

as this whole question of public policy is, is this the right place, an amendment to the Railroad Retirement Act, to take up the issue of cloning? I think not.

It is for that reason I have said this Senate will take up, consider carefully, and dedicate whatever time is required to both issues early next year. We are trying to address railroad retirement now. We have to address the farm bill soon. We have the Defense appropriations bill upcoming. We also have the economic stimulus plan in addition to terrorist insurance—all of those issues in what amounts to a few days remaining in this session of Congress.

Our colleagues have been demanding we take up energy, with all of its complexity, and cloning, with the controversies associated with that issue as well. That is virtually an impossibility unless we are in session between Christmas and New Year's, and I do not think anyone is serious about a schedule of that kind.

So I urge my colleagues to vote against cloture on this amendment, vote for cloture on the bill, so we can bring our debate on railroad retirement to closure. That is the way we can address these issues in a careful, constructive, and meaningful way.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I want to engage the two leaders in a brief colloquy.

I have requested an opportunity to bring the two leaders into a short colloquy relative to the urgency of trying to work out a schedule that is compatible with the business at hand of the Senate, and the interests, of course, of our President relative to some of the items he has decided are priorities, including energy and trade promotion, and recognizing the vote we have before us, which is a convoluted vote because we are basically taking up three issues: Cloning, as well as energy and, of course, railroad retirement.

What we had hoped to be able to negotiate was an up-or-down vote on an energy bill. As the leader knows, we had a good deal of debate within the committee prior to the change of majority. The House of Representatives passed H.R. 4. That is what is before us. The Senator from Alaska is now in the position of wanting to work with the majority leader in ensuring we can expedite the business of the Senate, and I do not initiate undue delays by objecting to unanimous consent agreements.

I ask the majority leader, while on the one hand he assures us he is willing to take up an energy bill as a priority sometime when we get back, to give us an indication that we will finish that bill, that we will not be in a situation where he will pull it down because of objection one way or another and we never get to an energy bill.

The rights I have as a Senator are obviously limited. It is not my intent to delay, but I must do whatever parliamentary opportunities I have to encourage this.

As the majority leader knows, in July we entered into a unanimous consent agreement. That was not granted for a time certain—when I say “time certain,” I mean a day certain—on the issue of Iraq and whether to terminate under the sanctions our sale of oil from Iraq. I understand the majority leader will respond to me soon. In view of the fact we have lost two American lives over there, with illegal smuggling of oil, this is a bit of a priority.

Can the two leaders perhaps get together and give some assurance we could take up an energy bill when we come back after the first of the year, and take it up in such a way to offer an opportunity for amendments, an up-or-down vote, and resolve it and move on to the other matters the majority leader believes are appropriate and necessary? From the view of broad interest, this matter should be resolved once and for all. Obviously, the House has done their job; the Senate has yet to do its job.

As the majority leader knows, the fact the authority has been taken away from the authorizing committee and left in the hands of the majority leader leaves us in a bit of a bind as far as having any input on whatever energy bill might come up. All I ask is the assurance to take up an energy bill and dispose of it in a reasonable timeframe.

Mr. DASCHLE. Mr. President, if I could respond, I know some of our colleagues are trying to catch airplanes. We need to get on with this vote.

I am very sympathetic to the Senator from Alaska. I have been in exactly his position three times now in the last month. I was in his position when we tried to address the unemployment compensation bill on the airline security legislation. I was in it when we tried to address the firefighters legislation as an amendment. I was in it for the last week as we have attempted to bring closure on an up-or-down vote on this bill, the Railroad Retirement Act. In all three cases, of course, the Senate has worked its will and Senators have used their prerogatives under Senate rules to extend debate. We have not had an up-or-down vote on my three priorities.

We all face these circumstances where as much as we would like to bring a particular bill or amendment to closure with an up-or-down vote, as I have attempted in the last month on those three issues, Senators have used their prerogatives as Senators under the rules to continue the debate. We will have to see how the energy debate plays itself out, especially with regard to ANWR.

I have already stated very emphatically my desire to bring up the energy

bill prior to the Founders' Day recess, to have a good debate, to talk about all of the issues, including those which are controversial. It is my expectation we will do just that. We will have a good debate and have many votes on many of the issues that the Senator has so passionately addressed in the Senate Chamber.

I ask for regular order.

COMPREHENSIVE RETIREMENT SECURITY AND PENSION REFORM ACT OF 2001—Resumed

The PRESIDING OFFICER. Under the previous order, the clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 10) to provide for pension reform, and for other purposes.

Pending:

Daschle (for Hatch/Baucus) amendment No. 2170, in the nature of a substitute.

Lott/Murkowski/Brownback amendment No. 2171 (to amendment No. 2170), to enhance energy conservation, research and development, and to provide for security and diversity in the energy supply for the American people.

CLOTURE MOTION

The PRESIDING OFFICER. 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, do hereby move to bring to a close debate on the pending Lott amendment:

Trent Lott, Frank H. Murkowski, R.F. Bennett, Phil Gramm, Sam Brownback, Don Nickles, Pat Roberts, Mike Crapo, Larry E. Craig, Jon Kyl, Chuck Grassley, Pete Domenici, Mitch McConnell, Judd Gregg, Conrad Burns, Craig Thomas.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the Lott amendment shall be brought to a close?

The yeas and nays are required under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Iowa (Mr. HARKIN), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Vermont (Mr. LEAHY), and the Senator from New Jersey (Mr. TORRICELLI) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KENNEDY), the Senator from Vermont (Mr. LEAHY), and the Senator from New Jersey (Mr. TORRICELLI) would each vote “no.”

Mr. NICKLES. I announce that the Senator from Ohio (Mr. VOINOVICH) is necessarily absent.

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

The yeas and nays resulted—yeas 1, nays 94, as follows:

[Rollcall Vote No. 344 Leg.]

YEAS—1

Allen

NAYS—94

Akaka	Domenici	Lugar
Allard	Dorgan	McCain
Baucus	Durbin	McConnell
Bayh	Edwards	Mikulski
Bennett	Ensign	Miller
Biden	Enzi	Murkowski
Bingaman	Feingold	Murray
Bond	Feinstein	Nelson (FL)
Boxer	Fitzgerald	Nelson (NE)
Breaux	Frist	Nickles
Brownback	Graham	Reed
Bunning	Gramm	Reid
Burns	Grassley	Roberts
Byrd	Gregg	Rockefeller
Campbell	Hagel	Santorum
Cantwell	Hatch	Sarbanes
Carnahan	Helms	Schumer
Carper	Hollings	Sessions
Chafee	Hutchinson	Shelby
Cleland	Hutchison	Smith (NH)
Clinton	Inhofe	Smith (OR)
Cochran	Inouye	Snowe
Collins	Jeffords	Specter
Conrad	Johnson	Stabenow
Corzine	Kerry	Stevens
Craig	Kohl	Thomas
Crapo	Kyl	Thompson
Daschle	Landrieu	Thurmond
Dayton	Levin	Warner
DeWine	Lieberman	Wellstone
Dodd	Lincoln	Wyden
	Lott	

NOT VOTING—5

Harkin	Leahy	Voinovich
Kennedy	Torricelli	

The PRESIDING OFFICER. On this vote, the yeas are 1, the nays are 94. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, 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, hereby move to bring to a close the debate on the Daschle for Hatch and Baucus substitute amendment No. 2170 for Calendar No. 69, H.R. 10, an act to provide for pension reform and for other purposes:

Paul Wellstone, Richard Durbin, Byron Dorgan, Harry Reid, Jon Corzine, Hillary Clinton, Blanche Lincoln, Jack Reed, Jean Carnahan, Mark Dayton, Carl Levin, Tim Johnson, Bill Nelson of Florida, Charles Schumer, Ron Wyden, Debbie Stabenow, Barbara Mikulski, Tom Daschle.

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 Daschle for Hatch and Baucus substitute amendment No. 2170 to Calendar No. 69, H.R. 10, an act to provide for pension reform and for other purposes, shall be brought to a close?

The yeas and nays are required under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Iowa (Mr. HARKIN), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Vermont (Mr. LEAHY), and the Senator from New Jersey (Mr. TORRICELLI) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KENNEDY), the Senator from Vermont (Mr. LEAHY), and the Senator from New Jersey (Mr. TORRICELLI) would each vote ‘aye.’

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

The yeas and nays resulted—yeas 81, nays 15, as follows:

[Rollcall Vote No. 345 Leg.]

YEAS—81

Akaka	DeWine	Lincoln
Allen	Dodd	Lugar
Baucus	Domenici	McCain
Bayh	Dorgan	McConnell
Bennett	Durbin	Mikulski
Biden	Edwards	Miller
Bingaman	Ensign	Murray
Boxer	Enzi	Nelson (FL)
Breaux	Feingold	Nelson (NE)
Brownback	Feinstein	Reed
Bunning	Fitzgerald	Reid
Byrd	Graham	Roberts
Campbell	Grassley	Rockefeller
Cantwell	Hagel	Santorum
Carnahan	Hatch	Sarbanes
Carper	Hollings	Schumer
Chafee	Hutchinson	Sessions
Cleland	Hutchison	Shelby
Clinton	Inhofe	Smith (OR)
Cochran	Inouye	Snowe
Collins	Jeffords	Specter
Conrad	Johnson	Stabenow
Corzine	Kerry	Stevens
Craig	Kohl	Voinovich
Crapo	Landrieu	Warner
Daschle	Levin	Wellstone
Dayton	Lieberman	Wyden

NAYS—15

Allard	Gregg	Nickles
Bond	Helms	Smith (NH)
Burns	Kyl	Thomas
Frist	Lott	Thompson
Gramm	Murkowski	Thurmond

NOT VOTING—4

Harkin	Leahy
Kennedy	Torricelli

The PRESIDING OFFICER. On this vote, the yeas are 81, the nays are 15. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. REID. 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. DASCHLE. 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. DASCHLE. Mr. President, in keeping with our understanding of our current parliamentary circumstances, I

make a point of order that amendment No. 2171 is not germane.

The PRESIDING OFFICER. The point of order is sustained. The amendment falls.

Mr. DASCHLE. I yield the floor and 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.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to a period for morning business, with Senators allowed to speak therein for a period not to extend 10 minutes each.

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

Mr. REID. Mr. President, I ask unanimous consent that the time I have just consumed calling off the quorum call and proceeding to morning business be charged against the 30 hours postcloture.

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

The Senator from Rhode Island.

Mr. REED. Mr. President, I would like to be recognized to speak in morning business.

The PRESIDING OFFICER. The Senator may proceed for 10 minutes.

ELEMENTARY AND SECONDARY EDUCATION ACT

Mr. REED. Mr. President, I rise to discuss the current conference on the reauthorization of the Elementary and Secondary Education Act, known as the ESEA. In particular, I bring to the attention of my colleagues the fact that last Friday the conference rejected the Senate’s unanimous support for full funding of the Individuals with Disabilities Education Act, IDEA. I am deeply disappointed the conference would reject this very important legislation that has received unanimous support in the Senate.

IDEA has been an extraordinarily important legislative vehicle for students with disabilities throughout this country. Only 15 percent of students with disabilities were receiving any serious education prior to the enactment of IDEA in the mid-seventies. Today a free, excellent public education is the rule of law for all children in America, including those with disabilities.

Today, IDEA serves approximately 6 million children, the majority of whom are taught in regular classrooms in their neighborhoods. They are with their classmates, and they are learning. They are making impressive