

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	Hoeben	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