

NAYS—40

Akaka	Feingold	Mikulski
Baucus	Feinstein	Moynihan
Bayh	Graham	Murray
Biden	Harkin	Reed
Bingaman	Hollings	Reid
Breaux	Inouye	Robb
Bryan	Johnson	Rockefeller
Chafee	Kennedy	Sarbanes
Cleland	Kerrey	Schumer
Conrad	Kerry	Warner
Daschle	Landrieu	Wellstone
Dodd	Leahy	Wyden
Dorgan	Levin	
Durbin	Lincoln	

NOT VOTING—11

Boxer	Inhofe	Lieberman
Edwards	Jeffords	Murkowski
Gorton	Kohl	Torricelli
Hutchinson	Lautenberg	

The PRESIDING OFFICER. On this vote, the yeas are 49, the nays are 40.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

DEPARTMENT OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY AND RELATED AGENCIES APPROPRIATIONS ACT, 2000—MOTION TO PROCEED

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the cloture motion having been presented under Rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 153, S. 1217, the Commerce, Justice, State appropriations bill:

Senators Trent Lott, Ted Stevens, Fred Thompson, Judd Gregg, Kay Bailey Hutchison, Thad Cochran, George V. Voinovich, Paul Coverdell, Conrad Burns, Pete Domenici, Christopher S. Bond, Mike DeWine, Slade Gorton, John Ashcroft, Frank H. Murkowski, and Jeff Sessions.

CALL OF THE ROLL

The PRESIDING OFFICER. By unanimous consent, the quorum call has been waived.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 1217, the Commerce, Justice, and State, the Judiciary Appropriations bill, shall be brought to a close?

The yeas and nays are required under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Washington (Mr. GORTON), the Senator from Arkansas (Mr. HUTCHINSON), the Senator from Oklahoma (Mr. INHOFE), the Senator from Vermont (Mr. JEFFORDS), the Senator from Florida (Mr. MACK) and the Senator from Alaska (Mr. MURKOWSKI) are necessarily absent.

Mr. REID. I announce that the Senator from California (Mrs. BOXER), the

Senator from North Carolina (Mr. EDWARDS), the Senator from Wisconsin (Mr. KOHL), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from New Jersey (Mr. TORRICELLI), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

The yeas and nays resulted—yeas 49, nays 39, as follows:

[Rollcall Vote No. 186 Leg.]

YEAS—49

Abraham	Domenici	Nickles
Allard	Enzi	Roberts
Ashcroft	Fitzgerald	Roth
Bennett	Frist	Santorum
Bond	Gramm	Sessions
Brownback	Grams	Shelby
Bunning	Grassley	Smith (OR)
Burns	Gregg	Snowe
Byrd	Hagel	Specter
Campbell	Hatch	Stevens
Chafee	Helms	Thomas
Cochran	Hutchison	Thompson
Collins	Kyl	Thurmond
Coverdell	Lott	Voinovich
Craig	Lugar	Warner
Crapo	McCain	
DeWine	McConnell	

NAYS—39

Akaka	Feingold	Lincoln
Baucus	Feinstein	Mikulski
Bayh	Graham	Moynihan
Biden	Harkin	Murray
Bingaman	Hollings	Reed
Breaux	Inouye	Reid
Bryan	Johnson	Robb
Cleland	Kennedy	Rockefeller
Conrad	Kerrey	Sarbanes
Daschle	Kerry	Schumer
Dodd	Landrieu	Smith (NH)
Dorgan	Leahy	Wellstone
Durbin	Levin	Wyden

NOT VOTING—12

Boxer	Inhofe	Lieberman
Edwards	Jeffords	Mack
Gorton	Kohl	Murkowski
Hutchinson	Lautenberg	Torricelli

The PRESIDING OFFICER. On this vote, the yeas are 49, the nays are 39. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2000—MOTION TO PROCEED

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to Rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 159, S. 1234, the Foreign Operations appropriations bill.

Senators Trent Lott, Ted Stevens, Fred Thompson, Richard G. Lugar, Judd Gregg, Kay Bailey Hutchison, Thad Cochran, Mike DeWine, Conrad Burns, Pete Domenici, Christopher Bond, Slade Gorton, John Ashcroft, George V. Voinovich, Frank H. Murkowski, and Paul Coverdell.

CALL OF THE ROLL

The PRESIDING OFFICER. By unanimous consent, the quorum call has been waived.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 1234, the Foreign Operations appropriations bill, shall be brought to a close?

The yeas and nays are required under the rule. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Washington (Mr. GORTON), the Senator from Arkansas (Mr. HUTCHINSON), the Senator from Oklahoma (Mr. INHOFE), the Senator from Vermont (Mr. JEFFORDS), the Senator from Florida (Mr. MACK), and the Senator from Alaska (Mr. MURKOWSKI) are necessarily absent.

Mr. REID. I announce that the Senator from California (Mrs. BOXER), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from New Jersey (Mr. TORRICELLI) are necessarily absent.

The yeas and nays resulted—yeas 49, nays 41, as follows:

[Rollcall Vote No. 187 Leg.]

YEAS—49

Abraham	Domenici	Nickles
Allard	Enzi	Roberts
Ashcroft	Fitzgerald	Roth
Bennett	Frist	Santorum
Bond	Gramm	Sessions
Brownback	Grams	Shelby
Bunning	Grassley	Smith (OR)
Burns	Gregg	Snowe
Byrd	Hagel	Specter
Campbell	Hatch	Stevens
Chafee	Helms	Thomas
Cochran	Hutchison	Thompson
Collins	Kyl	Thurmond
Coverdell	Lott	Voinovich
Craig	Lugar	Warner
Crapo	McCain	
DeWine	McConnell	

NAYS—41

Akaka	Feingold	Lincoln
Baucus	Feinstein	Mikulski
Bayh	Graham	Moynihan
Biden	Harkin	Murray
Bingaman	Hollings	Reed
Breaux	Inouye	Reid
Bryan	Johnson	Robb
Cleland	Kennedy	Rockefeller
Conrad	Kerrey	Sarbanes
Daschle	Kerry	Schumer
Dodd	Kohl	Smith (NH)
Dorgan	Landrieu	Wellstone
Durbin	Leahy	Wyden
Edwards	Levin	

NOT VOTING—10

Boxer	Jeffords	Murkowski
Gorton	Lautenberg	Torricelli
Hutchinson	Lieberman	
Inhofe	Mack	

The PRESIDING OFFICER. On this vote the yeas are 49, the nays are 41. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The majority leader.

Mr. LOTT. Mr. President, our effort with these cloture votes was to find a way to move the people's business forward. We had four cloture votes on four appropriations bills: one on the agriculture appropriations bill and three on motions to proceed to other bills—Commerce-Justice-State transportation, and foreign operations appropriations.

Obviously, these bills are ready to go. We should make every effort to consider those and/or other bills. I understand the District of Columbia appropriations bill is ready and perhaps Treasury-Postal Service. The Appropriations Committee is doing its work, and its work is stacking up now on our calendar.

The business before us is exactly how to proceed with the cloture motion filed on the Kennedy bill, which was offered as a second-degree amendment to the Feinstein amendment. I had suggested we would be willing to do it in the stacked sequence today, but I did not ask consent for that. We need to find some way to move forward on that cloture vote.

Rather than waiting until Wednesday, I want us to find a way to have that vote so we can move on to what is to be the outcome of that and whatever follows next.

ORDER OF BUSINESS

Mr. LOTT. Mr. President, I ask unanimous consent that the cloture vote occur on the Kennedy health care bill at 12:15 p.m. on Tuesday and the mandatory quorum under rule XXII be waived.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. Mr. President, I ask unanimous consent that the cloture vote on the Kennedy health care bill occur at 2:15 p.m. on Tuesday and the mandatory quorum under rule XXII be waived.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. Mr. President, there is one other option. If we do not get an agreement to handle it sometime tomorrow, we will, of course, handle it in the regular order on Wednesday, either 1 hour after we come in or sometime which the leaders will discuss. I have one more request.

Mr. President, I ask unanimous consent that there be 1 hour of debate on the pending amendment to be equally divided in the usual form and the vote occur on, or in relation to, the amendment at 11 a.m. on Tuesday.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE. Mr. President, will the majority leader be prepared to waive points of order on that particular amendment?

Mr. LOTT. I do not believe I am able to do that, although I do not know of any reason that would be used.

But I think at this point I would not be inclined to waive a point of order.

Mr. DASCHLE. Mr. President, until we have been able to clarify that, I will have to object.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. Mr. President, I yield the floor.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, let me explain briefly our situation.

Early this year, the majority leader stated we would take up the Patients' Bill of Rights in June. We applauded that commitment. That is really what this fight is all about—maintaining the commitment that was made earlier.

Democrats have been saying we will do everything humanly possible to ensure that the Senate engages in a full, meaningful debate on the central issues of managed care reform:

Whether doctors or HMO bureaucrats determine what tests or treatments are medically necessary;

Whether you or your child can see a qualified specialist;

Whether patients have access to a timely, independent, external review to appeal HMO decisions to deny care;

Whether HMOs should be held accountable for medical decisions to deny or delay care that injure or even kill patients;

Whether an HMO bureaucrat, or your doctor, decides what prescription drugs you need;

Whether you or your family member can participate in a clinical trial for a potentially life-saving new treatment;

Whether all privately insured Americans deserve protection.

The list goes on and on. Those are some of the issues, some of the questions.

We have tried to reach an agreement with the majority to call up the bill separately. All we have asked is that we be guaranteed votes on those central issues. So far, the majority has refused.

What we have done in the last few days is what we vowed we would have to do: We are offering our proposal as amendments on the floor, as is our right under the Senate rules.

In my view, it is also our obligation to bring to the floor of the Senate the issues that matter most to the American people.

While some have suggested there isn't time for this debate, others have stated quite clearly their real reason for refusing: They do not want to vote on these issues.

Why don't they want to cast these votes? Because they are, frankly, on the wrong side of the issues. They do not want to have to defend their position.

They said they want to get beyond the Feinstein amendment. They can. All they have to do is vote on it. The majority wants to accuse us of holding up the Senate, but nothing is stopping any member of the majority from moving to table the Feinstein amendment. They can do that tonight. We could have our vote and move on to another amendment. That is all that is re-

quired: Table the Feinstein amendment if you do not like it.

But the majority appears not to want to table the amendment. They appear to be afraid to have that vote, afraid to let doctors make medical decisions, afraid to admit they are blocking that patient protection. I have never seen anything like the bob-and-weave tactics that have been employed to date to avoid this vote.

So what are they afraid of? What is wrong with doctors making medical decisions? I believe this is gamesmanship at its worst.

Last week we heard several Republican Senators talk about how good their Patients' Bill of Rights is. Then they voted to strip it from the floor.

Now they are offering the Democratic bill—which they tabled just last week so they could avoid an up-or-down vote on the Feinstein amendment—so they can avoid a vote on whether or not to let doctors and other health care professionals determine what is medically necessary.

Every day the majority makes these decisions, every day they avoid these tough votes, someone's child, someone's parent, someone's spouse is being denied medical care prescribed by a doctor because an insurance company accountant is saying it isn't really necessary or that it costs too much.

Let me make one thing very clear. This dispute isn't about the Senate's time. In the time the majority has spent avoiding a single vote on medical necessity, we could have considered the entire Patients' Bill of Rights amendments. They have turned down every offer we have made to address this issue in an efficient manner. This dispute isn't about time, it is about actual votes on actual rights. We insist on having them—both the votes and the rights. Apparently our colleagues on the other side of the aisle want neither.

Up-or-down votes—isn't that what the Senate is here to do, to vote on the issues that matter the most? If and when the majority is willing to vote on these issues, the Senate can move on. But it is our belief that the Senate should not move on until it has dealt properly with one of the most important issues facing virtually every American—their health care.

I yield the floor.

Mr. ASHCROFT addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

MORNING BUSINESS

Mr. ASHCROFT. Mr. President, I ask unanimous consent that the Senate now 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.