

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

anybody here right now—has had an opportunity to look at. We have tried repeatedly to get some cooperation on an extenders package that includes a number of important tax provisions that have expired already, as well as some that are set to expire, and to do that through offsets that reduce spending as opposed to raising taxes, particularly at a time when the economy is in recession.

So as much as I would agree with the Senator from Washington that this is an important issue that needs to be addressed—and it is important to my State—I would have to object until we have an opportunity to look at the amendment that the Senator from Washington put forward.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I just have to say I am really confused by this because what we have offered is simply what the Republicans agreed to—offered Monday night, and I have come back to offer it again. It is perplexing to me on an issue that is so important to my State, and to several other States, that we can't now, a few days later, do this. So I am not sure we are not just having games about this. It is extremely important to people in my State, and I am deeply disconcerted that the Republicans have not agreed to allow us to just pass the State sales tax deduction for 1 year.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. CANTWELL. I ask unanimous consent that the order for the quorum call be rescinded.

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

COAST GUARD AUTHORIZATION ACT FOR FISCAL YEARS 2010 AND 2011

Ms. CANTWELL. Mr. President, I ask the Chair to lay before the Senate a message from the House with respect to H.R. 3619, the Coast Guard Authorization Act.

The PRESIDING OFFICER laid before the Senate a message from the House as follows:

Resolved, That the House agree to the amendment of the Senate to the bill (H.R. 3619) entitled "An Act to authorize appropriations for the Coast Guard for fiscal year 2010, and for other purposes, with amendments."

Ms. CANTWELL. I move to concur in the House amendments with amendments, and I ask unanimous consent that at the appropriate time, a bud-

etary pay-go statement be read; further, that the motion to concur in the House amendments with amendments be agreed to, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statement related to the bill be printed in the RECORD.

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

The amendment (No. 4684) was agreed to, as follows:

(Purpose: To make certain conforming amendments)

In section 617(b), in the quoted subsection (d), strike "INDIVIDUALS QUALIFIED AS ABLE SEAMEN.—Offshore" and insert "Individuals qualified as able seamen—offshore".

Strike section 917 and insert the following:

"SEC. 917. MARITIME LAW ENFORCEMENT.

"(a) PENALTIES.—Subsection (b) of section 2237 of title 18, United States Code, is amended to read as follows:

"(b)(1) Except as otherwise provided in this subsection, whoever knowingly violates subsection (a) shall be fined under this title or imprisoned for not more than 5 years, or both.

"(2)(A) If the offense is one under paragraph (1) or (2)(A) of subsection (a) and has an aggravating factor set forth in subparagraph (B) of this paragraph, the offender shall be fined under this title or imprisoned for any term of years or life, or both.

"(B) The aggravating factor referred to in subparagraph (A) is that the offense—

"(i) results in death; or

"(ii) involves—

"(I) an attempt to kill;

"(II) kidnapping or an attempt to kidnap; or

"(III) an offense under section 2241.

"(3) If the offense is one under paragraph (1) or (2)(A) of subsection (a) and results in serious bodily injury (as defined in section 1365), the offender shall be fined under this title or imprisoned for not more than 15 years, or both.

"(4) If the offense is one under paragraph (1) or (2)(A) of subsection (a), involves knowing transportation under inhumane conditions, and is committed in the course of a violation of section 274 of the Immigration and Nationality Act, or chapter 77 or section 113 (other than under subsection (a)(4) or (a)(5) of such section) or 117 of this title, the offender shall be fined under this title or imprisoned for not more than 15 years, or both."

"(b) DEFINITION.—Section 2237(e) of title 18, United States Code, is amended—

"(1) by amending paragraph (3) to read as follows:

"(3) the term "vessel subject to the jurisdiction of the United States" has the meaning given the term in section 70502 of title 46;";

"(2) in paragraph (4), by striking "section 2 of the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1903)," and inserting "section 70502 of title 46; and"; and

"(3) by adding at the end the following new paragraph:

"(5) the term "transportation under inhumane conditions" means—

"(A) transportation—

"(i) of one or more persons in an engine compartment, storage compartment, or other confined space;

"(ii) at an excessive speed; or

"(iii) of a number of persons in excess of the rated capacity of the vessel; or

"(B) intentional grounding of a vessel in which persons are being transported.'".

Strike section 1032(b) and insert the following:

"(b) VIOLATIONS; SUBPOENAS.—

"(1) IN GENERAL.—In any investigation under this section, the Secretary may issue a subpoena to require the attendance of a witness or the production of documents or other evidence if—

"(A) before the issuance of the subpoena, the Secretary requests a determination by the Attorney General of the United States as to whether the subpoena will interfere with a criminal investigation; and

"(B) the Attorney General—

"(i) determines that the subpoena will not interfere with a criminal investigation; or

"(ii) fails to make a determination under clause (i) before the date that is 30 days after the date on which the Secretary makes a request under subparagraph (A).

"(2) ENFORCEMENT.—In the case of refusal to obey a subpoena issued to any person under this subsection, the Secretary may request the Attorney General to invoke the aid of the appropriate district court of the United States to compel compliance."

Strike section 1033(a)(2) and insert the following:

"(2) SUBPOENAS.—

"(A) IN GENERAL.—In any investigation under this section, the Administrator may issue a subpoena to require the attendance of a witness or the production of documents or other evidence if—

"(i) before the issuance of the subpoena, the Administrator requests a determination by the Attorney General of the United States as to whether the subpoena will interfere with a criminal investigation; and

"(ii) the Attorney General—

"(I) determines that the subpoena will not interfere with a criminal investigation; or

"(II) fails to make a determination under subclause (I) before the date that is 30 days after the date on which the Administrator makes a request under clause (i).

"(B) ENFORCEMENT.—In the case of refusal to obey a subpoena issued to any person under this paragraph, the Administrator may request the Attorney General to invoke the aid of the appropriate district court of the United States to compel compliance."

The PRESIDING OFFICER. The clerk will read the pay-go statement.

The assistant legislative clerk read as follows:

Mr. CONRAD. After consultation with the chairman of the House Budget Committee, and on behalf of both of us, I hereby submit this Statement of Budgetary Effects of PAYGO Legislation for H.R. 3619, as amended.

Total Budgetary Effects of H.R. 3619 for the 5-year Statutory PAYGO Scorecard: \$0.

Total Budgetary Effects of H.R. 3619 for the 10-year Statutory PAYGO Scorecard: \$0.

Also submitted for the RECORD as part of this statement is a table prepared by the Congressional Budget Office, which provides additional information on the budgetary effects of this Act, as follows: