

Now, it did not matter that we had voted on it previously. It did not matter that the amendment dealt with a proposed—not final but a proposed—Department of Labor regulation. None of that seemed to matter. That amendment was, and is still, a show-stopper to this bipartisan bill. So we are at the second goalpost, as it has been moved.

The demand of the leadership of the other side keeps changing. We were talking about just a single-digit list of amendments and, for the most part, hopefully germane amendments. We are not talking about that anymore. Now, since it looks like an overtime pay vote may be in the picture, there is a goalpost yet further away.

For the first time we are hearing of other amendments—not Finance Committee jurisdiction amendments—such as an increase in the minimum wage, that are new showstoppers.

You can't finish this bill, we are told, even though we are told the substance is great. Nobody seems to disagree on the substance of this. So why can't we get a bill to the President? Even though we don't disagree on the substance, there is still a new goalpost. Heaven help us how all that turns out.

There is a final goalpost way out there; that is, getting to conference. We may move through all the goalposts, but then we may be blocked on whether we get to conference. I hope I am proven wrong in a few minutes as we vote on this measure.

If we can't get cooperation from the other side, we have a couple alternatives: One, to go on with other business; two, to look at reconciliation in late spring. I don't want to go with either of those options because we can finish this bill now. There is always a time when the Senate has goodwill between the two parties represented. That goodwill hopefully will surface just as cream surfaces on milk.

Now it is time to get the job done. I hope we can pass this FSC/ETI legislation. It is bipartisan. That is the only way you get things done in the Senate. Consequently, because it is bipartisan, we ought to get it done. And because it is bipartisan, it deserves better treatment than it has received thus far.

I yield the floor.

RECESS

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

Thereupon, at 1:31 p.m., the Senate recessed until 2:15 p.m. and reassembled when called to order by the ACTING President pro tempore (Mr. SUNUNU).

PREGNANCY AND TRAUMA CARE ACCESS PROTECTION ACT OF 2004—MOTION TO PROCEED—Continued

CLOTURE MOTION

The ACTING PRESIDENT pro tempore. Under the previous order, the

hour of 2:15 p.m. having arrived, the Senate will proceed to a vote on the motion to invoke cloture on the motion to proceed to the consideration of S. 2207.

Under the previous order, the clerk will report the motion to invoke cloture.

The assistant legislative 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 motion to proceed to Calendar No. 462, S. 2207, a bill to improve women's access to health care services and the access of all individuals to emergency and trauma care services, by reducing the excessive burden the liability system places on the delivery of such service.

Bill Frist, Orrin Hatch, Judd Gregg, John Ensign, Lamar Alexander, Peter Fitzgerald, Larry Craig, John Cornyn, Robert Bennett, Mike Enzi, Mitch McConnell, Ted Stevens, Norm Coleman, James Inhofe, Kay Bailey Hutchison, George Voinovich, Charles Grassley.

The ACTING PRESIDENT pro tempore. 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 the consideration of S. 2207, the Pregnancy and Trauma Care Access Protection Act of 2004, 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. REID. I announce that the Senator from Massachusetts (Mr. KERRY), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from Washington (Mrs. MURRAY) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "no."

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 49, nays 48, as follows:

[Rollcall Vote No. 66 Leg.]

YEAS—49

Alexander	Dole	Miller
Allard	Domenici	Murkowski
Allen	Ensign	Nickles
Bennett	Enzi	Roberts
Bond	Fitzgerald	Santorum
Brownback	Frist	Sessions
Bunning	Grassley	Smith
Burns	Gregg	Snowe
Campbell	Hagel	Specter
Chafee	Hatch	Stevens
Chambliss	Hutchison	Sununu
Cochran	Inhofe	Talent
Coleman	Kyl	Thomas
Collins	Lott	Voinovich
Cornyn	Lugar	Warner
Craig	McCain	
DeWine	McConnell	

NAYS—48

Akaka	Byrd	Daschle
Baucus	Cantwell	Dayton
Bayh	Carper	Dodd
Biden	Clinton	Dorgan
Bingaman	Conrad	Durbin
Boxer	Corzine	Edwards
Breaux	Crapo	Feingold

Feinstein	Kohl	Pryor
Graham (FL)	Landrieu	Reed
Graham (SC)	Lautenberg	Reid
Harkin	Leahy	Rockefeller
Hollings	Levin	Sarbanes
Inouye	Lincoln	Schumer
Jeffords	Mikulski	Shelby
Johnson	Nelson (FL)	Stabenow
Kennedy	Nelson (NE)	Wyden

NOT VOTING—3

Kerry	Lieberman	Murray
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The motion was rejected.

The ACTING PRESIDENT pro tempore. On this vote, the yeas are 49 and the nays are 48. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

JUMPSTART OUR BUSINESS STRENGTH (JOBS) ACT—Resumed

CLOTURE MOTION

The ACTING PRESIDENT pro tempore. By unanimous consent, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The legislative 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, do hereby move to bring to a close debate on the pending motion to Calendar No. 381, S. 1637.

Bill Frist, Charles Grassley, Gordon Smith, James Talent, John Ensign, John Cornyn, Wayne Allard, Olympia Snowe, Rick Santorum, Michael B. Enzi, Mike DeWine, Trent Lott, Christopher Bond, Thad Cochran, Kay Bailey Hutchison, Jim Bunning, Mitch McConnell.

The ACTING PRESIDENT pro tempore. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the pending motion to Calendar No. 381, S. 1637, shall be brought to a close?

The yeas and nays are required. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Massachusetts (Mr. KERRY), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from Washington (Mrs. MURRAY) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "nay."

The yeas and nays resulted—yeas 50, nays 47, as follows:

[Rollcall Vote No. 67 Leg.]

YEAS—50

Alexander	Cornyn	Inhofe
Allard	Craig	Lott
Allen	Crapo	Lugar
Bennett	DeWine	McConnell
Bond	Dole	Miller
Breaux	Domenici	Murkowski
Brownback	Ensign	Nelson (NE)
Bunning	Enzi	Nickles
Burns	Fitzgerald	Roberts
Campbell	Frist	Santorum
Chafee	Graham (SC)	Sessions
Chambliss	Grassley	Shelby
Cochran	Hagel	Smith
Coleman	Hatch	Snowe
Collins	Hutchison	