

## AMENDMENT NO. 4677

The PRESIDING OFFICER. There will now be 2 minutes of debate equally divided on the DeMint amendment.

The Senator from South Carolina.

Mr. DEMINT. Mr. President, my amendment only makes one change to the underlying continuing resolution. It changes the date from January 3 to February 4. There is no reason we should fund the government only to the lameduck. We need to wait until we have a new Congress and the dust settles after the election. We don't need to be passing another continuing resolution or an omnibus spending bill with the pressure of a government shutdown before Christmas. So the amendment is just a couple of lines that change the date. Everything else in the continuing resolution is the same. Let's push the operation of the government all the way through January to a new Congress.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUE. Mr. President, the Appropriations Committee worked in a bipartisan fashion on this bill. It was crafted with a very narrow focus and the expectation that it will last only 2 months. As we all know, the short-term CR is not efficient, but it is manageable. For the many reasons I enumerated earlier, we know that if we accept this amendment, the government will not be able to function as it should. I urge that we vote no.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 4677.

Mr. DEMINT. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

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

The result was announced—yeas 39, nays 60, as follows:

## [Rollcall Vote No. 246 Leg.]

## YEAS—39

Alexander	DeMint	Lugar
Barrasso	Ensign	McCain
Bayh	Enzi	McCaskill
Bennet	Graham	McConnell
Brown (MA)	Grassley	Risch
Brownback	Gregg	Roberts
Bunning	Hatch	Sessions
Burr	Hutchison	Shelby
Chambliss	Inhofe	Snowe
Coburn	Isakson	Thune
Corker	Johanns	Udall (CO)
Cornyn	Kyl	Vitter
Crapo	LeMieux	Wicker

## NAYS—60

Akaka	Cardin	Feinstein
Baucus	Carper	Franken
Begich	Casey	Gillibrand
Bennett	Cochran	Goodwin
Bingaman	Collins	Hagan
Bond	Conrad	Harkin
Boxer	Dodd	Inouye
Brown (OH)	Dorgan	Johnson
Burris	Durbin	Kaufman
Cantwell	Feingold	Kerry

Klobuchar	Mikulski	Shaheen
Kohl	Murray	Specter
Landrieu	Nelson (NE)	Stabenow
Lautenberg	Nelson (FL)	Tester
Leahy	Pryor	Udall (NM)
Levin	Reed	Voinovich
Lieberman	Reid	Warner
Lincoln	Rockefeller	Webb
Menendez	Sanders	Whitehouse
Merkley	Schumer	Wyden

## NOT VOTING—1

Murkowski

The PRESIDING OFFICER. Under the previous order requiring 60 votes for the adoption of the amendment, the amendment is withdrawn.

The substitute amendment (No. 4674) is agreed to.

The question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read a third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

Mr. KYL. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is 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 69, nays 30, as follows:

## [Rollcall Vote No. 247 Leg.]

## YEAS—69

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

## NAYS—30

Barrasso	DeMint	McCain
Brown (MA)	Ensign	McConnell
Brownback	Enzi	Risch
Bunning	Feingold	Roberts
Burr	Graham	Sessions
Chambliss	Hatch	Shelby
Coburn	Hutchison	Snowe
Corker	Inhofe	Thune
Cornyn	Isakson	Vitter
Crapo	LeMieux	Wicker

## NOT VOTING—1

Murkowski

The bill (H.R. 3081), as amended, was passed.

The amendment (No. 4682) was agreed to, as follows:

Amend the title so as to read: "Making continuing appropriations for fiscal year 2011, and for other purposes".

# PROVIDING FOR A RECESS AND/OR ADJOURNMENT OF THE HOUSE AND SENATE

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of H. Con. Res. 321, which the clerk will report by title.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 321) providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution.

Mr. MCCONNELL. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. CARPER), the Senator from Connecticut (Mr. DODD), the Senator from West Virginia (Mr. ROCKEFELLER), and the Senator from Vermont (Mr. SANDERS) are necessarily absent.

Mr. MCCONNELL. The following Senators are necessarily absent: the Senator from Alaska (Ms. MURKOWSKI), the Senator from Arizona (Mr. KYL), and the Senator from Missouri (Mr. BOND).

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

The result was announced—yeas 54, nays 39, as follows:

## [Rollcall Vote No. 248 Leg.]

## YEAS—54

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

## NAYS—39

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

## NOT VOTING—

Bond	Kyl	Sanders
Carper	Murkowski	
Dodd	Rockefeller	

The concurrent resolution (H. Con. Res. 321) was agreed to, as follows:

## H. CON. RES. 321

*Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on any legislative day from Wednesday, September 29, 2010, through Friday, October 8, 2010, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Monday, November 15, 2010, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on any day from Wednesday, September 29, 2010, through Friday, November 12, 2010, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, November 15, 2010, or such other time on that day as may be specified in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.*

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate if, in their opinion, the public interest shall warrant it.

The PRESIDING OFFICER. The Senator from Iowa.

### GAO REPORT ON AIRPORT SECURITY

Mr. GRASSLEY. Mr. President, on January 8 of this year, I requested the Government Accountability Office to conduct followup tests of our Nation's airport security screening procedures. Investigators attempted to smuggle bomb-making materials past security checkpoints in a number of airports around the country. This is something the GAO has done for Congress on several occasions since the 9/11 terrorist attacks.

It is an important reality check for Congress to find out exactly how effective or ineffective the Transportation Security Administration's screening procedures are. TSA has spent a lot of time and money trying to prevent future terrorist attacks, and we are, no doubt, safer in many ways than we were before 9/11. However, it is important to cut through the talking points and the press releases. We need to test the system in real time with real people carrying potentially destructive materials once in a while to find out how vulnerable we still are.

Unfortunately, the Obama administration, which is now responsible for keeping airline passengers safe, does not want you to know the results of these tests. In fact, the administration classified almost every word of the GAO report as "secret." These sorts of classification decisions ought to be made only when the information is ac-

tually sensitive for national security reasons. The power to classify information should not be used merely to hide information that might be embarrassing to the administration.

I understand that certain details of how GAO investigators did what they did should not be made public. No one wants to give the terrorists a roadmap of how to attack us again. I do not want to do that, and the GAO investigators do not want that to happen.

That is why I asked them to draft a report that did not include those sorts of details so that a declassified version could be released to the public. The problem, however, is that the Obama administration classified the report anyway.

The key data that should be public are the results. Did the GAO investigators succeed in penetrating our airport security checkpoints? If so, how many times? How many times did they fail? The public has a right to know those bottom-line results.

Those results are not going to help terrorists figure out how to better attack us, and they certainly are not going to give them any more motivation to try than they already have.

Keeping the results secret will accomplish one thing, however. It will ensure that the public has no idea how effective our airport screening strategy actually is, and it seems that is the way the Obama administration likes it.

Therefore, I am asking the TSA Administrator to personally come to our secure facilities here in the Senate and explain his decision. Several of my colleagues joined me in asking the GAO to do this work, including the chairs and the ranking members of the Homeland Security Committee in both the House and the Senate. I invite them to join us and help resolve this situation.

We need to work together to make sure that the entire Congress and the public are aware of the results of this important work while maintaining the security of information that truly needs to remain secure.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

### UNANIMOUS CONSENT REQUEST— H.R. 5481

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 442, H.R. 5481, a bill to give subpoena power to the National Commission on the BP Deepwater Horizon Oilspill and Offshore Drilling; that the bill be read a third time and passed, and the motion to reconsider be laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

The Senator from Oklahoma.

Mr. COBURN. Mr. President, reserving the right to object, I will not object if the Senator would kindly amend her request to include a substitute amend-

ment with a Barrasso proposal to establish a National Commission on Outer Continental Shelf Oilspill prevention.

The PRESIDING OFFICER. Does the Senator so amend her request?

Mrs. SHAHEEN. Mr. President, I think we should have as many eyes looking into this issue as possible, and as a member of the Energy Committee I supported the Barrasso amendment. But the issue before us today right now is that we already have a bipartisan commission appointed by the President. The commission is up and running.

The President's commission will issue its report in January, and the President's commission needs subpoena power to do its job right now. This was the largest environmental disaster in our country's history. It is important we get to the bottom of it.

I am disappointed that, once again, we are hearing our colleagues on the other side of the aisle who are objecting to giving the President's commission subpoena power.

Mr. COBURN. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from New Hampshire.

Mrs. SHAHEEN. The BP oilspill was an unprecedented disaster—lives were lost, and the gulf region will suffer the environmental and economic consequences for years to come. We cannot turn back the clock and stop what happened. But we can prevent future disasters by finding out exactly what went wrong. We need to investigate this spill, and we need to make sure it never happens again.

That is why the President appointed a commission to investigate. But without subpoena power the commission cannot do the job they were appointed to do.

Already, we have seen reports that some witnesses are stonewalling the commission. Former Senator Graham and former President Nixon's EPA Administrator, William Reilly, who are cochairing the President's commission, told the press yesterday that investigators have "encountered resistance to full responses to their questions." That is unacceptable. We cannot let BP and Transocean cover up the truth. The American people deserve answers.

This is the fourth time I have asked for unanimous consent on the Senate floor to pass a bill giving the BP Oilspill Commission subpoena power. Unfortunately, as we saw, this is the fourth time the Republicans in the Senate have objected.

This should be noncontroversial. In the House of Representatives, 169 Republicans voted in favor of this bill in June. It is outrageous that this simple bill is being obstructed here in the Senate. A thorough investigation is needed, and it is needed now.

Commission cochairman William Reilly, who used to sit on the board of ConocoPhillips, even said yesterday that it is "unjustifiable" for Congress