

not enhance foreign competitiveness against U.S. businesses.”

This motion to instruct would say we need to keep that mandate in the final version of the budget. This is important because, unfortunately, the President has proposed tax increases in all those areas, and all those significant increases in domestic energy production are part of his budget proposal.

It would be tremendously wrong-headed and would hurt Americans to increase taxes on energy, particularly now in the midst of a deep recession. I ask all my colleagues to support this motion to instruct, and I respectfully ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. REID. Mr. President, I have been conferring off and on during the day with my distinguished Republican counterpart. I think this is where we are.

Monday, at about 5:30, we will have a vote on cloture on the underlying financial fraud legislation. We will determine what time Tuesday morning we will vote on final passage of that bill, if cloture is invoked. Again, we will vote Monday night at about 5:30 on cloture, and sometime Tuesday morning we will vote on final passage.

At this stage, we have a tentative agreement to have 6 to 8 hours of debate on Sebelius, and we would have passage of that by a 60-vote margin on her sometime late Tuesday.

Following that, we are trying to work something out on Mr. Strickland, who is one of the secretaries for Ken Salazar. I talked to Senator BUNNING. We are trying to get him some information to which he is entitled. If we can get that information, we will get that done very quickly. If we cannot, then Senator BUNNING has agreed to a reasonable period of time—and Senator MCCONNELL and I will determine what that is—to have a debate and a 60-vote margin on his approval.

Hopefully, if the conference is completed on the budget, we would go to that sometime Wednesday, with a statutory 10 hours on it.

That is where we are. It has been a difficult time. I am sorry to have everyone concerned about the Saturday cloture vote, but that is how things work.

I say to my friend Dr. COBURN, he is a thorn in my side, but he is a real gentleman, as I have said before. I think this is going to work out very well for everybody. We all have a lot of things already scheduled the next few days. Having the Saturday vote would do a lot of damage to a lot of plans—these

are not vacation plans, but whatever plans people have in their home States. I hope that answers everybody's questions.

I have not said this often enough. I remind everyone that all the press is interested in is seeing Senator MCCONNELL and me jostle. We jostle very little. We have an understanding as to what is good for this body, and sometimes our views of what is good for this body are different but not very much. I express my appreciation to him for all the work we have been able to get done this week, which has been very difficult, and to work this out for a Monday vote.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, we still have pending the motion of Mr. VITTER, the Senator from Louisiana. That was an amendment that was taken by unanimous consent or voice vote during the budget resolution. It is now here as a motion to instruct. Obviously, we are going to have a rollcall vote on it. We asked the Senator to withhold. He has asked to have a rollcall vote, which is absolutely his right. Senators will vote their judgment.

The PRESIDING OFFICER. The question is on agreeing to the Vitter motion.

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY), the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from Vermont (Mr. SANDERS), and the Senator from Rhode Island (Mr. WHITEHOUSE) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Alaska (Ms. MURKOWSKI) and the Senator from Kansas (Mr. ROBERTS).

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

The result was announced—yeas 63, nays 30, as follows:

[Rollcall Vote No. 169 Leg.]

YEAS—63

Akaka	Crapo	Lugar
Alexander	DeMint	Martinez
Barrasso	Dorgan	McCain
Baucus	Ensign	McCaskill
Bayh	Enzi	McConnell
Begich	Feingold	Nelson (NE)
Bennet	Graham	Nelson (FL)
Bennett	Grassley	Pryor
Bond	Gregg	Reid
Brownback	Hagan	Risch
Bunning	Hatch	Sessions
Burr	Hutchison	Shelby
Byrd	Inhofe	Snowe
Carper	Isakson	Specter
Chambliss	Johanns	Stabenow
Coburn	Johnson	Thune
Cochran	Klobuchar	Udall (CO)
Collins	Kohl	Vitter
Conrad	Kyl	Voinovich
Corker	Landrieu	Webb
Cornyn	Lincoln	Wicker

NAYS—30

Bingaman	Dodd	Kerry
Boxer	Durbin	Lautenberg
Brown	Feinstein	Leahy
Burr	Gillibrand	Levin
Cantwell	Harkin	Lieberman
Cardin	Inouye	Menendez
Casey	Kaufman	Merkeley

Mikulski	Schumer	Udall (NM)
Murray	Shaheen	Warner
Reed	Tester	Wyden

NOT VOTING—6

Kennedy	Roberts	Sanders
Murkowski	Rockefeller	Whitehouse

The motion was agreed to.

The PRESIDING OFFICER. Under the previous order, all statutory time is yielded back, and the Chair appoints the following conferees on the part of the Senate: Mr. CONRAD, Mrs. MURRAY, and Mr. GREGG.

FRAUD ENFORCEMENT AND RECOVERY ACT OF 2009—Continued

Mr. REID. Mr. President, I ask unanimous consent that the vote on the cloture motion on the substitute amendment to S. 386 occur at 5:30 p.m., Monday, April 27; that if cloture is invoked, all postcloture time be yielded back and any pending germane amendments be disposed of; then the substitute amendment, as amended, be agreed to; that the bill, as amended, be read a third time, and that the vote on passage of the bill occur at 12 noon on Tuesday, notwithstanding rule XII, paragraph 4, without further intervening action or debate; that once cloture has been filed, the mandatory quorum be waived; provided further that at 4:30 p.m. Monday, there be 60 minutes of debate prior to the cloture vote, with the time equally divided and controlled between the leaders or their designees.

The PRESIDING OFFICER. Is there objection?

The Chair hears none, and it is so ordered.

CLOTURE MOTION

Mr. REID. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

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, hereby move to bring to a close debate on the committee substitute amendment to S. 386, the Fraud Enforcement and Recovery Act of 2009.

Patrick J. Leahy, Debbie Stabenow, Kent Conrad, Barbara Boxer, Patty Murray, Herb Kohl, Jeff Bingaman, Russell D. Feingold, Bernard Sanders, Bill Nelson, Ben Nelson, Richard Durbin, Jack Reed, Amy Klobuchar, Robert P. Casey, Jr., Claire McCaskill, Harry Reid.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. REID. Mr. President, as in executive session I ask unanimous consent that on Tuesday, April 28, at 10 a.m., the Senate proceed to executive session to consider the Calendar No. 62, the nomination of Kathleen Sebelius to be Secretary of Health and Human Services; that there be 8 hours of debate with respect to the nomination, with