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

the full Senate, and now we are trying to negotiate an agreement with the House. Someone said to me as I came in today, I understand FAA reauthorization is dead for this session. I said: That is not the case. Senator ROCKEFELLER and I remain hopeful that between now and the end of the year we will be able to solve those remaining few points and get this done. It is critically important—very important—that we get this done.

So I make this unanimous consent request with the understanding that I am continuing to work on it, as is Senator ROCKEFELLER and Senator HUTCHISON and many others to try to get the FAA reauthorization bill done through the House and the Senate and get it resolved.

Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 324, H.R. 4853.

The PRESIDING OFFICER. The clerk will report the bill by title.

The bill clerk read as follows:

A bill (H.R. 4853) to amend the Internal Revenue Code of 1986 to extend the funding expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes.

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

Mr. DORGAN. Mr. President, I ask unanimous consent that the amendment at the desk be considered and agreed to; that 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. 4656) was agreed to, as follows:

(Purpose: To extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes)

Strike all after the enacting clause, and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Airport and Airway Extension Act of 2010, Part III''.

**SEC. 2. EXTENSION OF TAXES FUNDING AIRPORT AND AIRWAY TRUST FUND.**

(a) FUEL TAXES.—Subparagraph (B) of section 4081(d)(2) of the Internal Revenue Code of 1986 is amended by striking ''September 30, 2010'' and inserting ''December 31, 2010''.

(b) TICKET TAXES.—

(1) PERSONS.—Clause (ii) of section 4261(j)(1)(A) of the Internal Revenue Code of 1986 is amended by striking ''September 30, 2010'' and inserting ''December 31, 2010''.

(2) PROPERTY.—Clause (ii) of section 4271(d)(1)(A) of such Code is amended by striking ''September 30, 2010'' and inserting ''December 31, 2010''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2010.

**SEC. 3. EXTENSION OF AIRPORT AND AIRWAY TRUST FUND EXPENDITURE AUTHORITY.**

(a) IN GENERAL.—Paragraph (1) of section 9502(d) of the Internal Revenue Code of 1986 is amended—

(1) by striking ''October 1, 2010'' and inserting ''January 1, 2011''; and

(2) by inserting ''or the Airport and Airway Extension Act of 2010, Part III'' before the semicolon at the end of subparagraph (A).

(b) CONFORMING AMENDMENT.—Paragraph (2) of section 9502(e) of such Code is amended by striking ''October 1, 2010'' and inserting ''January 1, 2011''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2010.

**SEC. 4. EXTENSION OF AIRPORT IMPROVEMENT PROGRAM.**

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Section 48103 of title 49, United States Code, is amended—

(A) by striking ''and'' at the end of paragraph (6);

(B) by striking the period at the end of paragraph (7) and inserting ''; and''; and

(C) by inserting after paragraph (7) the following:

''(8) $925,000,000 for the 3-month period beginning on October 1, 2010.''.

(2) OBLIGATION OF AMOUNTS.—Subject to limitations specified in advance in appropriation Acts, sums made available pursuant to the amendment made by paragraph (1) may be obligated at any time through September 30, 2011, and shall remain available until expended.

(b) PROJECT GRANT AUTHORITY.—Section 47104(c) of title 49, United States Code, is amended by striking ''September 30, 2010,'' and inserting ''December 31, 2010,''.

(c) APPORTIONMENT AMOUNTS.—The Secretary shall apportion in fiscal year 2011 to the sponsor of an airport that received scheduled or unscheduled air service from a large certified air carrier (as defined in part 241 of title 14 Code of Federal Regulations, or such other regulations as may be issued by the Secretary under the authority of section 41709) an amount equal to the minimum apportionment specified in 49 U.S.C. 47114(c), if the Secretary determines that airport had more than 10,000 passenger boardings in the preceding calendar year, based on data submitted to the Secretary under part 241 of title 14, Code of Federal Regulations.

**SEC. 5. EXTENSION OF EXPIRING AUTHORITIES.**

(a) Section 40117(l)(7) of title 49, United States Code, is amended by striking ''October 1, 2010.'' and inserting ''January 1, 2011.''.

(b) Section 41743(e)(2) of such title is amended by striking ''2010'' and inserting ''2011''.

(c) Section 44302(f)(1) of such title is amended—

(1) by striking ''September 30, 2010,'' and inserting ''December 31, 2010,''; and

(2) by striking ''December 31, 2010,'' and inserting ''March 31, 2011,''.

(d) Section 44303(b) of such title is amended by striking ''December 31, 2010,'' and inserting ''March 31, 2011,''.

(e) Section 47107(s)(3) of such title is amended by striking ''October 1, 2010.'' and inserting ''January 1, 2011.''.

(f) Section 47115(j) of such title is amended by inserting ''and for the portion of fiscal year 2011 ending before January 1, 2011,'' after ''2010,''.

(g) Section 47141(f) of such title is amended by striking ''September 30, 2010.'' and inserting ''December 31, 2010.''.

(h) Section 49108 of such title is amended by striking ''September 30, 2010'' and inserting ''December 31, 2010,''.

(i) Section 161 of the Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 47109 note) is amended by inserting '', or in the portion of fiscal year 2011 ending before January 1, 2011,'' after ''fiscal year 2009 or 2010''.

(j) Section 186(d) of such Act (117 Stat. 2518) is amended by inserting ''and for the portion of fiscal year 2011 ending before January 1, 2011,'' after ''October 1, 2010,''.

(k) Section 409(d) of such Act (49 U.S.C. 41731 note) is amended by striking ''September 30, 2010.'' and inserting ''September 30, 2011.''.

(l) The amendments made by this section shall take effect on October 1, 2010.

**SEC. 6. FEDERAL AVIATION ADMINISTRATION OPERATIONS.**

Section 106(k)(1) of title 49, United States Code, is amended—

(1) by striking ''and'' at the end of subparagraph (E);

(2) by striking the period at the end of subparagraph (F) and inserting ''; and''; and

(3) by inserting after subparagraph (F) the following:

''(G) $2,451,375,000 for the 3-month period beginning on October 1, 2010.''.

**SEC. 7. AIR NAVIGATION FACILITIES AND EQUIPMENT.**

Section 48101(a) of title 49, United States Code, is amended—

(1) by striking ''and'' at the end of paragraph (5);

(2) by striking the period at the end of paragraph (6) and inserting ''; and''; and

(3) by adding at the end the following:

''(7) $746,250,000 for the 3-month period beginning on October 1, 2010.''.

**SEC. 8. RESEARCH, ENGINEERING, AND DEVELOPMENT.**

Section 48102(a) of title 49, United States Code, is amended—

(1) by striking ''and'' at the end of paragraph (13);

(2) by striking the period at the end of paragraph (14) and inserting ''; and''; and

(3) by adding at the end the following:

''(15) $49,593,750 for the 3-month period beginning on October 1, 2010.''.

**SEC. 9. TECHNICAL CORRECTIONS.**

Effective as of August 1, 2010, and as if included therein as enacted, the Airline Safety and Federal Aviation Administration Extension Act of 2010 (Public Law 111–216) is amended as follows:

(1) In section 202(a) (124 Stat. 2351) by inserting ''of title 49, United States Code,'' before ''is amended''.

(2) In section 202(b) (124 Stat. 2351) by inserting ''of such title'' before ''is amended''.

(3) In section 203(c)(1) (124 Stat.2356) by inserting ''of such title'' before ''(as redesignated''.

(4) In section 203(c)(2) (124 Stat. 2357) by inserting ''of such title'' before ''(as redesignated''.

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

The bill (H.R. 4853), as amended, was read the third time, and passed.

## MORNING BUSINESS

Mr. DORGAN. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

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

The Senator from South Dakota is recognized for 10 minutes.

## FAA REAUTHORIZATION AND TAX EXTENDERS

Mr. THUNE. Mr. President, I also want to add my support for the FAA