

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