

technologies. These will ultimately ease our dependence on foreign oil and gas. But we need relief now and American oil is necessary and available.

For the foreseeable future, our economy will rely heavily on fossil fuels. While we certainly need to encourage the market for alternative energy sources, it has yet to be fully developed. But there is no denying that by stalling domestic production, we create an unnecessary burden on an already weak economy and are hurting our efforts to meet our energy needs. We need to lift the moratorium on offshore oil development, open ANWR for exploration and move the Keystone Pipeline forward instead of further postponing the decision.

As I mentioned earlier, the people of Arkansas are demanding action from Washington. They are frustrated by the higher totals that appear on the receipts every time they go to fill up their gas tank. They are tired of seeing more and more of their disposable income being eaten up at the pump. Let's start providing them relief by increasing production here at home.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. What is the order at this time?

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

MOVING AHEAD FOR PROGRESS IN THE 21ST CENTURY ACT

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 1813, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1813) to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes.

Pending:

Reid amendment No. 1761, of a perfecting nature.

Reid amendment No. 1762 (to amendment No. 1761), to change the enactment date.

Reid motion to recommit the bill to the Committee on Environment and Public Works, with instructions, Reid amendment No. 1763, to change the enactment date.

Reid amendment No. 1764 (to (the instructions) amendment No. 1763), of a perfecting nature.

Reid amendment No. 1765 (to amendment No. 1764), of a perfecting nature.

The PRESIDING OFFICER. Under the previous order, the time until 12 noon will be equally divided and controlled between the two sides, with the final 10 minutes equally divided and controlled by the two leaders or their designees, with the majority leader controlling the final 5 minutes.

The Senator from California.

Mrs. BOXER. Mr. President, we are back in our fourth week trying to get a

transportation bill through this body. To me, it is a very sad statement about the dysfunction of this body that we spent approximately 3 weeks dithering over a contraception amendment that has nothing to do with the highway bill and other threats to offer foreign policy amendments, and so on.

We have a chance today to vote to end this dithering, and the Chamber of Commerce is asking us to do that. The AFL-CIO is asking us to do that. One thousand organizations are asking us to do that because they know thousands of businesses and well over 1 million jobs are at stake.

I wish to say I heard the tail end of Senator BOOZMAN's talk about the Keystone Pipeline. I wanted to make sure it was on the record—this is from a conversation I had with Senator DURBIN—that under this President we are drilling now more than we have ever drilled. Anyone who says “drill, baby, drill” doesn't understand that the number of rigs that are now moving are four times as many as in 2008. They don't understand we are now exporting oil. They don't understand the fact that we are importing less. Does that mean we are done? No. The oil companies have more than 50 million acres of approved leases. They ought to drill there and hands off my coast because my coast is an economic gold mine the way it is because we have tourism and recreation and fishing. Those jobs far outweigh any jobs that would come from oil drilling, which would tend to undermine the very economy of my great State. If we have to vote on Keystone, we will. If we have to vote on offshore drilling, we will. But I will be here to point out that if we care about jobs and about making sure the price of gasoline goes down, when we have Keystone, let's make sure the oil stays here, that oil is made in America and stays in America. These issues are not one-dimensional; they are many sided, as my friend knows. He and I have agreed on much and we have disagreed on some.

What we need is the kind of balance President Obama brings to the table when it comes to energy. He says we will do “all of the above,” but we will do it wisely. Interestingly, on the Keystone Pipeline—we now have the tea party talking about property rights and the fact that they have to be respected as well when we build a new pipeline such as this. So we will have votes.

May I make a plea to my colleagues. At noon, just about 50 minutes from now, we can have a clean vote; 60 of us can vote to move to this Transportation bill, to get rid of, as my friend OLYMPIA SNOWE has said, polarizing amendments. Why not move to something that was voted unanimously out of our committee, 18 to zero—Republicans and Democrats, all together; Senator INHOFE and myself, together; Senator SHELBY and Senator JOHNSON, together on the bill; Senator BAUCUS, working in a bipartisan way with his

committee; and Senator ROCKEFELLER, once they got rid of some bumps, working with Senator HUTCHISON. We now have pending an agreed-upon bill, plus we have added to the package 37 bipartisan amendments.

What more do my friends want? We have a bipartisan bill. We have added more bipartisan amendments to it. All these jobs are at stake, and today we can end all this dithering and wasting time. The people of America look at us and wonder what we are about. Vote yes for cloture.

I wish to talk about what is at stake if we don't invoke cloture and don't wind up with a bill. That is not just hyperbole; these are facts. All our transportation programs expire on March 31.

My friend in the chair served as a great Governor of his State of West Virginia. He knows how important the highway bill is. We work together with the States and with the planning organizations, and we get those funds out there. On March 31, we are done. This bill reauthorizes that program, and 1.8 million jobs are at stake. As soon as we fail, there is no more program. There is no more authority to collect the Federal gas tax that supports the highway program. There is no more authority to spend any money on transportation.

Again, 1.8 million jobs are at stake. Let's go to the next chart. I did a breakdown of the various States. In this time, I am going to highlight a few of the States. These charts will be available for everybody.

In Alabama, we are talking about only 27,000 jobs; in Alaska, 18,000 jobs—I am skipping; in California, 164,000 jobs; in Florida, 76,000 jobs; right here in DC, 18,000 jobs; in Georgia, almost 50,000 jobs; in Illinois, 65,000; in Indiana, 34,000; in Iowa, 17,000; in Louisiana, 25,000; in Maine, almost 7,000.

We will go on and give the rest of the States to give a sense of how many jobs will be lost if we do not act to reauthorize this bill.

In Maryland, 26,000 jobs; in Massachusetts, 31,000; in Michigan, 39,000; in Montana, almost 14,000; in Nebraska, 10,000; in Nevada, almost 14,000 jobs; in New Jersey, 50,000; in New York, 118,000; in North Dakota, 8,000; in Ohio, 50,000; in Oklahoma, 22,000; in Pennsylvania, 68,000; in Rhode Island, 8,000.

I will continue with another chart to show other examples. I will be sure to say what West Virginia is when I get to the Ws. In South Carolina, 22,000; in South Dakota, 9,000; in Tennessee, 30,000; in Texas, 128,000 jobs.

I call on Senators to vote yes to stop debate and get to the bill.

In Vermont, almost 7,000; in Virginia, 41,000; in Washington State, 34,000; in West Virginia, 15,133 jobs; in Wisconsin, 27,000; in Wyoming, 8,400 jobs.

When we talk about this as a jobs bill, this isn't some exercise in our verbiage; this is a fact of life. These jobs add up to 1.8 million. In our bipartisan bill, we have increased a particular program—this is a reform bill, and we have taken 90 programs down to 30. It

is a real reform bill. We have done away with every earmark. One particular program we increased is the TIFIA Program, transportation infrastructure financing. We took it up to \$1 billion because it leverages Federal dollars 30 times. So let's say one of our counties voted to tax themselves one-half cent to build a transit system. We would come in—and the Federal Government, you make an application from your State and we would front that money. So you could build it all in 1 or 2 years instead of waiting for the funding over 10. This was an idea that came from Mayor Antonio Villaraigosa and the Chamber of Commerce and the labor unions in Los Angeles.

So the bottom line here is not only are we saving 1.8 million jobs, but we have the potential of creating another 1 million jobs. If we fail today to cut off debate and we don't have a path forward—which I hope the leaders will figure out—if we abandon this, 2.8 million jobs are at stake.

Let's look at some other charts of unemployment. Mr. President, you know as well as anyone in your State, and I know in my State, that construction workers have been hit very hard. The national unemployment rate is 8.3 percent. We are hopeful it is on the downtick, but the construction industry unemployment rate as a whole is 17.7 percent. It could be even worse in some areas, but this is an average. So if we add to the unemployment in the construction industry, we are looking at a total crisis, a total disaster. Right now, we have 1.48 million construction workers out of work. If we fail to do this bill, we are adding another 1.8 million. So you could say this would be a depression for construction workers.

It doesn't stop there. The industry is feeling it, the businesses are feeling it, and we have a chart that talks about the thousands of businesses that would be affected. I don't know if you are aware of this, but there are over 11,000 transportation construction companies that would be adversely impacted by a shutdown on March 31. So in addition to the 1.8 million workers who would be laid off, 11,000 transportation construction companies—many of them—would have to shut their doors. And that is a very modest number.

Let me show a picture that I often show when speaking of the construction workers. I am sure you are a Super Bowl fan—we all are, Mr. President—and this is a picture of a stadium during the Super Bowl. Every seat there, about 100,000 seats, is filled. Imagine every one of these seats filled with an unemployed construction worker, and then close your eyes and envision 14 more of these stadiums filled with unemployed construction workers. That is where we are today. Then you would have to envision another 25 or 30 of those. We cannot afford to go down this road. So today, let's vote "aye" for cloture.

The last thing I want to show is the strong support for this cloture vote. We

received this yesterday from the U.S. Chamber of Commerce. The Chamber of Commerce:

... strongly supports this important legislation. Passing surface transportation reauthorization legislation is a specific action Congress and the administration can take right now to support job growth and economic productivity without adding to the deficit.

Because, as you know, this bill is 100 percent paid for. We also have a history-making group of organizations supporting this, and I will give you a sense of that as well. We have a coalition of 1,075 organizations from all 50 States. They sent us a letter on January 25, 2012, and they said:

In 2011, political leaders—Republican and Democrat, House, Senate and the administration—stated a multi-year surface transportation bill is important for job creation and economic recovery. We urge you to follow words with action.

I want to repeat that: We urge you to follow words with action.

Continuing the quote:

Make transportation job #1 and move immediately in the House and Senate to invest in the roads, bridges [and] transit systems that are the backbone of the U.S. Economy, its businesses, large and small, and communities of all sizes.

They didn't ask us to take up the Keystone Pipeline, they didn't ask us to take up repealing clean air laws, they didn't ask us to take up drilling off the coast, and they didn't ask us to take up contraception. They didn't. They asked us to take up this transportation bill. And I am saying to colleagues, please, you have had 3 weeks to discuss contraception. We disposed of it. We voted. It is okay. It is tabled. Let's move on. There are other days we can talk about that but not when we are dealing with building the highways and bridges.

You know, the state of our highways and transportation system is not what it should be, with 70,000 bridges deficient. Bridges are falling down. Senator INHOFE is eloquent on the point about a woman taking a walk and having a piece of bridge fall on her and she died. We have seen what happened in Minnesota when bridges start to fall into disrepair.

When I was growing up, my parents always taught me be responsible—be responsible. I am not always living up to their expectations, but I try. And if somebody tells me there is a problem over here, I try to fix it. So when I hear that 70,000 bridges are in trouble and they are deficient, and 50 percent of our roads are not up to standard—I now know this information. If I were ignorant and I didn't know it, that would be one thing. But I now know it—how can I turn my back on this bill? I know how many unemployed construction workers there are. How can I turn my back on them? I know businesses—whether it is gravel companies or cement companies or general contractors—are begging us to do this. These are Republican-leaning groups along

with labor and Democratic-leaning groups. Bridges are not partisan. Roads are not partisan.

This is our moment. We can vote yes on cloture. What does that mean? It means we are not going to debate these very difficult, inflammatory amendments, but we are going to stick to the highway bill, stick to the transportation bill. This vote is a very important vote for folks because I think if you don't vote to move to the bill and you vote to prolong this debate, you have to answer to your folks back home and tell them why you are playing Russian roulette with the highway bill, because on March 31 it all stops.

It is true in the past we have had extensions. This is different than usual because the trust fund is short of funds, so you can't just extend. If you extend, there is a price to be paid. Because the trust fund doesn't have the funds it needs—which is repaired in this bill—you would have an immediate cut of a third—a third—right there, which means 500,000 jobs, if you did an extension. We don't want that. We want a bill that is a reform bill, that takes this from 90 programs to 30, that uses leveraging in a smart way, and that is totally bipartisan.

Let me sum up. In a few minutes we will be voting, and let me say to my friends again, you have all the facts at hand. If you don't know what your State job loss would be if we fail to act, we have that. We will give it to you. But there is no way you can run away from what you know.

We had 85 votes to proceed to this bill. That was a long time ago. It seems like ages ago. Yet we can't get off dead center because people are offering unrelated amendments. So my hope is we will get to 60. My hope is we can, in short order, get this bill done and send a message of hope to the people.

I heard just now that Speaker BOEHNER has said he is very interested in the Senate bill; that he is going to take a look at the Senate bill because, at this point, they haven't been able to get a bill that they feel has a chance. This bill, I would reiterate for America, is bipartisan, the most bipartisan bill I have ever seen around here, and it unites people who fight and argue on everything else. When INHOFE and BOXER agree on something, you know that is a real good compromise. And we do agree. When VITTER and BAUCUS come in and agree on the same thing that INHOFE and BOXER have agreed to, it is a good day around here. And that is what we have before us.

So I call on colleagues to vote aye on the cloture vote and let's get on with this. Let's spare the people the untold suffering that will come if we have to lay off 1.8 million workers and hurt more than 11,000 businesses.

I thank the Chair, I yield the floor, and I suggest the absence of a quorum. The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mrs. BOXER. Mr. President, I ask unanimous consent that the time during these quorum calls be charged to both sides equally.

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

Mrs. BOXER. I yield the floor and I 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. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. TESTER). Without objection, it is so ordered.

Mr. REID. We appreciate everyone's patience. The Republican leader and I wanted to come and say a few words. The measure before the Senate today is moderate bipartisan legislation. Its four component parts were reported out of four different committees with bipartisan support. Eighty-five Senators voted to begin debate on this legislation. As everyone will remember, we had to file cloture on a motion to proceed to this bill, and the Senate agreed we should move forward on this legislation.

This bill will create or save 3 million middle-class jobs, and it enjoys broad support among rank-and-file members. Over 1,000 different organizations support this legislation—from the Chamber of Commerce, to the AFL-CIO, and AAA. It has the endorsement of one of the Senate's most conservative Members, and one of its most liberal Members, the two main managers of this legislation. Democrats and Republicans have agreed additionally to 30 other germane and relevant amendments, so there should be nothing standing in the way of progress on this crucial legislation. Yet for weeks Republicans have refused to work with Democrats to finalize a path forward. So in a few moments the Senate will vote on whether to end debate on this measure and to end another filibuster.

The bill before this body is a bill that has been generated by the Environment and Public Works Committee. We have a provision in it from the Commerce Committee, the Finance Committee, and the Banking Committee that is before this body. But in addition to that, we have 37 amendments that are part of this measure that is before the body.

If we did nothing else but invoked cloture on this legislation and passed it and sent it to the House where we would have a conference, we would be way ahead because this bipartisan piece of legislation would help the American people save millions of jobs.

It is hard to comprehend that I had to file cloture on such a bipartisan bill, a measure Republican President Eisen-

hower and Democratic President Clinton could have agreed on and would have agreed on. Forty years after President Eisenhower won passage of the first highway bill, President Clinton said the law had succeeded in bringing Americans closer to each other. President Clinton said:

We were connected city-to-city, town-to-town, family-to-family, as we had never been before. That law did more to bring Americans together than any other law in this century.

That was said by Bill Clinton, but it was almost a copy of what President Eisenhower said in his memoir about the most important thing he did as President of the United States was this piece of legislation, and that says a lot coming from President Eisenhower.

I had great optimism that the transportation legislation before the Senate today would bring our two parties closer together as the interstate highways brought the American people closer together in the 1950s, 1960s, and 1970s. So it is disappointing that the Republican leadership would jeopardize this legislation and 3 million American jobs to pursue this ideological agenda.

I am hopeful the Senate will vote to move this much needed jobs legislation forward. Only seven Republicans are needed to allow us to do this. Only 7 of the 47 have to join us and move forward, but it seems more likely that my Republican colleagues will continue to take orders from the tea party and filibuster this jobs measure. Republicans are quite plainly holding up the surface transportation bill when they vote against cloture. That is what "cloture" means; it means the Senate agrees we need to focus on the germane amendments and bring endless debate to a close.

Senate Republican leaders are taking a page out of the book of the carnival magician. They have been saying since February 9: Look over here; look over here. They have been insisting on votes on contraception, on loosening clean water standards, and on drilling for oil pretty much anywhere there is water. But as the carnival magician says: Look over here, there is no need to look over there because it is just an effort to divert attention from what is really happening. No one should be fooled by what is going on here.

A vote against cloture is a vote against moving forward on this very important bipartisan legislation, and that is true no matter what diversions anyone might use to try to distract attention from this very important piece of legislation that is now ours to move forward on.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. MCCONNELL. Mr. President, as the majority leader indicated, we have had a number of very constructive conversations about reaching an agreement on voting on both germane and nongermane amendments to this bill. I think we are very close to getting there. My concern is that if cloture is

invoked right now, we would not get an agreement, and amendments that we are very close to agreeing to have considered on both sides—the amendments that are sought to be offered are not just on the Republican side but on the Democratic side as well—will end up being shut out.

If we were not so close, I might have a different view, but we are very close to getting an agreement. If we invoke cloture right now, that agreement will not come together.

So I would encourage a "no" vote—not to stop the bill. This is a bill that is not going to be stopped. It has broad bipartisan support. Senator BOXER and Senator INHOFE have worked very hard on this legislation, and we anticipate being able to wrap it up.

But just to underscore where we are, I have indicated I would like to offer a unanimous consent agreement that kind of summarizes where I think we are.

I would ask unanimous consent that the pending Reid amendment be withdrawn, that it be in order to offer a new perfecting amendment cleared by both leaders which contains the three titles; further, that the following non-relevant amendments be in order to S. 1813, and they be subject to the 60-vote affirmative threshold; Senator COLLINS No. 1660, Boiler MACT; Senator VITTER No. 1535, OCS; Wyden side-by-side relevant to Hoeven No. 1537; Hoeven No. 1537 related to the Keystone Pipeline; Levin amendment on offshore tax havens; McConnell or designee relevant to Levin amendment; a Cantwell amendment on energy tax extenders; a McConnell or designee amendment relevant to the Cantwell amendment; Menendez amendment on natural gas; and a Coburn amendment, No. 1738, on duplication.

I further ask unanimous consent that the following highway-related amendments also be in order: DeMint No. 1756; Coats No. 1517; Blunt No. 1540; Paul No. 1556; Portman No. 1736; Portman No. 1742; Corker No. 1785; Corker, on highway trust fund, No. 1786; Hutchison No. 1568; McCain No. 1669; and 10 highway-related amendments to be offered by the majority leader or his designee.

I further ask unanimous consent that following the disposition of the above-listed amendments and the managers' package of amendments to be cleared by both managers of the bill, the bill be read a third time and the Senate proceed to vote on passage of the bill, as amended.

Finally, I ask unanimous consent that following passage of S. 1813, the bill be held at the desk and that when the Senate receives the companion measure from the House, the Senate proceed to its immediate consideration, all after the enacting clause be stricken, the text of S. 1813 as passed be inserted in lieu thereof; that the bill then be read three times and passed, the Senate insist on its amendment, request a conference with the House, and

the Chair be authorized to appoint conferees on the part of the Senate with a ratio agreed to with the concurrence of both leaders.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object.

The PRESIDING OFFICER. The majority leader.

Mr. REID. I don't know why everything we do has to be a fight—not a disagreement, a fight. This bill was brought up on February 7, and we have been spending the better part of a month dealing with contraception—by the way, an amendment I had to offer because they wouldn't bring it up so we could vote on it.

My math says this agreement that has been suggested by the Republican leader calls for 34 amendments. I understand and I appreciate that some of them are related to what is in this bill—some of them are. As I indicated earlier, we have been dealing with contraception. There are amendments dealing with clean water standards and clean air standards. Nothing in this bill should deal with America having to breathe more mercury, more lead, and then, just for good measure, how about some arsenic? That has nothing to do with the highway bill.

As I said before, the amendment I looked at from my friend from Louisiana calls for drilling for oil anyplace there is water. Next they will be going to Lake Mead outside Las Vegas. We are producing more domestic oil now than in decades. The President has opened areas in Alaska that have never been opened before.

Why can't we just invoke cloture on this bill and move forward on it? It is not easy to get to conference—we know that—but we could go to conference. The House is doing its best to come up with a bill. They are struggling hard.

On the first day of April, it will be April Fools' Day for a lot of people in America because we will lose almost 800,000 jobs on April 1. It will be a real April Fools' Day. So if we can't move forward on this—why can't we get seven Republicans to break from the pack over here and say that not everything we do has to be an arm-wrestling contest?

I appreciate that we at least have something in writing. I appreciate that. I will take a look at it, but I object.

The PRESIDING OFFICER. Objection is heard.

The Republican leader.

Mr. MCCONNELL. Mr. President, not to continue to debate much further, but I would point out that there are demands for amendments on both sides here. We are very close to getting an agreement. I think a “no” vote on cloture is not the end of this bill but the beginning. It gives us an opportunity to go on and wrap up discussions that have been going on entirely too long, it seems to me, and I know the majority leader has been frustrated by it, and so

have I. But we are very close to getting agreement on a list of amendments, and we should be able to finish this bill by the end of the week.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, I am, for lack of a better word, disappointed. These amendments are going to do nothing to advance the work product of almost 3 million Americans—none of them.

We should invoke cloture. I ask my Republican colleagues: Break this impasse. Do something that is good for the American people. Invoke cloture and stop the filibuster—another one.

CLOTURE MOTION

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

The bill 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 Reid amendment No. 1761 to S. 1813, a bill to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes.

Harry Reid, Barbara Boxer, Christopher A. Coons, Robert P. Casey, Jr., Tom Harkin, Mark Udall, Richard Blumenthal, Debbie Stabenow, Patrick J. Leahy, Herb Kohl, Frank R. Lautenberg, Max Baucus, Tom Udall, Kent Conrad, Robert Menendez, Kirsten E. Gillibrand, Jeff Bingaman.

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

The question is, Is it the sense of the Senate that debate on amendment No. 1761, offered by the Senator from Nevada, Mr. REID, to S. 1813, a bill to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Alaska (Mr. BEGICH) and the Senator from Vermont (Mr. LEAHY) are necessarily absent.

I further announce that, if present and voting, the Senator from Vermont (Mr. LEAHY) would vote “yea.”

Mr. KYL. The following Senators are necessarily absent: the Senator from Illinois (Mr. KIRK) and the Senator from Nevada (Mr. HELLER).

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

The yeas and nays resulted—yeas 52, nays 44, as follows:

[Rollcall Vote No. 25 Leg.]

YEAS—52

Akaka	Brown (MA)	Collins
Baucus	Brown (OH)	Conrad
Bennet	Cantwell	Coons
Bingaman	Cardin	Durbin
Blumenthal	Carper	Feinstein
Boxer	Casey	Franken

Gillibrand	Manchin	Schumer
Hagan	McCaskill	Shaheen
Harkin	Menendez	Stabenow
Inouye	Merkley	Tester
Johnson (SD)	Mikulski	Udall (CO)
Kerry	Murray	Udall (NM)
Klobuchar	Nelson (NE)	Warner
Kohl	Nelson (FL)	Webb
Landrieu	Pryor	Whitehouse
Lautenberg	Reed	Wyden
Levin	Rockefeller	
Lieberman	Sanders	

NAYS—44

Alexander	Graham	Murkowski
Ayotte	Grassley	Paul
Barrasso	Hatch	Portman
Blunt	Hoeven	Reid
Boozman	Hutchison	Risch
Burr	Inhofe	Roberts
Chambliss	Isakson	Rubio
Coats	Johanns	Sessions
Coburn	Johnson (WI)	Shelby
Cochran	Kyl	Snowe
Corker	Lee	Thune
Cornyn	Lugar	Toomey
Crapo	McCain	Vitter
DeMint	McConnell	Wicker
Enzi	Moran	

NOT VOTING—4

Begich	Kirk
Heller	Leahy

The PRESIDING OFFICER. On this vote, the yeas are 52, the nays are 44. 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 vote by which cloture was not invoked on the Reid amendment.

The PRESIDING OFFICER. The motion is entered.

Mr. REID. Mr. President, I ask unanimous consent that the cloture vote with respect to the underlying bill be vitiated.

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

Mr. REID. I thank the Chair.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:54 p.m., recessed and reassembled at 2:15 p.m. when called to order by the Presiding Officer (Mr. WEBB).

EXECUTIVE SESSION

NOMINATION OF MARY ELIZABETH PHILLIPS TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF MISSOURI

NOMINATION OF THOMAS OWEN RICE TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF WASHINGTON

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nominations, which the clerk will report.

The legislative clerk read the nominations of Mary Elizabeth Phillips, of Missouri, to be United States District Judge for the Western District of Missouri, and Thomas Owen Rice, of Washington, to be United States District