

NAYS—39

Alexander	Crapo	McConnell
Allard	DeMint	Murkowski
Barrasso	Ensign	Reid
Bennett	Enzi	Roberts
Bond	Graham	Sessions
Brownback	Grassley	Shelby
Burr	Gregg	Specter
Chambliss	Hatch	Stevens
Coburn	Inhofe	Sununu
Cochran	Isakson	Thune
Corker	Kyl	Vitter
Cornyn	Lugar	Voivovich
Craig	Martinez	Wicker

NOT VOTING—10

Bunning	Hagel	McCain
Clinton	Hutchison	Obama
Coleman	Kennedy	
Domenici	Klobuchar	

The PRESIDING OFFICER. On this vote, the yeas are 51, the nays are 39. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. REID. Mr. President, I enter a motion to reconsider.

The PRESIDING OFFICER. The motion is entered.

The majority leader.

CONDITIONAL ADJOURNMENT OR RECESS OF THE HOUSE OF REPRESENTATIVES AND THE SENATE

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to H. Con. Res. 398, a conditional adjournment resolution, and that the Senate vote immediately on adoption of H. Con. Res. 398; that if the adjournment resolution is agreed to, then it be in order for the Senate to convene for pro forma sessions on the following days: Tuesday, August 5; Friday, August 8; Tuesday, August 12; Friday, August 15; Tuesday, August 19; Friday, August 22; Tuesday, August 26; Friday, August 29; Tuesday, September 2; and Friday, September 5; that at the close of each pro forma session, the Senate would stand in recess, except for the pro forma session of Friday, September 5, at which time the Senate would adjourn; and that no business be conducted during the pro forma sessions.

Mr. President, I also note to all Members, we will likely have a late vote on the day we get back at 5:30—a 5:30 vote.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 398) 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. LEVIN. Mr. 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 assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New York (Mrs. CLINTON), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Missouri (Mr. BOND), the Senator from Kentucky (Mr. BUNNING), the Senator from Minnesota (Mr. COLEMAN), the Senator from New Mexico (Mr. DOMENICI), the Senator from Nebraska (Mr. HAGEL), the Senator from Texas (Mrs. HUTCHISON), the Senator from Oklahoma (Mr. INHOFE), and the Senator from Arizona (Mr. MCCAIN).

Further, if present and voting, the Senator from Kentucky (Mr. BUNNING) would have voted 'nay.'

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

The result was announced—yeas 48, nays 40, as follows:

[Rollcall Vote No. 196 Leg.]

YEAS—48

Akaka	Feingold	Mikulski
Baucus	Feinstein	Murray
Bayh	Harkin	Nelson (FL)
Biden	Inouye	Nelson (NE)
Bingaman	Johnson	Pryor
Boxer	Kerry	Reed
Brown	Kohl	Reid
Byrd	Landrieu	Rockefeller
Cantwell	Lautenberg	Salazar
Cardin	Leahy	Sanders
Carper	Levin	Schumer
Casey	Lieberman	Stabenow
Conrad	Lincoln	Tester
Dodd	Lugar	Webb
Dorgan	McCaskill	Whitehouse
Durbin	Menendez	Wyden

NAYS—40

Alexander	DeMint	Sessions
Allard	Dole	Shelby
Barrasso	Ensign	Smith
Bennett	Enzi	Snowe
Brownback	Graham	Specter
Burr	Grassley	Stevens
Chambliss	Gregg	Sununu
Coburn	Hatch	Thune
Cochran	Isakson	Vitter
Collins	Kyl	Voivovich
Corker	Martinez	Warner
Cornyn	McConnell	Wicker
Craig	Murkowski	
Crapo	Roberts	

NOT VOTING—12

Bond	Domenici	Kennedy
Bunning	Hagel	Klobuchar
Clinton	Hutchison	McCain
Coleman	Inhofe	Obama

The concurrent resolution (H. Con. Res. 398) was agreed to, as follows:

H. CON. RES. 398

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on the legislative day of Thursday, July 31, 2008, Friday, August 1, 2008, or Saturday, August 2, 2008, 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, September 8, 2008, 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 Friday, August 1, 2008, through Friday, September 5, 2008, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand re-

cessed or adjourned until noon on Monday, September 8, 2008, 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.

Mr. REID. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

ORDER OF PROCEDURE

Mr. GRASSLEY. Mr. President, before I speak, I have been asked to propound a unanimous consent request on speaking orders: 4 minutes for Senator GRASSLEY, 4 minutes for Senator COBURN, and whatever time Senator HARKIN would consume.

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

MIDWESTERN FLOOD TAX RELIEF

Mr. GRASSLEY. Mr. President, I rise for the purpose of a unanimous consent request for the Midwestern flood tax relief bill sponsored by the Senators of several Midwestern States, including Senator HARKIN of my State, Senator DURBIN, Senator OBAMA of Illinois, and other midwestern Senators.

I rise to seek fairness and equity for people in the Midwest who have been hurt by floods, and I would say fairness and equity as measured by how Congress responded to the natural disaster of Katrina, New Orleans, et cetera.

I remember back in September of 2005, after that terrible catastrophe of August 29, what happened in New Orleans. Within the week after we were in session, after Labor Day, we had appropriated \$60 billion. Within 3 weeks after that—I was chairman of the Finance Committee—we voted out of committee a tax equity bill that changed provisions of the Tax Code to encourage employers and businesses and people to stay there and weather it out.

What we did, we did without asking any questions. And now we seek the same tax relief for the States of the Midwest that have had the same type of catastrophe happen to them. I would measure catastrophe by a 500-year flood in the city of Cedar Rapids, IA, which won't be the same as it was prior to the flood.

So we have entered this legislation for consideration. We have worked it out with a lot of people who were involved in it. We worked closely with Senator BAUCUS's staff, with the staff of Ways and Means, trying to satisfy

everybody. We think we have a consensus.

Here it is, 6 weeks after the floods hit, and Congress has not acted. Congress should act. In other words, shouldn't the people hurt by the natural disaster of the Midwest have the same consideration as the people of New Orleans and those with other catastrophes? We are not getting it. It is very clear that when our disaster is not on television for 2 months in a row, like the disaster of New Orleans was on television for 2 months in a row, somehow Congress is absentminded about what happened in the Midwest.

So we face things like arguments from staff of some of the people in the other body that, well, this disaster wasn't anything like what happened in Katrina or you hear things like, well, we need to offset this bill. When I was chairman of the Senate Finance Committee and the people in New Orleans were hurting, we did not ask for offsets. We did not play political games with the legislation we eventually passed, like some efforts this Midwest Tax Flood Relief Act ought to be connected with extenders or with AMT or something like that. We got the job done. We didn't worry about it.

I come before this body tonight to ask for consideration of this legislation.

UNANIMOUS CONSENT REQUEST—S. 3322

At this point, I ask unanimous consent that the Committee on Finance be discharged from further consideration of S. 3322 and the Senate proceed to its immediate consideration. I ask unanimous consent that the Grassley amendment at the desk be agreed to; that the bill, as amended, be read the third time and passed; that the motion to reconsider be laid upon the table; and that the bill be held at the desk pending House action on the companion measure.

The PRESIDING OFFICER. Is there objection?

Mr. DURBIN. Mr. President, reserving the right to object, I am speaking on behalf of Senator BAUCUS. I note that the Senator from Iowa realizes the bill that was before us yesterday, S. 3335, would not only have taken care of his State of Iowa, which truly deserves disaster assistance, but also my State of Illinois and all of the States that faced that disaster problem this year. Unfortunately, it did not pass; otherwise, it would have been on its way to the House yesterday. Had we received more than five Republican votes, it might have passed the House and be on its way to the President. But the decision was made on the Republican side of the aisle not to vote for that measure that would have helped Iowa, Illinois, and all of the States.

The measure Senator GRASSLEY brings before us leaves behind victims of disasters in States of Nevada, Colorado, Kentucky, Missouri, Mississippi, Tennessee, and Texas—to name a few—who would receive no relief under Senator GRASSLEY's bill but would have

under the bill he opposed. So it is sad. I wish this could have been resolved yesterday with the vote if the Republicans would have joined us. Unfortunately, they did not. We will have to take this matter up when we return. I hope we can find a way to help all of the victims, not just in the Midwest but all across the country, which is the tradition of the Senate and the House. Regretfully, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. GRASSLEY. Mr. President, I ask unanimous consent for 1 minute.

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

Mr. GRASSLEY. Mr. President, I point out that what the Senator from Illinois described is an amendment that would not have responded to the Midwest in exactly the same way as we responded to Katrina. It would not have been as beneficial. It also did not contain the same 25 provisions we did for New Orleans, which were in that tax bill to help them.

I think we have a situation where we ought to respond the same way we did for Katrina. We are not doing it because the disaster in the Midwest is as bad. When we thought about Katrina, we didn't argue with other people about going back and taking care of disasters that previously happened. We took care of what was before us.

Right now, the flood of the Midwest is before us, and we ought to have the same equity and fairness that, when we had a Republican Congress, we gave to New Orleans. Whether we have a Democratic Congress or a Republican Congress, that should not make any difference. We are being treated differently when the Democrats control the Congress.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. COBURN. Mr. President, I ask unanimous consent that I may speak for about 7 minutes. I will try to do it in less time.

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

Mr. COBURN. Mr. President, I thank the majority whip for being on the floor tonight. I am one of the reasons why he is here, so I beg his indulgence at this time.

The Emmett Till Unsolved Civil Rights Crime Act was first introduced in the 109th Congress. The Republican sponsor at that time on our side of the aisle agreed to the offsets in that bill. That wasn't agreed to by the other side, so that bill wasn't passed. Although the offsets were accepted, it was still opposed.

Over the past 5 months, two press conferences have highlighted my "obstruction" of this bill and questioned my motives for holding it. I sent two letters to the prime sponsors of the bill and to the majority leader offering to negotiate a compromise on the bill. None of those were ever responded to. No sponsor ever contacted my office in

the 110th Congress to try to work on this. Instead, I chose to work, because I couldn't get a response, with Alvin Sykes, a wonderfully incredible man, who is behind this bill. He has my utmost respect and admiration.

I will submit for the RECORD an article dealing with his incredible life story and his commitment and arduous work for this legislation.

Mr. President, I reached a compromise with Mr. Sykes and the Emmett Till Campaign for Justice, whose board of directors has endorsed our compromise language.

I ask unanimous consent that an e-mail we got from Mr. Sykes be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

From: Alvin Sykes.

To: Bacak, Brooke.

Sent: Thu July 31, 2008.

DEAR SENATOR COBURN: First allow me to extend our appreciation and admiration for you and your staff's assistance and communication with us concerning S. 535 the Emmett Till Unsolved Civil Rights Crime Act. While we still believe that the hold that you placed on our bill was not the good way to effect the institutional change in the manner that the United States Senate does business we do appreciate the open lines of communications and respect that your staff, in particular Brooke Basak and Tim Tardibono, have shown us in negotiating with us on proposed language and conditions that would address your concern and minimize the loss we have suffered from going this route. Therefore our Board of Directors has voted to endorse a unanimous consent agreement that would include the latest draft language that rectifies the concerns with the controversy over the Attorney having authority to reprogram funds from one congressionally directed fund to another by alleviating all reference to reprogramming and replaced with prioritizing spending request if Congress does not fully fund the Till Bill. Furthermore we support you having the right to submit this language as amendment in the cloture vote process as long as the floor debate time is limited and that you would not replace your hold on our bill if your amendment fails. Nothing in this request is meant to criticize the Senate Leadership on the enormous work that they have done to craft and advocate for the passage of this bill especially the good work of Patrick Grant in Senator Dodd's office and Darrell Thompson in Senate Majority leader Harry Reid who has kept hope alive on this historic bill. However we firmly believe that truth and justice can be best achieved by opening and maintaining effective lines of communication and searching for a win-win justice seeking solution. We further believe that since you started this by placing your hold on our bill you should be the one to finish it.

Therefore the Emmett Till Justice Campaign, Inc. request that you make an overture to the Democratic Leadership and the sponsors of the Till Bill by introducing the Emmett Till Unsolved Civil Rights Crime Act, as proposed amended, under the unanimous consent agreement outlined above tonight in the interest of time, truth and justice.

Sincerely, in the pursuit of justice,

I am,

ALVIN SYKES,
President,

Emmett Till Justice Campaign, Inc.