

other purposes shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. BOXER) and the Senator from Washington (Mrs. MURRAY) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Arkansas (Mr. BOOZMAN), the Senator from North Carolina (Mr. BURR), the Senator from Nevada (Mr. HELLER), the Senator from Oklahoma (Mr. INHOFE), the Senator from Illinois (Mr. KIRK), and the Senator from Louisiana (Mr. VITTER).

Further, if present and voting, the Senator from Nevada (Mr. HELLER) would have voted: "yea."

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

The yeas and nays resulted—yeas 62, nays 30, as follows:

[Rollcall Vote No. 198 Leg.]

#### YEAS—62

Akaka	Hagan	Mikulski
Alexander	Harkin	Murkowski
Baucus	Hoeven	Nelson (NE)
Begich	Hutchison	Nelson (FL)
Bennet	Inouye	Pryor
Bingaman	Johanns	Reed
Blumenthal	Johnson (SD)	Reid
Blunt	Kerry	Rockefeller
Brown (MA)	Klobuchar	Sanders
Brown (OH)	Kohl	Schumer
Cantwell	Kyl	Shaheen
Cardin	Landrieu	Stabenow
Carper	Lautenberg	Tester
Casey	Leahy	Udall (CO)
Cochran	Levin	Udall (NM)
Conrad	Lieberman	Warner
Coons	Lugar	Webb
Durbin	McCaskill	Whitehouse
Feinstein	McConnell	Wicker
Franken	Menendez	Wyden
Gillibrand	Merkley	

#### NAYS—30

Ayotte	Enzi	Paul
Barrasso	Graham	Portman
Chambliss	Grassley	Risch
Coats	Hatch	Roberts
Coburn	Isakson	Rubio
Collins	Johnson (WI)	Sessions
Corker	Lee	Shelby
Cornyn	Manchin	Snowe
Crapo	McCain	Thune
DeMint	Moran	Toomey

#### NOT VOTING—8

Boozman	Heller	Murray
Boxer	Inhofe	Vitter
Burr	Kirk	

The PRESIDING OFFICER. On this vote, the yeas are 62, the nays are 30. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Under the previous order, the pending amendments are withdrawn.

The clerk will read the joint resolution for the third time.

The joint resolution (H.J. Res. 117) was read the third time.

The PRESIDING OFFICER. The question is on passage of the joint resolution.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. BOXER) and the Senator from Washington (Mrs. MURRAY) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Arkansas (Mr. BOOZMAN), the Senator from North Carolina (Mr. BURR), the Senator from Nevada (Mr. HELLER), the Senator from Oklahoma (Mr. INHOFE), the Senator from Illinois (Mr. KIRK), and the Senator from Louisiana (Mr. VITTER).

Further, if present and voting, the Senator from Nevada (Mr. HELLER) would have voted: "yea."

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

The result was announced—yeas 62, nays 30, as follows:

[Rollcall Vote No. 199 Leg.]

#### YEAS—62

Akaka	Hagan	Mikulski
Alexander	Harkin	Murkowski
Baucus	Hoeven	Nelson (NE)
Begich	Hutchison	Nelson (FL)
Bennet	Inouye	Pryor
Bingaman	Johanns	Reed
Blumenthal	Johnson (SD)	Reid
Blunt	Kerry	Rockefeller
Brown (MA)	Klobuchar	Sanders
Brown (OH)	Kohl	Schumer
Cantwell	Kyl	Shaheen
Cardin	Landrieu	Stabenow
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Casey	Leahy	Udall (CO)
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Coons	Lugar	Webb
Durbin	McCaskill	Whitehouse
Feinstein	McConnell	Wicker
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Barrasso	Graham	Portman
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Coburn	Isakson	Rubio
Collins	Johnson (WI)	Sessions
Corker	Lee	Shelby
Cornyn	Manchin	Snowe
Crapo	McCain	Thune
DeMint	Moran	Toomey

#### NOT VOTING—8

Boozman	Heller	Murray
Boxer	Inhofe	Vitter
Burr	Kirk	

The joint resolution (H.J. Res. 117) was passed.

#### VOTE EXPLANATION

• Mrs. BOXER. Mr. President, I was unable to attend the roll call votes that occurred at midnight, September 22. Had I been present, I would have voted against S. 3576, related to foreign aid and voted in favor of S.J. Res. 41, the Iran Resolution. I would have also voted to support passage of H.J. Res. 117, the Continuing Appropriations resolution and would have voted against the motion to invoke cloture on the motion to proceed to S. 3525, the Sportsmen's Act. •

#### SPORTSMEN'S ACT OF 2012— 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 state.

##### 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. 504, S. 3525, a bill to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes.

Harry Reid, Jon Tester, Joe Manchin III, Jeanne Shaheen, Sheldon Whitehouse, Debbie Stabenow, Ron Wyden, Max Baucus, Daniel K. Inouye, Kent Conrad, Mark Pryor, Christopher A. Coons, Michael F. Bennet, Kay R. Hagan, Robert P. Casey, Jr., Richard Blumenthal, Ben Nelson.

The PRESIDING OFFICER. There are now 2 minutes equally divided.

The Republican leader is recognized.

Mr. MCCONNELL. I am going to proceed very briefly on my leader time. I ask consent that the next vote on cloture on the motion to proceed to S. 2535 be vitiated and the Senate proceed to the immediate consideration of H.R. 4089, which is at the desk and is the House-passed Sportsmen's Heritage Act, the bill be read a third time and passed with the motion to reconsider laid upon the table.

For the record, again, this will allow a bill to get to the President's desk immediately.

The PRESIDING OFFICER. Is there objection? The majority leader.

Mr. REID. Reserving the right to object, Mr. President, the House bill is this big. It has three provisions. The bill we are going to vote on has 20, supported by over 50 groups—NRA, Ducks Unlimited, and more than 50 others, a wonderful piece of legislation that is robust, it is conclusive, and it is not partisan. It is a very good piece of legislation. It should be widely accepted. It is a fine piece of legislation supported by conservation groups, sportsmen's groups all over America.

I object.

The PRESIDING OFFICER. Objection is heard. The Republican leader.

Mr. MCCONNELL. Mr. President, very briefly, we could have tonight passed the House-passed Sportsmen's bill. It would have gone straight to the President for signature. That having been thwarted by our friends on the other side, I certainly think it is appropriate to vote to proceed to the measure before us and I intend to vote aye. I yield the floor.

The PRESIDING OFFICER. There is now 2 minutes equally divided. The Senator from Montana is recognized.

Mr. TESTER. Mr. President, as the majority leader pointed out, this Sportsmen's Act is a compilation of 19 bills. Hunting season has already started. This bill benefits 90 million Americans who hunt, fish, and watch wildlife,

supported by 56 groups from the Nature Conservancy to the NRA. It reduces our deficit by some \$7 million due to net gain over 10 years. This is an economic driver of outdoor industry, some \$646 billion in direct spending to our economy. I urge a "yes" vote on the motion to proceed and since it is 20 after 1, I would like to have a voice vote on it.

Mr. DURBIN. Mr. President, I want to explain my vote in support of cloture on the motion to proceed to S. 3525, the Sportsmen's Act of 2012. I am supporting cloture in an effort to move this important bill forward. It is a compilation of almost 20 different pieces of legislation that are important to the sportsmen's community. The Sportsmen's Act will increase habitat conservation while improving access to recreational fishing and hunting lands. The Senate deserves the chance to debate this bill, and I support invoking cloture on the motion to proceed in an effort to make it the pending business before the Senate.

However, I want to voice my opposition to a provision in this bill dealing with polar bears. The provision would allow hunters who killed polar bears in Canada before a ban was put in place to bring their remains into the United States. I believe this provision could encourage further hunting of polar bears, increase demand for polar bear trophies, and lead to a rise in poaching or illegal trade of polar bear parts. It could also stimulate demand for other exotic and endangered animal parts from around the globe.

Polar bears are currently listed as threatened under the Endangered Species Act. Their habitat is being threatened by global warming. We need to do everything we can to curb the hunting of these creatures for sport and avoid the unintended consequence of putting polar bears and other endangered species at risk.

The PRESIDING OFFICER. Who yields time?

Mr. REID. I yield back all time.

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 the motion to proceed to S. 3525, a bill to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes be brought to a close?

The yeas are mandatory under the rule. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. BOXER) and the Senator from Washington (Mrs. MURRAY) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Arkansas (Mr. BOOZMAN), the Senator from North Carolina (Mr. BURR), the Senator from Nevada (Mr. HELLER), the Senator from Oklahoma (Mr. INHOFE), the Senator from Oklahoma (Mr. COBURN), the Senator from Illinois (Mr.

KIRK), and the Senator from Louisiana (Mr. VITTER).

Further, if present and voting, the Senator from Nevada (Mr. HELLER) would have voted: "yea."

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

The yeas and nays resulted—yeas 84, nays 7, as follows:

[Rollcall Vote No. 200 Leg.]

#### YEAS—84

Akaka	Gillibrand	Moran
Alexander	Graham	Murkowski
Ayotte	Grassley	Nelson (NE)
Barrasso	Hagan	Nelson (FL)
Baucus	Harkin	Portman
Begich	Hatch	Pryor
Bennet	Hoeven	Reid
Bingaman	Hutchison	Risch
Blunt	Inouye	Roberts
Brown (MA)	Isakson	Rockefeller
Brown (OH)	Johanns	Rubio
Cantwell	Johnson (SD)	Sanders
Cardin	Johnson (WI)	Schumer
Carper	Kerry	Sessions
Casey	Klobuchar	Shaheen
Chambliss	Kohl	Shelby
Coats	Landrieu	Snowe
Cochran	Lautenberg	Stabenow
Collins	Leahy	Tester
Conrad	Lee	Thune
Coons	Levin	Toomey
Corker	Lieberman	Udall (CO)
Cornyn	Lugar	Udall (NM)
Crapo	Manchin	Warner
Durbin	McCaskill	Webb
Enzi	McConnell	Whitehouse
Feinstein	Merkley	Wicker
Franken	Mikulski	Wyden

#### NAYS—7

Blumenthal	McCain	Reed
DeMint	Menendez	
Kyl	Paul	

#### NOT VOTING—9

Boozman	Coburn	Kirk
Boxer	Heller	Murray
Burr	Inhofe	Vitter

The PRESIDING OFFICER (Mr. WHITEHOUSE). On this vote, the yeas are 84, the nays are 7. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The majority leader.

#### UNANIMOUS CONSENT REQUEST— S. 3254

Mr. REID. Mr. President, I have been asked on a number of occasions by Senator LEVIN and Senator MCCAIN what we are going to do on the Defense authorization bill.

I now ask unanimous consent that at a time to be determined by me after consultation with the Republican leader, the Senate proceed to Calendar No. 419, S. 3254, the Defense authorization bill; and that only relevant amendments be in order on the bill.

The PRESIDING OFFICER. Is there objection?

Mr. KYL. Mr. President, reserving the right to object, I am very disappointed in this request. Senator MCCAIN has been asking that the leader take up the Defense authorization bill for weeks. This evening he tried very hard to get agreement from the Senator from Michigan, the chairman of the committee, and others to try to work out a way that we could take up

this bill right after we come back or at some point after we come back after the election.

After he leaves the Chamber, and after virtually everybody is gone, at 1:40 in the morning the majority leader asks unanimous consent to take up the bill limited to relevant amendments. Now that would be fine with me, and I am sure it is fine with Senator MCCAIN, but everybody knows you can't get unanimous consent of your colleagues when they are all gone at 1:40 a.m. in the morning without any advanced notice that the request was going to be made.

As a result—though I would be happy personally to agree to the request—we don't know what our Members would agree to and whether they would agree to limiting this to relevant amendments. To me that is the only thing that seems to be out of order, but obviously we can't agree to it because we can't hotline this at this time of the evening and get consent from our Members.

What mostly bothers me is the implication, therefore, that the leader is all for taking it up and it is the Republicans who are objecting. I hope anyone who is aware of what has been going on here appreciates the fact that no one wants to go to the Defense authorization bill more than my colleague from Arizona, JOHN MCCAIN, and our leader, MITCH MCCONNELL.

With great regret and only because at this time of morning there is no way to survey our Members to see whether they would agree to the request, we have no option but to object.

I would certainly hope the leader would contact Senator MCCAIN. He left the Chamber now, but perhaps he could contact him tomorrow or the next day and ask if we can begin to work this out and allow us to talk to our Members so when we come back we can take up the Defense authorization bill. We should.

The Republican Members of this body want to do so, and I would hope we could work that out so it could be dealt with in the very early days after the election.

The PRESIDING OFFICER. Is there objection?

Mr. KYL. Mr. President, I said I object.

The PRESIDING OFFICER. Objection is heard.

The majority leader.

Mr. REID. Mr. President, Senator LEVIN has consulted with JOHN MCCAIN in regard to this matter. Senator MCCAIN knew this was going to happen. That is what the chairman of the committee told me, and Senator LEVIN has never misled me ever. Again, it is obvious the bill is being held up. So I am not surprised. This has been going on for 6 months.

Mr. KYL. Mr. President, would the majority leader yield for one question from me?

Mr. REID. Of course.

Mr. KYL. Mr. President, my question is, Is the Senator saying that Senator