

UNANIMOUS-CONSENT REQUESTS

Mr. COBURN. Mr. President, at this time, I ask unanimous consent to call up and pass the modified Emmett Till Unresolved Civil Rights Crime Act, where it is paid for by taking money that is not appropriated. This is the problem everybody had, not offsetting. What this bill will do is, if we don't appropriate—and we won't this year, because we are going to have a continuing resolution—this will allow that money to be divided out in three categories in the Justice Department, which the Justice Department is accepting from both legal salaries, the FBI, and the U.S. Marshals—all the people working on these unresolved civil rights cases. I ask unanimous consent that it be called up and passed at this time.

The PRESIDING OFFICER. Is there objection?

Mr. DURBIN. Reserving the right to object, Mr. President, earlier this week, on Tuesday or Wednesday, we considered a package of bills, some 35 bills that had been held for a lengthy period of time—for months—which could have been considered, amended, changed, and brought forward. They were held with no chance for any kind of movement. This was one of them.

Sadly, this is a bill that has been considered and passed by the House of Representatives and has been out there for more than a year. I would like to see the bill passed—I would. But the fact that the Senator from Oklahoma worked out his differences with some person, as well intentioned as it may be, doesn't escape the reality that this bill has been the subject of hard work by a lot of Senators and Congressmen. Unfortunately, it was subjected to a hold by a Member on the Republican side. I hope that, in good faith, when we return, we can return to this bill. I would like to see this and all 35 bills in the package passed and taken as seriously as the Senator from Oklahoma is now taking this bill.

Unfortunately, at this moment, I must object.

Mr. COBURN. Mr. President, it is sad to note that this could not pass tonight. We could accomplish what everybody claims to want. The fact that nobody was willing to work on this bill, but held it without compromise and without offsets, it is the same issue again. We are going to grow the Government and not get rid of waste. There is \$2 billion in waste a year in the Justice Department. Yet we are going to grow this program and not pay for it.

The PRESIDING OFFICER. Objection is heard.

Mr. COBURN. I also note for the RECORD that I spoke with Senator DODD about the bill tonight. He had no objection whatsoever and he agreed with the compromise. He is the chief sponsor on that side of the aisle.

Mr. President, I call up and ask unanimous consent to pass a compromise bill on child exploitation. The

bill, S. 3344, is the Protecting Children from Pornography and Internet Exploitation Act of 2008.

I had a conversation with Senator BIDEN this evening. He is in full agreement with this. He understands that others on his side of the aisle might not be in agreement. He is the chief sponsor of that bill. Our bill gives everything that was included, plus the SAFE Act, which everybody agrees needs to be a part of any approach we make. The authors on the other side of the aisle took a \$1.3 billion authorization and compromised and lowered that. We compromised by accepting that spending on the basis that we would add the SAFE Act to it. This bill has been changed in substance in no way other than that.

I ask unanimous consent that it be called up and passed.

The PRESIDING OFFICER. Is there objection?

Mr. DURBIN. Reserving the right to object, This is another bill of the 35 that have been held for an indefinite period of time by the Republican side of the aisle. We offered a package which had included measures for medical research, which has been held for an indefinite period of time on the Republican side of the aisle.

This bill which, ironically, was reported out of the Judiciary Committee, which Senator COBURN and I both serve on—I believe it was reported unanimously—is a bill that deals with child exploitation. I believe it is a bill that deals with Internet pornography, if I am not mistaken. It is something which should have not only gone out of committee unanimously, but it should not have been subject to the holds on the Republican side of the aisle for reasons that are not explicit. In desperation, an effort was made to bring these to the floor and ask for a bipartisan response and to pass them in a timely way. The Senator from Oklahoma voted against that, as did most of the Senators on his side.

Many are now coming to the floor trying to revive the bills they voted against a couple days ago. I wish the same level of interest and effort would have been taken during the period when these bills languished subject to their hold. At the last minute, virtually right after the Senate has adjourned and left, it is not fair to bring these up. I hope we can do this as soon as we return.

At this moment, I have to object.

The PRESIDING OFFICER. Objection is heard.

Mr. COBURN. Mr. President, I ask unanimous consent for an extension of my time as I go through the rest of these. I will be as brief as possible.

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

Mr. COBURN. I also note, again, there were hard efforts to work this out. The fact is, the majority has decided that all the bills will be in one package, regardless of the efforts we have worked on.

I also make the statement that this came out by a voice vote from the Committee. I didn't vote "yes" on the bill in the committee. No. 2, there is no requirement that a Senator, even if he votes for a bill in committee and is assured he can work on the bill after the committee, is obligated to support a bill that comes out of his committee.

The next unanimous consent request I have is on this same bill, S. 3344, titles I and IV, which include the PROTECT Act and the SAFE Act.

I ask unanimous consent that those two sections be called up and passed. They are identical; nothing has changed and there is nothing controversial. Again, I ask unanimous consent that they be passed.

The PRESIDING OFFICER. Is there objection?

Mr. DURBIN. Reserving the right to object, I understand the embarrassment and pain the Senator feels having voted on these bills—

Mr. COBURN. Mr. President, parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. COBURN. Mr. President, shouldn't an objection to the bill be stated?

The PRESIDING OFFICER. Does the Senator object?

Mr. DURBIN. I object.

Mr. COBURN. Mr. President, there is no embarrassment or any pain on my part to try to do this. I have worked on these bills to try to do what I thought was right. I reject any statement that I am embarrassed. I have no pain about this. I am proud of the work I have done in trying to stop excessive spending and when we have appropriate programs to favor that spending through offsets of other wasteful spending.

I ask unanimous consent to call up and pass subtitle D of S. 3297, the Effective Child Pornography Prosecution Act. This was never held by anybody on our side. It was never objected to by anybody on our side. There was never a hold and never an objection.

I ask unanimous consent right now that we pass that one bill. Even if you want to play politics, the point is, here is one we can do tonight. Nobody has ever objected to it in the Senate. We can pass and still have the 34 or 33 bills. Here is one we can make a difference with tonight.

I ask unanimous consent to call up and pass this item.

The PRESIDING OFFICER. Is there objection?

Mr. DURBIN. Reserving the right to object, this was part of the 34, 35 bills in a package that was held. For reasons I cannot explain, some Member on the Republican side did hold it. That is why it was put in the package.

The Senator voted against the package, and I object.

The PRESIDING OFFICER. Objection is heard.

Mr. COBURN. Mr. President, I ask unanimous consent to call up and pass subtitle E of S. 3297, the Enhancing the

Effective Prosecution of Child Pornography Act. This is a bill that also was never held on our side of the aisle.

Again, I make the same argument that, in fact, we can do something tonight. There is no controversy surrounding this bill, no controversy about what we should be doing. I ask unanimous consent that we pass this item.

The PRESIDING OFFICER. Is there objection?

Mr. DURBIN. Reserving the right to object, same argument, same objection.

The PRESIDING OFFICER. Objection is heard.

Mr. COBURN. Mr. President, I thank the majority whip for his patience in dealing with this business tonight.

I will end my remarks with the following: What we have had in the Senate this past week is an attempt to change the Senate to the House. The Senate's tradition is debate and amend. Every one of the bills I have had a hold on, I proudly hold those bills. I have notified everyone involved in the legislation on why I was holding those bills. The fact that we had no response to negotiate any sort of compromise whatsoever on those bills tells us there was no good intent in the first place to try to pass those bills.

Let the record show that the Emmett Till bill could have been passed tonight, supported by the very people who started this bill in the first place, who started the effort to get it passed, who endorsed our efforts and, in fact, it was denied.

I yield the floor.

The PRESIDING OFFICER. The assistant majority leader.

Mr. DURBIN. Mr. President, let me just say I do respect the Senator from Oklahoma. He and I have worked together. I do respect the fact that when he puts a hold on a bill, he is public about it. There are many people who sneak around here who hold legislation and hope they will never be discovered. Senator COBURN from Oklahoma does not take that position. I respect him for that. I may disagree with him on many substantive issues, and we do disagree, but I do respect him for his approach.

Let's be very honest about this situation. These 35 bills are bills we wanted to pass. They are bills passed out of committee. They are bills sponsored by Democrats and Republicans. They are bills we tried to bring up by unanimous consent that were held by the Republican side of the aisle. In our frustration over these holds, we packaged them together and asked Republicans to join us and pass them in a bipartisan way.

Each and every one of these bills had virtual unanimous affirmation in the committees to which they were referred, and most of them had passed overwhelmingly with bipartisan votes in the House.

But now we have a situation where individual Senators—and it is the right

of every one of us as Senators—are deciding: I will just take a cluster of these bills and hang on to them. I will let my staffers look them over. We will get back to you in a few weeks, maybe a few months, maybe never. That abuses the process.

I believe if someone has a serious problem with a bill, has a misgiving, they should announce their hold and the reason for the hold, and, I guess, out of respect for the sponsor, to go forward and explain what the problem is. If it can be resolved, fine, and if it cannot be, so be it.

I also want to say this: What is wrong with calling up these bills and those who don't like them voting against them? That is their right to express their displeasure on the record. But to hold the bill—if I can't have it my way, no one gets a chance to vote—I think pushes it to the extreme. To do that occasionally in your senatorial career, I can understand. But to make that the business of the Senate is to guarantee total frustration.

Today in the Senate Judiciary Committee, I couldn't help but interrupt the proceedings and ask what the point was of deliberating on bills if some of the same Senators who were going to vote for those bills out of committee were going to hold them once they came to the floor and really make sure they never had a chance to be passed into law. That is fact. That is what has happened.

Because of the pain that has been caused by these earlier votes where Republicans have come to us privately and said: We are sorry we voted this way; some of these bills are bills we really wanted to vote for, now they have come to the floor and tried to pick them off one at a time and reduce the pain and—I will use the word "embarrassment," although Senator COBURN says neither applies to him. I think for some of his colleagues there is embarrassment that they would vote against a bill to establish a national registry for victims of Lou Gehrig's disease, that they would put a hold on a bill that was designed to deal with paralysis, the Christopher Reeve bill, in an attempt to honor this man and all he did and try to help quadriplegics across the country; a bill cosponsored by Senator COCHRAN and Senator KENNEDY to deal with stroke victims, that they would put a hold on that; a hold on a bill in which I have a great interest dealing with postpartum depression.

The belief on that side of the aisle is, it is all right; we can hold them until they are exactly the way we want. That has gone on too long, for months and even longer.

When it comes to some of these bills relating to criminal sections, some of these should be passed in a hurry. I don't know any one of us who does not want to deal with Internet pornography that threatens our children and grandchildren, kids in our communities. We had this bill ready to go.

This bill should have been passed quickly, and it was held on the Republican side of the aisle until we had to bring it up in this package and then voted against, voted not to bring it forward.

In their frustration, they have now tried to come out at the close of the week and have something to point to: I tried to come back on the floor, I tried to bring the bill up, but Democrats objected. The true story is those bills have been held up for months. They have been held up on the Republican side of the aisle.

I sure hope my colleagues will understand they cannot run the Senate the way each one wants to run it. We cannot let every single Senator decide the agenda of this Senate or it will be dysfunctional and chaotic and many good pieces of legislation will never see the light of day.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

MORNING BUSINESS

Mr. DURBIN. Mr. President, I ask unanimous consent the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

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

CONGRATULATING TERRY SAUVAIN

Mr. BYRD. Mr. President, St. Ignatius High School is a private, Roman Catholic, Jesuit high school for young men located in Cleveland, OH. The school is renowned for its high standards of academic excellence, with nearly 100 percent of its graduates attending colleges and universities within one year of graduation.

Under the leadership of Rev. Tim Kesicki, S.J., and his predecessor, Fr. Robert J. Welsh, S.J., this high school works hard to produce students who are open to growth, intellectually competent, loving, religious, and committed to doing justice. In summary, a St. Ignatius student is a "man for others."

Each year, Saint Ignatius High School presents its annual John V. Corrigan '38 Distinguished Alumnus Award to a graduate with notable achievements who has used his talents and skills for those in need, consistent with the paramount objective of Jesuit education the formation of "Men for Others." The award recognizes an accomplished graduate who serves as a positive role model for the students of St. Ignatius High School.