

such regulations have been issued and are in effect.

(c) **REPORT.**—Not later than March 6, 2009, the Inspector General of the Department of Homeland Security shall submit to Congress a report on the effectiveness of the regulations required by subsection (b)(1).

(d) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall take effect on the date that the Secretary of Homeland Security submits the certification described in subsection (b)(2) stating that the final regulations required by subsection (b)(1) have been issued and are in effect.

#### EXTENDING THE PILOT PROGRAM FOR VOLUNTEER GROUPS TO OBTAIN CRIMINAL HISTORY BACKGROUND CHECKS

Mr. REID. Mr. President, I now ask that we proceed to S. 3605, introduced earlier today by Senator BIDEN.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 3605) to extend the pilot program for volunteer groups to obtain criminal history background checks.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent the bill be read three times, passed, the motion to reconsider be laid on the table, there be no intervening action or debate, and any statements be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The bill (S. 3605) was ordered to be engrossed for a third reading, was read the third time and passed, as follows:

S. 3605

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Criminal History Background Checks Pilot Extension Act of 2008".

#### SEC. 2. EXTENSION OF PILOT PROGRAM.

Section 108(a)(3)(A) of the PROTECT Act (42 U.S.C. 5119a note) is amended by striking "a 66-month" and inserting "a 78-month".

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

#### CONCLUSION OF MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent morning business be closed.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### UNANIMOUS CONSENT AGREEMENT—S. 3604

Mr. REID. Mr. President, I ask unanimous consent the motion to proceed to S. 3297 be set aside and that it be in order for the majority leader to move to proceed to a bill relating to the stimulus initiative that was introduced

earlier today and that is at the desk; that the motion be considered as having been made, there be debate by Senator ALLARD for up to 3 minutes, and that there be an opportunity for Senator DEMINT to offer a unanimous consent request, and that upon completion of that time the Senate proceed to vote on the motion to proceed and the motion be subject to an affirmative 60-vote threshold; that if the motion receives 60 affirmative votes, then it be as if cloture had been invoked on the motion and postcloture time would be in effect; that if the motion does not receive an affirmative 60-vote threshold, then it be withdrawn, and the motion to proceed to S. 3297 recur, with the above occurring with no intervening action or debate.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. DEMINT. Reserving the right to object, I understand the majority leader has added into this so-called stimulus package an extension of the ban on oil shale development. I ask consent that his request be modified to include an amendment, which is at the desk, that would authorize and expedite offshore and oil shale exploration.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. REID. I say to my good friend, you should quit while you are ahead. I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Is there an objection to the majority leader's request?

Without objection, it is so ordered.

#### MAKING EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR ECONOMIC RECOVERY FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2008—MOTION TO PROCEED

The ACTING PRESIDENT pro tempore. Under the previous order, the motion to proceed to S. 3604 is considered made by the majority leader.

The Senator from Colorado is recognized for 3 minutes.

The ACTING PRESIDENT pro tempore. The Senator from Colorado is recognized.

Mr. ALLARD. Mr. President, I rise in opposition to the stimulus package. This stimulus package attempts to overturn an oil shale agreement that was reached in the continuing resolution.

This is more of the same shoddy process we have seen from the majority party throughout the entire Congress. If the purpose of this amendment is to stimulate the economy, why would we attempt to place one of the largest potential deposits of oil in the world out of reach?

This provision would maintain the status quo of sending \$700 billion annually to the likes of Hugo Chavez, if we enacted this provision. Not only are we sending American dollars abroad, but we are sending American jobs after

them. It is ironic that something that is supposed to stimulate our economy would, in fact, hurt us.

This Congress has already passed a stimulus proposal as well as a supplemental disaster appropriations bill, and we are going to vote on a \$700 billion Wall Street bailout. We must realize that the United States does not have a blank check to spend unlimited amounts of taxpayer money.

It is premature to consider the stimulus package before we fully know what our other obligations are going to be. This do-nothing and drill-nothing Congress is out of touch with the people who put them in office.

Earlier this week we saw the largest single-day jump in oil prices in history. How did Democrats in Congress react? They attempted to extend the ill-conceived moratorium on oil shale regulations. This moratorium places over 800 billion barrels of potentially recoverable oil out of reach. That is an energy source larger than the proven reserves of Saudi Arabia. Let me repeat that again. We are talking about an energy source larger than the proven reserves of Saudi Arabia.

The Democratic-controlled Congress is completely ignoring the needs of our Nation. It is not only unfortunate but also insulting to the American people who are struggling to pay these high fuel prices at the gas pump.

Mr. LEVIN. Mr. President, Congress needs to take action to stimulate the slumping economy in ways that create jobs and help average middle-class Americans. So I am pleased that today the Senate is voting on a second economic stimulus package of \$56.2 billion aimed at creating jobs and helping people suffering from higher prices at the pump and at the grocery store, reduced State services, high unemployment, home foreclosures and otherwise feeling the economic pain in their daily lives. We clearly need more economic stimulus, especially in States like Michigan. I hope my colleagues will join me in supporting this bill.

Importantly, this package includes a much needed unemployment extension. In August, Michigan's unemployment rate rose from 8.5 percent to 8.9 percent. The Nation's unemployment rate also increased by .4 percent, to 6.1 percent, the highest since 2003. These are very hard economic times. Unemployment rates are rising and since January 2001 we have lost 3.686 million manufacturing jobs nationally and 253,800 manufacturing jobs in Michigan. Since 2000, we have lost more than 450,000 jobs in Michigan across all industries.

The unemployment insurance extension which was signed into law on June 30 as part of the supplemental war appropriations bill included a 13-week extension of UI benefits for all States. Since then, workers who started receiving the 13-week extension in mid-July under the current program will have their benefits cut off starting October 5. This means that an estimated 42,600 workers in Michigan will be cut

off in October, and 775,000 workers across the Nation. By the end of this year, the number of individuals who would have exhausted their unemployment benefits will rise to 58,000 in Michigan and 1.1 million nationally.

The unemployment insurance extension included in this economic stimulus package is essential. This extension will ensure that hard working Americans have an additional 7 weeks as they continue to find jobs. In high unemployment States like Michigan, these States will receive an additional 13 weeks. We must ensure that those individuals who have lost their jobs and are looking for work, during a time when industries are losing jobs and the price of food and energy are rising, are not also struggling to put food on their table, pay their utility bills, and cover their mortgages.

With States facing billions of dollars in shortfalls in revenue collection, they are forced to cut health care, education and other important programs that average people depend on. This bill will help States facing shortfalls by providing \$19.6 billion to reduce the State's share of Medicaid costs by increasing the Federal share by 4 percent.

The bill also includes \$10.8 billion for building and repairing highways, bridges, mass transit and airports. I have been calling for additional infrastructure spending because infrastructure investment creates jobs and promptly puts people to work. This type of investment strengthens our economy and it gives us better roads and safer bridges.

President Bush has opposed providing infrastructure funding as an economic stimulus claiming there is a lag time to get infrastructure projects going and Federal funding could not be spent fast enough to spur the economy in the short term. But there are plenty of ready to go projects in Michigan and other states that can put people to work right away.

Infrastructure spending for projects that are ready to begin construction could immediately create high-paying jobs in the short term. Once built, the new infrastructure would enhance economic output over the long term. Investment in transportation, water and sewer projects, navigational systems, and other public infrastructure projects that are ready to go will create jobs and provide the means for future economic growth. Specifically, Michigan has at least \$263 million of transportation projects that could be started this year.

The Great Lakes navigational system also faces a backlog in construction and operations and maintenance projects. The Army Corps of Engineers estimates \$62 million could be used this year to address the backlog in dredging projects to help ensure that shipping—one of the lowest cost ways to transport supplies to industry and products to customers—is not impeded. The Economic Recovery Act includes \$100 mil-

lion for Army Corps of Engineers dredging projects to address this backlog and to ensure that channels are dredged for energy shipments and other raw materials. Great Lakes coal trade for the year totals about 24 million tons, fueling electric utilities and manufacturing plants. In total, Great Lakes vessels transport about 115 million tons of cargo each year, fueling our Nation's industries and manufacturing plants. This funding is critical for ensuring these shipments can continue to flow. The bill also would provide \$600 million for the Environmental Protection Agency's clean water State revolving fund, which provides funding to States for low-cost loans for sewer projects. This money could be used immediately in Michigan, which has 20 sewer projects that are ready-to-go, and could use \$55 million this year.

I am pleased that the stimulus package contains a significant increase in funding for the Department of Energy's weatherization assistance programs, providing an increase of \$500 million over what is already proposed to be included in the continuing resolution for fiscal year 2009, providing a total of close to \$1 billion for this program. The Bush administration has consistently reduced funding for weatherization assistance in previous years and even proposed to eliminate it completely this year. But instead of decimating the program as proposed by the administration, the stimulus package will more than triple the current level of funding assistance provided by the Federal Government and help to weatherize an additional 300,000 homes and support more than 8,000 existing jobs.

This stimulus package also includes over \$700 million to continue to help our Nation's homeowners and renters, many of whom are experiencing the real impacts of this housing crisis first hand. The increased funding to implement the recently-passed Housing and Economic Recovery Act, funding for legal assistance to families whose homes are in foreclosure, and housing assistance to renters who are being displaced by foreclosure included in this bill would provide much needed relief to those caught in the middle of this crisis. In addition, this bill would provide additional funding to assist the FBI in their investigation of the rising claims of mortgage fraud throughout this country.

The cost of operating and maintaining public housing has been rising and public housing agencies need additional funding to address critical and urgent safety, security and energy-related needs. This bill includes funding to address these needs that will prioritize rehabilitating vacant rental units in order to meet increasing demand for affordable rental housing.

The stimulus package includes an additional \$300 million for advanced battery research and development and battery manufacturing. This funding is critical if the U.S. is to develop the components needed for advanced tech-

nology vehicles and if we are to remain competitive in the global marketplace. There is a strong push here and in other countries to develop a lithium ion battery suitable for vehicle applications at affordable cost. Significantly more Federal investment is required—as much as triple the amount being spent now—if we are to meet this challenge in the U.S. Over time, Japan and other Asian governments have invested significantly more money in battery technology and have supported their manufacturers in bringing these technologies to the market. Most of these technologies were originally invented here, but the manufacturing has been done overseas because these other countries more vigorously support their manufacturing base. We need a similar strong commitment in the U.S.—both in exploratory research and development and in development of advanced battery manufacturing capabilities—to ensure that the next generation of technology is built here in America. The additional \$300 million included in the stimulus will take a giant step in the right direction.

This legislation also includes valuable funding for law enforcement and border security. It includes \$490 million for Byrne grants to support State and local police and \$500 million for the COPS hiring grant program, which will put 6,500 new officers on the street across the country. Further, the bill includes \$776 million for border construction at CBP-owned inspection facilities at land border ports of entry.

Mr. President, with the economic crisis on Wall Street looming before us Congress must act to help people on Main Street now more than ever. The bill before us does this and I will vote for it.

Mr. DOMENICI. Mr. President, with the backdrop of gas prices soaring to new heights this past summer and the specter of sending a half a trillion dollars to overseas to purchase oil from foreign regimes, I am told that the majority leader seeks to reinstate a moratorium on final regulations for the commercialization of oil shale. Ironically he is doing it on a bill that is being called a stimulus. Well, it certainly won't stimulate domestic production of energy. If brought to fruition it will give the majority in the Senate the dubious distinction of being even more antiproduction than the majority in the House.

I have heard my friends on the other side say that they are not standing in the way of oil shale, but at the same time, they are doing exactly that. In the next sentence, they argue that there is nothing about oil shale that will bring relief to the American consumers. I find it difficult to understand these statements, and so do a majority of Americans. Over the summer, the majority did everything it could to obstruct our efforts to increase domestic production. The majority cancelled an appropriations committee markup to avoid the issue of drilling on the OCS

and developing Western oil shale. They prevented a real debate and a real vote on energy. Finally, we saw a breakthrough from the House. After dodging the energy reality for months, they passed a continuing resolution without the moratorium on oil shale regulations and without the moratorium on the OCS. This was a great development and not one we should turn back by re-imposing an oil shale ban.

Several recent polls inform us that a strong and growing majority of the American people want us to produce more of our own American energy resources. The development of Western oil shale will not be upon us today, but an indefensible moratorium on regulations will ensure that the development of oil shale will not be upon us tomorrow, either. And, therefore, relief for the American people will be delayed as well. Let me tell you what I know about oil shale, and the moratorium that the other side supports.

Oil shale is a rock from which oil can be extracted through technologies such as in-situ heating and surface retorting. I have been out to Colorado and I have seen the vast commitments that private industries are making to help make oil shale production a reality in this country. But make no mistake about it—with this moratorium, the other side seeks to stand in the way of that progress.

The USGS estimates that there is a potential total of 2.1 trillion barrels of resource in the Green River Basin of Colorado, Utah, and Wyoming. The Strategic Unconventional Fuels Task Force and Rand Corporation have estimated that 800 billion barrels of oil equivalent is technically recoverable. This is enough to replace the amount of oil we currently import at today's pace for more than 160 years. With oil prices above the \$100 mark for a sustained period of time and with technologies advancing rapidly, the potential development of large quantities of oil shale is a reality. American companies stand ready to continue the necessary work, but a moratorium placed on oil shale casts a large shadow of uncertainty. We must remove that shadow immediately.

In 2005, we passed the Energy Policy Act. Working across party lines in both the Senate and the House, Senator BINGAMAN and I brought together broad bipartisan support behind a conference report that each and every Senator from the Western oil shale States supported. In that bill we set up an oil shale pilot program with research and development leases. We also set forth a time frame for the development of final regulations for commercial leasing. This does not mean that commercial leasing would begin now, but what it does mean is that companies that need to make long-term planning decisions on where to make significant capital investments have a clear sense of rules of the road for future Western oil shale leasing.

If these regulations were completed, companies could be provided with cer-

tainty and stability. Recently, Chevron joined other companies who have publicly called for the lifting of the moratorium on oil shale regulations. The final regulations would provide a roadmap on diligence requirements, royalty rates, conversion fees, and operating and environmental requirements such as reclamation requirements. Both private industry and localities would know the terms and conditions necessary for this American energy project. That is why we included this provision in the bipartisan 2005 Energy bill. Two years after that bill passed, along came an appropriations moratorium quietly written into a large omnibus spending bill. In other words, Congress has prevented the Department of the Interior from doing the work necessary to make oil shale a reality. Shell Oil Company recently testified before the Senate Energy Committee that, "the extension of this moratorium on potential future development of America's vast oil shale resource may be intended to become permanent in nature. The extension of this moratorium may well have a chilling effect on our efforts to develop this resource in the future." I could not agree more with this assessment.

Additionally, the Department of the Interior recently testified that finalizing oil shale regulations is a critical component to realize the vast potential of our Western oil shale resource. Assistant Secretary Allred stated that, "absent the certainty that final regulations would bring, the commercial oil shale industry may not be willing to invest the necessary dollars for research, and this vast domestic resource will remain untapped at a time when our Nation is searching for ways to further its energy security." And recently Utah's Governor—a voice from on the ground—requested that Congress remove this moratorium, writing, "I recommend lifting those restrictions. Utah is home not only to substantial oil shale reserves . . . but also to businesses willing to develop oil shale using new technology that will make extraction cleaner and more efficient. We have State and Federal regulators who are capable of ensuring that this resource is developed in an environmentally responsible manner." So, despite this coalition of industry, local support, and a Federal agency eager to do the necessary work, and now even the Speaker and the majority in the House—the majority in the Senate is asking us to stand in the way of this progress.

For all of the above reasons, I introduced a bill in May that lifts this unnecessary and harmful oil shale moratorium. We pushed and prodded and pushed some more until the House majority listened to the American people. Now, I am sending the same message to the Senate. Ending this moratorium would send a message to the world that America is serious about Western oil shale development. I urge my colleagues on the other side to reaffirm

their bipartisan commitments made during the Energy bill of 2005 and help us join the House in removing the oil shale moratorium. If we do that, we will take a step in the right direction of reducing our great dependence on foreign oil and we will strengthen our Nation's energy security.

Ms. MIKULSKI. Mr. President, I rise today in support of the bill offered by Majority Leader REID and Chairman BYRD. I commend them for their leadership during this economic crisis. This bill helps families who are struggling with rising food and energy costs and it creates jobs by investing in America's infrastructure. Simply put, this bill says to the American people—your government is on your side and help is on the way.

We need this bill to show Americans whose side we are on. Americans are mad as hell. They have watched Wall Street executives pay themselves lavish salaries, engage in irresponsible lending practices, practice casino economics and gamble on risky investment mechanisms. Now those very same Americans who've worked hard and played by the rules, who were prudent investors, prudent savers, and prudent citizens are asked to pay the bill for those who didn't.

Now, it is for these people that government must do something. It is for these people that this bill is so important. We have to show them that we are fighting for the middle class. Since we're about to shell out \$700 billion to help Wall Street, we need to put government on the side of those who need it.

I agree with the President that Congress must act promptly in order to restore confidence to our markets. But there are still tough questions to be asked. Congress will act with resolve but we will not be a rubberstamp. The administration originally sent us a plan for a blank check. I say no blank checks and no checks without balances. I will continue to work to put in the oversight and accountability into this plan. This plan needs to work. I will fight for the middle class and for the people who play by the rules.

I am supporting the Reid-Byrd stimulus bill for three reasons. First, it provides a safety net for families. Second, the bill creates jobs in America with infrastructure investments. Third, it fights price gouging and fraud.

The stimulus is a safety net for America's families. It is for families who are struggling to pay for food, energy, and housing. It also extends unemployment insurance up to 13 weeks in States with high unemployment. It increases Medicaid payments to States, so States with shortfalls can continue health care. It also helps the elderly pay their energy bills.

The stimulus makes important investments in America's physical infrastructure, which will create jobs. Specifically, it provides: \$8 billion to build

and repair bridges and highways; \$2 billion for mass transit systems, including important work to improve and expand bus, subway, and light-rail services; and \$350 million for AMTRAK to help repair tracks and tunnels. These transportation infrastructure investments will create 384,000 jobs. The bill also provides \$600 million for water and sewer grants to fix aging sewer systems; helps take burden off ratepayers and protects public health and the environment. These investments will create 24,000 jobs.

The stimulus fights price gouging and fraud on American taxpayers. The foreclosure crisis is ruining lives and ruining neighborhoods. The FBI Director told the CJS Subcommittee that mortgage fraud investigations are growing rapidly. The Reid-Byrd stimulus provides \$5 million to increase the FBI's investigations of mortgage fraud, which will allow the FBI to add at least 20 agents and support staff to keep up with the rising caseload. And the stimulus includes \$13.1 million for the Commodity Futures Trading Commission for increased oversight of commodity, energy, and food pricing.

As chairwoman of the Commerce, Justice, Science Subcommittee, I am pleased this bill includes important funding to make America's communities safer and stronger. This bill makes America's neighborhoods safer; safer communities are stronger communities. The bill provides \$490 million for Byrne grants, which is the main Federal grant program that helps State and local law enforcement pay for police training, antidrug task forces and equipment like radios and computers. Specifically, this funding will help keep over 6,000 cops on the beat in our local communities and install almost 45,000 mobile laptops in police vehicles. The 2008 Omnibus provided just \$170 million for Byrne grants because the President threatened to veto the CJS bill. The \$490 million in the Reid-Byrd bill will result in a final 2008 Byrne grant amount of \$660 million. This is the level in the Senate passed 2008 CJS bill. The Reid-Byrd bill also includes \$500 million for the COPS hiring program, the competitive grant program that pays for new cops on the beat. This funding will put 6,500 new cops on the street in neighborhoods around the Nation. This is the first time since 2005 that the COPS hiring program would receive substantial dedicated funds to help communities hire new police. I'm so pleased the Reid-Byrd stimulus bill includes \$50 million to enforce the Adam Walsh Child Protection Act. This funding will enable the U.S. Marshals to hire 150 new deputy marshals devoted to apprehending fugitive sex offenders who prey on our children.

In the area of science and innovation, I'm pleased the bill includes \$250 million for NASA to help shorten the 5-year gap in time between the Space Shuttle's retirement in 2010 and the availability of our new vehicle in 2015. During this 5-year gap, the only way

U.S. astronauts will be able to go into space is aboard Russian vehicles. The United States of America must remain a leader in science, innovation and space exploration. The Reid-Byrd bill helps close our gap in space access.

The Reid-Byrd bill tells those who are struggling that help is on the way and that your government is on your side. The bill makes important investments in our infrastructure and creates jobs. It makes our communities and our Nation safer and stronger. I urge my colleagues to support the Reid-Byrd stimulus bill.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Mississippi is recognized.

Mr. COCHRAN. Mr. President, I appreciate the leadership permitting me to comment on the schedule for consideration of the Appropriations bills before the vote on the stimulus bill. It is unfortunate that the continuing resolution comes in the form it does to the Senate. What this bill actually contains is the fiscal year 2009 Homeland Security Appropriations bill as well as the Defense appropriations bill, and the Military Construction and Veterans Affairs appropriations bill. It also contains a continuing resolution to fund the rest of the Government through March 6, and a substantial disaster supplemental in response to floods, wildfires, and hurricanes.

There was no opportunity for the Senate to carefully review all of this bill in the time that is being allotted for its consideration this morning; there was no opportunity for most Members—whether they were members of the Appropriations Committee or otherwise—to advocate for specific requests, no forum for offering amendments, no meetings in which to argue policy or air grievances, there was no meeting of a conference committee.

A few elements of the bill have been previously considered, but only a few, by the Senate. Only the Military Construction and Veterans Affairs chapter was debated on the floor of the other body. The regular order has been thrown out the window and we have failed to give the Senate and the people we represent an opportunity to know exactly what we are about to do. Not one of the individual appropriations bills has been brought to the Senate floor. But in spite of that, we have to appropriate the money, we have to vote in support of an appropriations bill. I rest my case. I hope we can do better in the future than we have done in this cycle.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion to proceed to S. 3604.

Mr. REID. Mr. President, I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. 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 Delaware (Mr. BIDEN), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from South Carolina (Mr. GRAHAM), the Senator from Arizona (Mr. MCCAIN), and the Senator from Alaska (Mr. STEVENS).

Further, if present and voting, the Senator from South Carolina (Mr. GRAHAM) would have voted "nay."

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

The result was announced—yeas 52, nays 42, as follows:

[Rollcall Vote No. 206 Leg.]

#### YEAS—52

Akaka	Feingold	Nelson (NE)
Baucus	Feinstein	Pryor
Bingaman	Harkin	Reed
Boxer	Inouye	Reid
Brown	Johnson	Rockefeller
Byrd	Kerry	Salazar
Cantwell	Klobuchar	Sanders
Cardin	Kohl	Schumer
Carper	Landrieu	Smith
Casey	Lautenberg	Snowe
Clinton	Leahy	Specter
Coleman	Levin	Stabenow
Collins	Lieberman	Tester
Conrad	Lincoln	Webb
Dodd	Menendez	Whitehouse
Dole	Mikulski	Wyden
Dorgan	Murray	
Durbin	Nelson (FL)	

#### NAYS—42

Alexander	Craig	Lugar
Allard	Crapo	Martinez
Barrasso	DeMint	McCaskill
Bayh	Domenici	McConnell
Bennett	Ensign	Murkowski
Bond	Enzi	Roberts
Brownback	Grassley	Sessions
Bunning	Gregg	Shelby
Burr	Hagel	Sununu
Chambliss	Hatch	Thune
Coburn	Hutchinson	Vitter
Cochran	Inhofe	Voinovich
Corker	Isakson	Warner
Cornyn	Kyl	Wicker

#### NOT VOTING—6

Biden	Kennedy	Obama
Graham	McCain	Stevens

The PRESIDING OFFICER. Pursuant to previous order, the motion not having attained 60 votes in the affirmative, the motion is withdrawn.

Mr. SALAZAR. I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### ADVANCING AMERICA'S PRIORITIES ACT—MOTION TO PROCEED

The PRESIDING OFFICER. The motion to proceed to S. 3297 is pending.

The Senator from Vermont.

Mr. LEAHY. Mr. President, I understood we were in a position to move forward on the IP bill, plus a number of judges who are on the calendar. As Members know, in a rather extraordinary fashion, I expedited the consideration of 10 judges, notwithstanding