply here any longer. So I ask for a ''no'' vote on the resolution of disapproval so we can have free, fair, and open elections.

The PRESIDING OFFICER. The Senator has used his time.

The Senator from Georgia.

Mr. ISAKSON. Madam President, I keep hearing the argument that you should not count a ''no'' vote; it is undemocratic. Today, at 2:15, the Senate will vote on a cloture motion, and everyone who does not vote is counted as a ''no'' vote as it requires 60 votes out of 100 to get cloture. So we have to make that point from the outset, No. 1.

No. 2, this is not about being antiunion or against unions or promanagement. This is about a 75-year-old history in the United States of America for the essential service of commerce in terms of railroads and airlines. We have historically had the National Mediation Board rule that required a majority of the people who would be affected in the class rather than just a simple majority of those voting for a very precise reason: because it is a permanent decision, as referenced by the quotes in letters from the Under Secretary of Labor.

While I understand the chairman's remark that the Under Secretary of Labor is just the Under Secretary of Labor, she is the Under Secretary of Labor appointed by the President of the United States.

While the chairman says the courts have ruled in favor of this particular ruling of the National Mediation Board, the Supreme Court has twice said they are wrong. Granted, those were in other cases. But twice the National Mediation Board authority has gone to the U.S. Supreme Court, and twice the U.S. Supreme Court has upheld it.

Even all the way back to 1976, President Jimmy Carter, from the State of Georgia, spoke eloquently about the importance of National Mediation Board rules and what it takes to unionize under that versus the NLRB.

So I appreciate very much the arguments the Senator has made, but the facts are quite clear that it is better for the United States of America, it is better for workers in the transportation industry, and it has been historically upheld by the highest Court in the land that the rules of the National Mediation Board serve the people of the United States of America better than any other alternative that was presented.

So with all due respect, I would quote that letter, once again, from the Delta flight attendant who talked about their 31-year experience. Why would you, in the cause of a merger, have a union request for an election pulled out to give a board enough time to change the rules under which that election would take place? It is not fair.

I wish to also say the 1996 Congressional Review Act is very important. Congress ought to have a say-so in the action of boards of the executive branch. We do have a system of three branches of government. We do have a system of checks and balances. But it has obviously been, apparently—as in this case and in others—that this administration has attempted, where it can, to go around the authority of the Senate in advice and consent, by appointing czars or, in this case, to go around the Senate of the United States by using the National Mediation Board.

I would respectfully submit this is a legitimate question—not of whether you are for a union or against one or prefer management and do not prefer a union—this is a debate about extending a 75-year-old precedent which has served the United States of America well and has been upheld in 12 administrations and by the Supreme Court twice. It has been argued favorably by those 12 administrations every time it has been challenged and by the current administration's documentation, which I submitted, which has shown this is a permanent decision at the National Mediation Board.

I would submit, the right thing for us to do is to join together today and vote yes in favor of the motion to proceed to S.J. Res. 30. I respectfully urge my colleagues to do that.

I yield back the remainder of the time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the motion to proceed to S.J. Res. 30.

Mr. ISAKSON. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Alaska (Ms. MURKOWSKI).

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

The result was announced—yeas 43, nays 56, as follows:

[Rollcall Vote No. 239 Leg.]

YEAS—43

Alexander	Corker	Isakson
Barrasso	Cornyn	Johanns
Bennett	Crapo	Kyl
Bond	DeMint	LeMieux
Brown (MA)	Ensign	Lincoln
Brownback	Enzi	Lugar
Bunning	Graham	McCain
Burr	Grassley	McConnell
Chambliss	Gregg	Nelson (NE)
Coburn	Hatch	Pryor
Cochran	Hutchison	Risch
Collins	Inhofe	Roberts
Sessions	Thune	Wicker
Shelby	Vitter	
Snowe	Voinovich	

NAYS—56

Akaka	Franken	Mikulski
Baucus	Gillibrand	Murray
Bayh	Goodwin	Nelson (FL)
Begich	Hagan	Reed
Bennet	Harkin	Reid
Bingaman	Inouye	Rockefeller
Boxer	Johnson	Sanders
Brown (OH)	Kaufman	Schumer
Burris	Kerry	Shaheen
Cantwell	Klobuchar	Specter
Cardin	Kohl	Stabenow
Carper	Landrieu	Tester
Casey	Lautenberg	Udall (CO)
Conrad	Leahy	Udall (NM)
Dodd	Levin	Warner
Dorgan	Lieberman	Webb
Durbin	McCaskill	Whitehouse
Feingold	Menendez	Wyden
Feinstein	Merkley	

NOT VOTING—1

Murkowski

The motion was rejected.

DISCLOSE ACT—MOTION TO PROCEED—Resumed

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of the motion to reconsider the vote by which cloture was not invoked on the motion to proceed to S. 3628, which the clerk will report.

The legislative clerk read as follows:

Motion to proceed to Calendar No. 476, S. 3628, a bill to amend the Federal Election Campaign Act of 1971 to prohibit foreign influence in Federal elections, to prohibit government contractors from making expenditures with respect to such elections, and to establish additional disclosure requirements with respect to spending in such elections, and for other purposes.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is agreed to, and the time until 2:15 p.m. will be equally divided and controlled between the two leaders or their designees.

The PRESIDING OFFICER. The Senator from Washington.

TAXPAYER ASSISTANCE ACT OF 2010

Mrs. MURRAY. Madam President, I ask unanimous consent that the Finance Committee be discharged from further consideration of H.R. 4994, taxpayer assistance, and the Senate then proceed to its immediate consideration; that all after the enacting clause be stricken and the text of the Baucus substitute amendment, the text of Calendar No. 572, S. 3793, be inserted in lieu thereof; that the substitute amendment be agreed to, the bill, as amended, be read a third time and passed, and the motion to reconsider be laid upon the table; that the title amendment, which is at the desk, be considered and agreed to.

The PRESIDING OFFICER. Is there objection?

The Senator from South Dakota.

Mr. THUNE. Madam President, reserving the right to object, will the Senator from Washington modify her request to substitute a Thune amendment regarding extenders, the text of which is at the desk?

The PRESIDING OFFICER. Will the Senator from Washington modify her request?

The Senator from Montana.

Mr. BAUCUS. Madam President, I am sorry. I was distracted. Is there a UC request pending before the Senate at this moment?

The PRESIDING OFFICER. There is.

Mr. BAUCUS. Might I ask, who is propounding the unanimous consent request?

The PRESIDING OFFICER. It is offered by the Senator from Washington. The Senator from South Dakota has asked for her to modify this request.

Mr. BAUCUS. I object to the modification.

The PRESIDING OFFICER. Is there objection to the original request?

Mr. THUNE. Madam President, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Washington.

Mrs. MURRAY. Madam President, I ask to speak as in morning business for 10 minutes.

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

Mrs. MURRAY. Madam President, I thank the chairman of the Finance Committee, Senator BAUCUS, who has been a true champion in helping us get some critical tax extenders passed. I am deeply disappointed that the Republicans have again objected to us moving forward.

Middle-class families in my home State of Washington are struggling. I have heard from so many of them who have lost their jobs, who have seen their life savings disappear, who told me they were doing everything they can to pay their bills and keep their homes and get their lives back on track. And they are asking for just a little bit of help. So it is for these families and many others across Washington State that I come to the floor today.

Over the last few months, we have tried to pass legislation that would extend critical tax cuts for our middle-class families across the country who are struggling today and need some support. But every time we try to pass this bill, as we just tried to do, Senate Republicans block it. They said no to a commonsense proposal that will cut taxes for innovative companies that expand and create jobs. They just said no to a bill that will help our clean energy companies compete and expand. They said no to our plan to extend the critical sales tax deduction that would put more money into the pockets of families in States such as Washington. They said no despite the fact that these tax cuts are fully paid for.

So, Madam President, I want to focus on a few pieces of this legislation that middle-class families and small businesses in my home State of Washington are counting on us to pass.

First of all, I want to spend a few minutes on one of the tax credits that has just been blocked that is truly a matter of fundamental fairness for families in my home State of Washington. As all of my colleagues know, State and local governments across the country use a number of different tools to raise revenue. Some have income taxes, some use the sales tax, others use a combination of both. Families who pay State and local income taxes have long been able to offset some of what they pay for by receiving a deduction on their Federal taxes. But until 2004, taxpayers didn't have the ability to deduct their State sales tax, which meant families and small businesses in States where that was their main revenue source were paying more than their fair share. That was wrong. Back in 2004, I fought hard, along with Senator CANTWELL and others, to change that provision and finally level the playing field for Washington State.

I am proud to say that change saved families and small businesses in my State hundreds of millions of dollars every year. Unfortunately, however, the State sales tax deduction is due to expire this year. Unless we act—and we were just blocked from doing so—families across my State are going to suffer. They are going to have less money in their pockets, and they are going to have more uncertainty in the Tax Code.

I have heard from a lot of my constituents who have told me they are now holding off making major purchases simply because they are not sure if that tax deduction will be there for them. They are putting off the purchase of cars, of home appliances, and that is hurting our State's business climate, just as our small businesses are struggling to recover.

So this is not just about removing a bias in the Tax Code that is fundamentally unfair to States such as mine, it is also about encouraging spending and boosting our economy, helping our small business owners, and providing some long-awaited certainty so taxpayers in my State can plan for their financial future. In other words, it is about helping middle-class families and supporting Main Street businesses.

I also want to talk about another tax credit that just got blocked. I recently visited a clean energy company in Seattle, WA, called Propel Fuels. This business has been fighting to market domestically produced—domestically produced, right here—low-carbon biodiesel, but they depend on a critical biofuels tax that expired. The bill I just attempted to pass—blocked by Republicans—would extend that critical provision.

Propel Fuels represents the future of our economy. They are the kind of company that will help make sure our country remains at the forefront of innovation and growth. It is a company working to drive our economy forward and create new 21st-century careers. But they can't do it alone. After years and years of subsidies and tax breaks for the oil industry, companies such as Propel Fuels depend on the clean energy tax credits in this bill to be able to compete on a level playing field. These credits support companies that are working on new, innovative, and renewable energy sources, and they will help them continue their work to unshackle this economy, tap the creative energy of our workers, and create good, high-paying jobs in my home State of Washington and across the entire country.

This is exactly what our economy needs right now—jobs right away and a strong investment for the future. That is why it is so important the biodiesel tax credit be extended, along with the R&D tax credit and other tax cut extensions that are in the bill I just offered to move and which was blocked, once again, by Republicans. These companies want to expand, they want to create jobs, and they were just told no.

This should not be a partisan issue. It is common sense. We put together a bill that would extend tax credits to individuals and to small businesses—tax credits that have been supported in the past by Democrats and Republicans alike. It is a bill that will provide incentives for clean energy companies to expand and create jobs, and we need that badly now. It would allow families in my home State of Washington to deduct their local sales tax from their Federal returns, and that would support companies that are innovative and creative and helping our economy get back on track.

It is fully paid for, as this country has told us we must do. It is responsible, and it is the right thing to do.

In my home State of Washington, families are hurting. Many of them are fighting every day just to stay on their feet. This bill isn't going to solve every problem overnight, but it will put money back in their pockets and help our local businesses expand and create jobs so we have hope for the future. It pays for those tax-cut extensions responsibly by closing corporate loopholes.

So Senate Republicans have again opposed this, as they have in the past, and the question is, Are they going to stand with middle-class families and innovative businesses such as Propel Fuels to cut their taxes; or are they going to continue to stand with large corporations to protect their unfair tax loopholes?

Mr. President, I hope Senate Republicans have a moment to pause and think about the impact they are having on jobs and families—middle-class families and businesses that are trying to create new jobs and expand for the future. I hope they remind themselves before we head home this is good politics. It is good politics to help our families and our small businesses. It is good politics to help our clean energy companies.

Right now, when our economy is trying to recover, we should not go home without extending these tax cuts, and I am going to keep working to stand up for our middle-class families and our

Main Street businesses and keep working to try and pass this bill.

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

The PRESIDING OFFICER (Mr. BURRIS). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. BENNETT. Mr. President, we have had a lot of conversation about the DISCLOSE Act. I am a member, indeed the ranking member, of the Rules Committee where the DISCLOSE Act, if it had been referred to committee, would have come for consideration. Unfortunately, the DISCLOSE Act was not referred to committee. We in the committee have had no opportunity to amend it, no opportunity to hold hearings on it, no opportunity to hear from witnesses who may have differing opinions from the version that passed the House. It has been brought to the floor in such a manner that the committee has simply been bypassed.

For that reason, therefore, any objections we might have with respect to the way the bill is currently worded have to be raised on the floor. Any concerns we have as to the inequities in the bill have to be raised on the floor. It has made the whole thing more contentious than it needs to be.

The DISCLOSE Act, by name, suggests that all it is is disclosure. It doesn't address any other issue than how people who are going to exercise their rights under the first amendment do so, the specifics of how they do that, and the specifics of who is behind the advertising that takes place in accordance with the decision of the Supreme Court. I pointed out in the past and repeat as a reference that prior to the Supreme Court's decision, it was possible for Michael Moore to produce a movie that would attack George W. Bush and be completely acceptable, completely legal. But it was not possible for the people who formed Citizens United to produce a movie that attacks Hillary Clinton and have that be legal. The difference was Michael Moore was acting as an individual. These people were acting collectively. Because they chose the corporate form of organization for their collective action, the previous law said: You cannot do this.

The Supreme Court ruled—I think accurately—that if Michael Moore has a right to make a movie, so does Citizens United. If Michael Moore has a right to attack George W. Bush, Citizens United has the right to attack Hillary Clinton. I frankly think Michael Moore's movie probably had more to do with moving votes than the Citizens United movie did.

But be that as it may, neither one of them seems to have had that much impact on the body politic.

But that is not the point. The point is, the Supreme Court ruled freedom of speech means freedom of speech, and if it is OK for one movie to be made under one set of circumstances, it is equally OK for another movie to be made under a slightly different set of circumstances.

There are those who say: No, no, no; this opens up the world for corporations to fund advertisements to distort and destroy and affect our elections.

I have several reactions to that; the first one being, I have seen political ads that have been funded by rich individuals through the mechanism of a 527. If I were on the other side of the issue—and, indeed, in many cases I was—I would like to keep those ads running because the individuals who put up the money for the ads did not know how to write an effective ad. They were exercising their freedom of speech, but they were doing it in an amateurish kind of way, and under current law—and the Supreme Court decision did not change this—they could not give the money to the political parties that know what they are doing. They had to express themselves on their own, and many of them did not know how to do that very well.

So all of this excitement about the airwaves are going to be flooded with tremendously persuasive advertisements from national corporations that are going to distort our political process is making some assumptions about the voters that I think are not true. They are making assumptions about the ability of a corporation to enter this field and do something very dramatic that I think is not true.

But missing from this discourse about how terrible it is going to be if corporations start doing this—and we are not seeing any signs of how terrible this is happening in the real world—is any mention of another group that received exactly the same kind of green light from the Supreme Court as corporations did, another group that is barred by the same law that says corporations cannot contribute directly to a political party that will benefit enormously, and a group that has demonstrated it has the capacity to create a political advertisement that is effective.

I am talking about unions. Unions have the same kind of freedom that corporations have under this decision from the Supreme Court. Unions can now spend money speaking freely about candidates and using their names in ways that presumably they could not have done before.

Are we going to assume that the Supreme Court decision is going to unleash a flood of millions and millions of dollars of corporate money, but that the unions are going to sit quietly on the sidelines with their hands folded across their chests doing nothing?

If, indeed, there is going to be an avalanche of political spending coming as a result of this decision, I guarantee it is going to come from the unions every bit as much as it is going to come from the corporations. Indeed, it is my expectation it will come far more from the unions than it will come from the corporations.

Think about the big corporations in America. How do most of them make their money? They make their money by selling products to the American people, and they are good at advertisements to sell products. If I were on the board of one of these major corporations, and someone came to me and said: All right, we want to spend corporate money to put together an ad or put together a movie or put together any kind of political speech and put our corporate name on it, I would say: Now, wait a minute. Are you sure you want to run the risk of offending the customers of our product who may not agree with our political position? Let's be a little careful about this.

I think there are going to be some very circumspect conversations in the boardrooms of America's largest corporations before they come rushing in to the political arena in the fashion our friends across the aisle are predicting.

On the other hand, do the unions care? Do the unions feel it will damage their public image if they are seen advertising with tremendous expenditures under the decision the Supreme Court handed down? No. They do not worry about selling products to the American people. They exist in many instances primarily because of favors they received from the government. For those who talk about the DISCLOSE Act, saying this will open the floodgates for corporations and never mentioning unions is to demonstrate they are ignoring what the situation really is.

Mr. MCCONNELL. Will the Senator yield for a question?

Mr. BENNETT. I would be honored.

Mr. MCCONNELL. If I recall correctly, this is not the first election under which independent groups have been extraordinarily active in advertising in political campaigns. In fact, I recall quite precisely that independent groups aligned with the other side of the aisle, according to those who keep the statistics on this, spent twice as much in 2006 and a similar amount in 2008 as outside groups that might be typically aligned with Senators such as Bennett and McConnell. Where was the outrage a couple cycles ago?

I would ask my friend, did Citizens United in any serious way change the landscape, in any event?

Mr. BENNETT. I thank the leader for his question, and the leader's recollection is entirely correct. I remember when we passed the Campaign Finance Act we were told this will get big money out of politics. I remember the first elections fought after the passage of that bill saw the greatest amount of spending we have ever seen in American history, and the amount of spending has only gone up.

All we did—and I am quoting from the minority leader's own comments at the time in the debate—all we did was

redirect how the money was going to go. In my view, all the Supreme Court did in their decision was to be fair in saying if a group gets together and organizes themselves, as Citizens United, they have exactly the same right to speak as Michael Moore had. If he makes a movie, they could make a movie. The Supreme Court said both movies are legitimate. I do not think we are going to see any kind of the consequences of the sort we have heard.

Mr. President, I recognize the leader is on the Senate floor, and I will yield the floor so he might continue whatever it is he has to say on this issue.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, before the leader speaks, may I pose a question? What is the status of time in terms of the minority and the majority on this issue?

The PRESIDING OFFICER. The majority is out of time, and the minority has retained just under 8 minutes.

Mr. SCHUMER. Mr. President, I would ask unanimous consent that the leader be allowed to speak for as long as he chooses and that I be given 5 minutes after that to conclude for the majority, and the vote be delayed until after that.

Mr. MCCONNELL. Mr. President, if I may, I do not need the Senator from New York to intervene. I am happy to use my leader time, which may be the solution to the time problem.

Mr. SCHUMER. That would be fine with me, if that works. Does that still——

Mr. MCCONNELL. Mr. President, I am going to proceed under my leader time, and then Senator SCHUMER can ask his consent if it is necessary. He may have enough time to close.

Mr. SCHUMER. I thank the Senator.

The PRESIDING OFFICER. The minority leader is recognized.

Mr. MCCONNELL. Mr. President, for the past 2 days, Democratic leaders have demonstrated once again their total lack of interest in the priorities of the American people.

At a time of near double-digit unemployment and skyrocketing debt, Americans would like to see us focus on jobs and the economy. Yet for the past 2 days, Senate Democrats have forced us to return once again to a debate we have already had on a bill the Senate has already rejected—a bill that focuses not on creating jobs for the American people but with saving the jobs of Democratic politicians in Washington.

That is what this debate is about. Our friends on the other side would have the public believe this bill is about transparency. It is not. Here is a bill that was drafted behind closed doors, without hearings, without testimony, and without any markups—a bill that picks and chooses who gets the right to engage in the political process and who does not; a bill that seeks, in other words, to achieve an unlevel playing field; a bill that is back on the floor for no other reason than the fact that our friends on the other side have declared this week ''politics only'' week in the Senate.

The only thing transparent here is the effort this exercise represents to secure an electoral advantage for the Democrats. So this is a completely distasteful exercise.

At a time when Americans are clamoring for us to do something about the economy, Democrats are not only turning a deaf ear, they are spending 2 full days working to silence the voices of even more people with a bill that picks and chooses who has a full right to political speech.

Let's face it, what our friends on the other side want is what they have always seemed to want: more government control. They want the government to pick and choose who gets to speak in elections, and how much they speak. That is why they are also pressing at the same time for taxpayer-funded elections—something the assistant majority leader called for once again just yesterday.

So Democrats have spent the past year and a half taking over banks, car companies, insurance companies, the student loan business—you name it—and now they want the taxpayers to foot the bill for their campaign ads as well.

Earlier today, the House Committee on House Administration marked up a bill that would stick taxpayers with a bill for House elections nationwide. Think of that: taxpayer money for attack ads, for buttons, for balloons and bumper stickers.

Have they no shame? Have they no shame? Our cumulative debt now the size of our economy, and they want to spend tax dollars on political campaigns.

I mean, even if they do not agree with the principled arguments against this kind of an effort, I would submit that in a time of exploding deficits and record debt the last thing the American people want right now is to provide what amounts to welfare for politicians.

Think about it. One recent estimate puts the annual cost to taxpayers of funding every Federal election at about $1.8 billion each year. That is $1.8 billion more that taxpayers would have to shell out than they already are. For what? For what? For politicians to throw campaign events and run ads that taxpayers may not even agree with or which they find downright outrageous.

One of the groups that supports this scheme calls it ''an incredibly good deal for taxpayers.'' Well, I strongly suspect that most taxpayers would not share that view. Americans want us to stop the wasteful spending. Another $1.8 billion on balloons and bunting is not their idea of a step in the right direction.

So why are Democrats doing this? Why are they proposing taxpayer financing of political campaigns and the DISCLOSE Act right now, at a time when Americans want them to focus on jobs and the economy?

I think it is pretty obvious. This is pure politics—pure.

After spending the past year and a half enacting policies Americans do not like, Democrats want to prevent their opponents from being able to criticize what they have done. After spending a year and a half enacting policies the American people do not like, they want to silence the voices of critics of what they have done. They want to prevent their critics from speaking out.

So here we are, 2 days debating this partisan, political, dead end bill that does not do one thing to help the economy, reduce the deficit, or create a single job.

Americans deserve a lot better. Americans are speaking out. But focusing on this bill shows that Democrats in Washington still are not listening. So, once again, I will be voting no on this legislation, and I encourage my colleagues to do the same.

I yield the floor.

Mr. LEVIN. Mr. President, the Senate once again has an opportunity to defend the public's confidence in our democratic system. In July, we missed this opportunity by failing to approve a motion to proceed to the DISCLOSE Act, a vital step in preserving the transparency and integrity of our elections. I urge my colleagues not to repeat that mistake. We should take up, debate, and pass the DISCLOSE Act.

Nearly a year ago, the Supreme Court discarded decades of precedent and concern for the health of our democracy when it decided on a 5–4 vote to eliminate regulations on corporate expenditures on elections. I strongly disagreed with that decision, but it is now the law of the land, and we are left with the task of trying to preserve the ability of individual Americans to be heard in a political process that could be swamped by a flood of corporate money.

The DISCLOSE Act requires corporations, unions, or advocacy organizations to stand by their advertisements and inform their members about their election-related spending. It imposes transparency requirements, requires spending amounts to be posted online, and prevents government contractors, corporations controlled by foreigners, and corporate beneficiaries of TARP funds from spending money on elections. I am an original cosponsor of the act because I believe it is essential to protect public confidence in the integrity of our elections.

By establishing these requirements, we will not prevent corporations from engaging in the activities the Supreme Court has allowed. We are simply giving Americans the ability to see how these companies, unions and other groups are seeking to influence the political process. This should not be an issue of Republicans and Democrats.

We should all agree that our democracy is best served when its election campaigns are conducted transparently.

The American people are depending on us to defend the integrity of the political process. We should not fail to uphold that responsibility. I urge my colleagues to debate and adopt adopt this vital legislation.

Mr. FEINGOLD. Mr. President, I strongly support the DISCLOSE Act and I believe the Senate should be allowed to consider it. I am pleased to see this bill get such strong support from my colleagues on the Democratic side, and I urge my Republican colleagues to think long and hard before again blocking it even from coming to the floor. I have a long history of bipartisan work on campaign finance issues. I am not interested in campaign finance legislation that has a partisan effect. This bill is fair and evenhanded. It deserves the support of Senators from both parties.

As the name suggests, the central goal of this bill is disclosure. It aims to make sure that when faced with a barrage of election-related advertising funded by corporations, which the Supreme Court's decision in the Citizens United case has made possible, the American people have the information they need to understand who is really behind those ads. That information is essential to being able to thoughtfully exercise the most important right in a democracy—the right to vote.

It is no secret that the Senator SCHUMER and I, and all of the original cosponsors of the bill, were deeply disappointed by the Citizens United decision. We don't agree with the Court's theory that the first amendment rights of corporations, which can't vote or hold elected office, are equivalent to those of citizens. And we believe that the decision will harm our democracy. I, for one, very much hope that the Supreme Court will one day realize the mistake it made and overturn it.

But the Supreme Court made the decision and we in the Senate, along with the country, have to live with it. The intent of the DISCLOSE Act is not to try to overturn that decision or challenge it. It is to address the consequences of the decision within the confines of the Court's holdings. Congress has a responsibility to survey the wreckage left or threatened by the Supreme Court's ruling and do whatever it can constitutionally to repair that damage or try to prevent it.

In Citizens United, the Court ruled that corporations could not constitutionally be prohibited from engaging in campaign related speech. But, with only one dissenting Justice, the Court also specifically upheld applying disclosure requirements to corporations. The Court stated:

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

The Court also explained that disclosure is very much consistent with free speech:

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

The Court also made clear that corporate advertisers can be required to include disclaimers to identify themselves in their ads. It specifically reaffirmed the part of the McConnell v. FEC decision that held that such requirements are constitutional.

The DISCLOSE Act simply builds on disclosure and disclaimer requirements that are already in the law and that the Court has said do not violate the first amendment. For years, opponents of campaign finance reform have argued that all that is needed is disclosure. Well, in a very short time we will find out whether they were serious, because that is what this bill is all about.

If the Senate is allowed to proceed to the bill, there will be time to discuss its provisions in more detail, and perhaps to amend them. One amendment that obviously will need to be made is to the effective date. Any bill that passes at this point is not going to apply to the upcoming election, and we should amend the bill to make it applicable only to elections beginning in 2012. But I do want to comment on one provision that has caused controversy, which was added in the House—the exception for large, longstanding groups, including the National Rifle Association.

I am not a fan of exceptions to legislation of this kind. I would prefer a bill, like the one we introduced, that does not contain this exception. But the fact is that the kinds of groups that are covered by the exception are not the kinds of groups that this bill is mostly aimed at. Knowing the identity of individual large donors to the NRA when it runs its ads is not providing much useful information to the public. Everyone knows who the NRA is and what it stands for. You may like or dislike this group's message, but you don't need to know who its donors are to evaluate that message.

The same cannot be said about new organizations that are forming as we speak to collect corporate donations and run attack ads against candidates. One example is a new group called American Crossroads. It has apparently pledged to raise $50 million to run ads in the upcoming election. Can any of my colleagues tell me what this group is and what it stands for? Don't the American people have a right to know that, and wouldn't the identity of the funders provide useful information about the group's agenda and what it hopes to accomplish by pumping so much money into elections? Even Citizens United, the group that brought the case that has led us to this point, is not known to most people. Why shouldn't the American people know who has bankrolled that group, if it is going to run ads and try to convince people to vote a certain way?

Disclosure is the way we make this crucial information available to the public. But if a group is around for 10 years, has members in all 50 States, and receives only a small portion of its budget from corporations or unions, there is less reason for the kind of detailed information that the DISCLOSE Act requires. So while I would prefer that this exception wasn't in the bill, I understand why the House felt it was necessary, and I don't think it undermines the bill's purpose or makes it fundamentally unfair.

Most of the complaints about the DISCLOSE Act are coming from interests that want to take advantage of one part of the Citizens United decision—the part that allows corporate spending on elections for the first time in over 100 years—and at the same time pretend that the other part of the decision—the part upholding disclosure requirements—doesn't exist. But the law doesn't work that way. As the old saying goes, ''you can't have your cake and eat it too.''

Once again, I very much appreciate the leadership of the Senator from New York and look forward to working with him and all my colleagues to pass this bill. I urge my colleagues to support the motion for reconsideration and vote for cloture on the motion to proceed.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, first I would simply note that the bill before us has nothing to do with public financing of campaigns; it simply has to do with disclosure.

I rise today in support of DISCLOSE, the Democracy Is Strengthened by Casting Light on Spending in Elections Act, and I urge my colleagues to support this bill.

This bill is in direct response to Citizens United v. FEC in which the Supreme Court, led by Chief Justice Roberts and its activist majority, overruled almost a century of law and precedent and held that corporations have the same first amendment rights as people. As I have said before, because of this decision, the winner of every upcoming election won't be Democrats or Republicans; it will be special interests. And it will come at the expense of the voice of the ordinary American. The Court's decision lifted well-established restrictions on corporate and union spending in elections. This created a loophole in which these entities can now create anonymous groups to serve as a conduit to anonymously funnel money. The intent is to deceive the public and hide the real motives of those spending on these ads.

We have worked within the contours of the Court's decision in order to draft the DISCLOSE Act.

I ask those who support sunlight in campaign spending to work with us to pass this bill.

You think we are using this bill as a political tool to influence elections? OK. We will change the effective date to January 2011 so it won't apply to this November's election. We will welcome this change and encourage Republican amendments and debate on this bill because it is essential to the health of our democracy. We are also willing to consider paring the bill down, per the suggestion of my colleague, Senator SNOWE, in her statement, and limiting it to the core provisions regarding enhanced disclosures and disclaimers.

Both disclosure and disclaimer were proclaimed to be constitutional and effective ways to regulate corporate and union spending by eight of the nine Justices in Citizens United and were upheld in a later decision, Doe v. Reed. The Court specifically stated that disclosure requirements ''do not prevent anyone from speaking''—do not prevent anyone from speaking—and found that there was strong governmental interest in ''providing the electorate with information about the sources of election-related funding.'' The Court also concluded that ''disclosure permits citizens and shareholders to react to the speech of corporate entities in a proper way'' and to ''give proper weight to different speakers and messages.'' To be clear, disclosure does not chill speech. We do not want to chill speech. We merely want the American public to have details about who is speaking. These disclosure and disclaimer provisions allow the American public to know exactly who is bankrolling campaign advertisements. The American public deserves nothing less.

I would note that a strong majority of the American public—Democrats, Republicans, and Independents—disapproved of the Supreme Court's opinion in Citizens United and support disclosure and disclaimer provisions.

In removing the restrictions on corporate and union campaign spending, the Citizens United decision has opened a door for the creation of shadow groups whose spending is not clearly regulated. Neither the IRS, which has jurisdiction for nonprofits, nor the FEC provides oversight for these groups. That is a scary thought. In fact, one such group, American Crossroads, the leader in campaign spending in the Senate, was created by Karl Rove, who pledged to spend $50 million on just the 2010 election cycle. In fact, since our last vote on this issue, it has been reported that these shadow groups have raised $20 million.

A former Republican FEC Commissioner, Michael Toner, stated on the front page of the New York Times this week that, from his personal experience, ''the money is flowing.'' It is clear to us that the money is flowing; we just aren't permitted to know from whom it is coming. It is clear that this money isn't coming from the average voter. These groups are created, funded with secret donations, and then they disappear just as quickly as they appeared, all with no real disclosure. They are not created to be a voice of the people. It has been reported that the vast majority of American Crossroads funding is from four billionaires. Why are we letting the voice of these four people drown out the rest of America? This is outrageous.

In conclusion, the American people deserve to know what each and every one of us in this Chamber truly believes. Are we for openness, transparency, and giving the voters information they need to make their choices in the voting booth or do we really believe, despite our rhetoric, that it is OK for special interests to spend freely on all kinds of political advertising but keep the voters in the dark about who is paying for it?

The Supreme Court's decision this year has made it imperative for us to act now.

Mr. President, I yield the floor.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order and pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 476, S. 3628, the DISCLOSE Act.

Harry Reid, Charles E. Schumer, Sherrod Brown, Claire McCaskill, Patrick J. Leahy, John F. Kerry, Byron L. Dorgan, Patty Murray, Barbara Boxer, Roland W. Burris, Robert Menendez, Jack Reed, Joseph I. Lieberman, Tom Udall, Kent Conrad, Mark Begich, Robert P. Casey, Jr.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call is waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 3628, a bill to amend the Federal Election Campaign Act of 1971 to prohibit foreign influence in Federal elections, to prohibit government contractors from making expenditures with respect to such elections, and to establish additional disclosure requirements with respect to spending in such elections, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. KYL. The following Senators are necessarily absent: the Senator from Texas (Mrs. HUTCHISON) and the Senator from Alaska (Ms. MURKOWSKI).

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

The yeas and nays resulted—yeas 59, nays 39, as follows:

[Rollcall Vote No. 240 Leg.]

YEAS—59

Akaka	Gillibrand	Murray
Baucus	Goodwin	Nelson (NE)
Bayh	Hagan	Nelson (FL)
Begich	Harkin	Pryor
Bennet	Inouye	Reed
Bingaman	Johnson	Reid
Boxer	Kaufman	Rockefeller
Brown (OH)	Kerry	Sanders
Burris	Klobuchar	Schumer
Cantwell	Kohl	Shaheen
Cardin	Landrieu	Specter
Carper	Lautenberg	Stabenow
Casey	Leahy	Tester
Conrad	Levin	Udall (CO)
Dodd	Lieberman	Udall (NM)
Dorgan	Lincoln	Warner
Durbin	McCaskill	Webb
Feingold	Menendez	Whitehouse
Feinstein	Merkley	Wyden
Franken	Mikulski	

NAYS—39

Alexander	Cornyn	LeMieux
Barrasso	Crapo	Lugar
Bennett	DeMint	McCain
Bond	Ensign	McConnell
Brown (MA)	Enzi	Risch
Brownback	Graham	Roberts
Bunning	Grassley	Sessions
Burr	Gregg	Shelby
Chambliss	Hatch	Snowe
Coburn	Inhofe	Thune
Cochran	Isakson	Vitter
Collins	Johanns	Voinovich
Corker	Kyl	Wicker

NOT VOTING—2

Hutchison Murkowski

The PRESIDING OFFICER. On this vote, the yeas are 59, the nays are 39. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion on reconsideration is rejected.

The Senator from North Dakota is recognized.

FEDERAL AVIATION ADMINISTRATION EXTENSION ACT OF 2010

Mr. DORGAN. Mr. President, I am going to propound a unanimous consent request that will extend FAA authority until December 31 of this year. This is another extension. We have had extension after extension of the FAA Reauthorization Act, which expires, so we extend it.

Let me in 1 minute say we have worked on a bill that would reauthorize the FAA. It has many component parts dealing with safety and other issues. It deals with the modernization of our entire air traffic control system. The Europeans are going full steam, and we need to work on this for a wide range of reasons: safety in the skies, better environment, more direct flying routes, less time in the air, and a whole series of things. Yet this piece of legislation that represents the investment in airport infrastructure, modernization of our air traffic control system, and so many other things is continuing to be blocked, and it is a profound disappointment to me.

Senator ROCKEFELLER and I and Senator KAY BAILEY HUTCHISON and others have worked to write this legislation. It is bipartisan. It passed through the Commerce Committee, passed through