

[Rollcall Vote No. 403 Leg.]

## YEAS—59

Alexander	Dole	Lugar
Allard	Domenici	McCain
Allen	Ensign	McConnell
Bayh	Enzi	Miller
Bennett	Feinstein	Murkowski
Bond	Fitzgerald	Nelson (NE)
Brownback	Frist	Nickles
Bunning	Graham (SC)	Roberts
Burns	Grassley	Santorum
Campbell	Gregg	Sessions
Carper	Hagel	Smith
Chafee	Hatch	Snowe
Chambliss	Hutchison	Specter
Cochran	Inhofe	Stevens
Coleman	Jeffords	Kohl
Collins	Kohl	Sununu
Cornyn	Kyl	Talent
Craig	Lieberman	Thomas
Crapo	Lincoln	Voinovich
DeWine	Lott	Warner

## NAYS—39

Akaka	Dodd	Levin
Baucus	Dorgan	Mikulski
Biden	Durbin	Murray
Bingaman	Feingold	Nelson (FL)
Boxer	Graham (FL)	Pryor
Breaux	Harkin	Reed
Byrd	Hollings	Reid
Cantwell	Inouye	Rockefeller
Clinton	Johnson	Sarbanes
Conrad	Kennedy	Schumer
Corzine	Landrieu	Shelby
Daschle	Lautenberg	Stabenow
Dayton	Leahy	Wyden

## NOT VOTING—2

Edwards Kerry

The PRESIDING OFFICER. On this vote, the yeas are 59, the nays are 39. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The majority leader.

Mr. FRIST. Mr. President, I am clearly disappointed we have been denied the opportunity to proceed to this very important legislation, a bill we very much want to discuss, to debate, and to appropriately amend. It is important to the American people. Thus, I believe we just witnessed a missed opportunity to address a critically and vitally important issue.

With that, for my colleagues, let me say we are making some progress on other issues in terms of how the afternoon will be spent. We are in discussion with regard to the antispam legislation, and I believe we will be able to proceed with that early this afternoon.

Again, let me state my disappointment. We are very committed to addressing this particular issue for the American people, and we will be trying, once again, to pull together and do what the American people deserve.

The PRESIDING OFFICER. The minority leader.

Mr. DASCHLE. Mr. President, the message in this vote is that now is the time for us to sit down and negotiate. I have said on several occasions, as late as this morning, that we are prepared to work with the majority. I will certainly work with the majority leader to bring to the floor a bill that will enjoy much broader support than 59 votes. We can do that. We recognize the need for reform, but we also recognize we have to do it right. I would like to start this afternoon. I will do it tomorrow. I will do it whenever the majority is prepared to do it, but we are pre-

pared to do it, and I look forward to further discussions on this issue in the days ahead.

After that, I hope we can move to other issues that divide us. I think there is an opportunity on asbestos as well, but it takes real negotiation. I am prepared to enter into those negotiations anytime the majority is prepared to do so as well.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, you just heard a willingness to work together. There were 59 Members who spoke just a few moments ago who said, Let's proceed and do it right now on the floor of the Senate. We were one vote short. I accept that. I think we do need to proceed directly to address this issue, and we will work in good faith to do just that.

As I mentioned earlier, I think we are very close on the antispam legislation that we talked about yesterday and today.

## MORNING BUSINESS

Mr. FRIST. I ask unanimous consent that we go into morning business until 2, with the time equally divided. We should be ready to begin the spam legislation at 2.

Mr. DASCHLE. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senate minority leader.

Mr. DASCHLE. I ask the Chair whether the motion to reconsider has been propounded on the last vote.

The PRESIDING OFFICER. It has not.

Mr. DASCHLE. Mr. President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DASCHLE. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered. Who seeks recognition?

Mr. SANTORUM. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

## VOTE ON CLASS ACTION REFORM

Mr. DODD. Mr. President, I want to express my disappointment about the outcome of the last vote. I voted not to invoke cloture. I did so with great reluctance. A number of Members called me over the last several days about the class action reform bill that was before us. I appreciate very much the comments of both the majority leader and the minority leader, my good friend

from Delaware, TOM CARPER, HERB KOHL, and others who have worked very hard on this legislation. I have great respect for what they have tried to do.

I hope the majority leader will take up the offer of the Democratic leader and so we come together and work out what the provisions of this bill ought to be, at least the main provisions of it, and move forward. I am deeply committed to class action reform, but I do not want to move forward under a process where I am being told merely that I have a right to bring up amendments. I have that right anyway.

It seems to me if we are going to try to put a bill like this together, it takes meaningful cooperation, it takes sitting down. It is hard work. We have done it in the past. As the author of the securities litigation reform bill, the uniform standards legislation, terrorism insurance, the Y2K bill—all matters that brought together the trial bar and the business community trying to sort it out—I know that this can be done. It took a lot of work and a lot of hours to do it in the past. I strongly recommend on class action reform, that we make the same sort of effort.

It is not that difficult to get a good bill, but it does take work. Again, it takes meaningful cooperation. We need to have that if we are going to succeed.

I am terribly disappointed, but I must say to those who argued for cloture that there is a way of achieving the right results and the process we just went through this is not the way to go, in my view.

I can say, without invoking the names of my colleagues, there are a number of us who voted no on cloture who believe as strongly as I do about the need for reform and who would like to see a bill passed. So the majority leader and his staff, the staff of the Judiciary Committee and other interested parties—and there are not that many—if they can put something together, we can move forward. We could have another cloture vote, if we need to have one, although I doubt we will need one, with a more cooperative process there would be no need for one. I believe we can and should go forward.

The challenge is whether or not they want to do that. If they just want to have a 59-to-39 vote and move on to another issue, then that may indicate to some of us what the real intentions were here. If they are interested in getting this bill done, then there is a way to do it.

There are those of us who are willing to roll up our sleeves and get it done. In fact, many of the same people have been involved for months now in the asbestos legislation. I have an uneasy feeling we are heading in the same direction with that bill. It takes hard work. Members from both sides have to sit down, bring people together, and put in the hours it takes to finish the job.