

## 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

to not provide the commission with all of the tools they need to resolve this disaster. I could not agree more. I am totally disappointed in what we have heard from the other side.

I yield the floor.

Mr. DORGAN. Mr. President, will the Senator yield for a brief question? I know my colleague is waiting to speak.

Mrs. SHAHEEN. Yes.

Mr. DORGAN. I want to make the point—and then ask a question—this is probably a fitting description near the end of at least this portion of this session of the almost total lack of cooperation that exists in this Chamber. The House of Representatives passed this almost unanimously. On commissions that are important—the Three Mile Island Commission, the Commission on 9/11, the Financial Crisis Commission—they were all given subpoena power. Why? Because you need that if you are going to force and compel people to produce the records.

I was on the Energy Committee, and we heard the three parties that were out there drilling in that well site: BP, Transocean, and Halliburton. They were all involved. All of them were pointing at each other. The only way this commission can function is with subpoena power. What on Earth can they be thinking of to block subpoena power for this commission four successive times?

I would ask the Senator—first of all, I thank the Senator for doing this. Second, it is unthinkable to me that we see continued blockage. It represents a complete lack of cooperation. They did not do that in the House of Representatives. The minority was very interested in seeing that this works. Here the minority seems very interested in seeing that the commission cannot work.

I would ask, is this not the fourth occasion on the floor of the Senate that the Senator has made this request, and on four successive occasions the minority has objected, in some cases for other—they have a new excuse each time—but isn't this the case that four times the Senator has asked for this consent and four times it has been denied?

Mrs. SHAHEEN. Absolutely. I appreciate the Senator from North Dakota pointing this out, and also pointing out what has been a bipartisan history in the past when we have dealt with these kinds of disasters and tragedies in the country, that this used to be a bipartisan effort, and how sad and disappointing that now it has come down to partisanship rather than working together.

The PRESIDING OFFICER. The Senator from Washington.

#### UNANIMOUS CONSENT REQUEST— H.R. 3617

Mrs. MURRAY. Mr. President, I have been working very hard over the last several months to extend the critical sales tax deduction for families and small businesses in my home State of

Washington and in a number of other States in this country. I know how important this is to middle-class families in my State, and I have heard from so many of them about how important it is that this deduction be extended.

But every time we brought forward a bill that would help these families, Republicans have banded together to block it. They would stand here on the floor and say they objected to the way we paid for this deduction or they did not like some of the other tax cut extensions we included in the bill. They gave different reasons each time, but they refused to come to the table with real solutions for this serious issue facing middle-class families.

I have been urging Senate Republicans to change their minds, and finally, on Monday night, Senate Republicans came forward with a proposal. Their bill came at the 11th hour, and it stripped away all of the other tax credits that would have helped families, clean energy companies, and small businesses.

Senator BAUCUS was here and he objected to it because he wanted to focus on a tax cut extension bill we had been working on for many months that already had the support of a majority of the Senate. But extending the sales tax deduction is too important for families in my home State of Washington to let the perfect be the enemy of the good.

So over the last several days, I have talked to a number of my colleagues about this. I made sure they understood that this issue is about more than the political back-and-forth in DC; it is about real people in my home State of Washington. It is about removing a bias in the Tax Code that is fundamentally unfair to our families. It is about putting more money into their pockets at a time when they can use all the help they can get.

So I am here to say that after many conversations with my colleagues on the Democratic side, they have agreed to set aside their objections and allow the sales tax deduction extension to pass this evening because, frankly, this issue shouldn't be controversial, and the livelihoods of middle-class families shouldn't be used as a political football in election year games.

So in just a minute I will ask unanimous consent to pass a bill that pulls the sales tax exemption out of the legislation we had it in before, which will allow it to stand alone tonight. It is what Republicans offered us on Monday night, with one small compromise. It is very close to the version the Republicans offered. I can't imagine they are going to object to it this evening, but rather than a permanent extension that I and many others would prefer, what I will offer is to extend the sales tax exemption alone for 1 year, which will offer greater stability and confidence for middle-class families in these tough times. I believe this is a reasonable compromise, and I believe it can and ought to pass tonight.

I was proud to work with my colleagues to put politics aside and ad-

vance this proposal that will help people and solve problems. It is very narrowly drafted for just the State sales tax deduction. I know it is important to my State and to many, and I hope the Republicans will allow this to go forward tonight.

So I ask unanimous consent the Senate proceed to the immediate consideration of H.R. 3617, that all after the enacting clause be stricken, and the text of S. 35, as amended, with the amendment at the desk, be inserted, and that the amendment be agreed to.

I ask unanimous consent that the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the measure be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. THUNE. Mr. President, reserving the right to object, and I will not object if the Senator from Washington would substitute the language which is at the desk which extends all the things she has talked about this evening, as well as provides a 2-year extension for the physician fee issue which is expiring on November 30, but does it with spending reductions as opposed to tax increases. That amendment is at the desk, and if the Senator from Washington would substitute that language for her amendment, I will not object.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I object to the modification offered by the Senator from South Dakota.

The PRESIDING OFFICER. Is there objection to the original request by the Senator from Washington?

Mr. THUNE. I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Washington.

Mrs. MURRAY. Mr. President, while the Senator from South Dakota is here, I wish to make sure he understood what I offered tonight. It is what the Republicans offered to us on Monday night, which is the simple extension of just the sales tax deduction, which I know affects his State as well as mine, for 1 year. So I want him to understand that is all I have asked to do tonight, to just extend the sales tax deduction which I know is important to his State and to mine, and I would again ask the Senator from South Dakota if he would allow us to move forward with just that deduction this evening.

Mr. President, I would again ask the Senator from South Dakota if we could just extend not the rest of the package but just the sales tax deduction, as your side offered to us on Monday night.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. THUNE. I would say to the Senator from Washington through the Chair that I would be happy to take a look at this and run it by my colleagues. Obviously, this is not something I think everybody—there isn't