

been able to offer his amendment before that time, he be allowed to go ahead and offer his amendment, and that it be considered germane.

The PRESIDING OFFICER. Is there objection?

Mr. HARKIN. Reserving the right to object, Senator MCCAIN wants an exemption from the cloture in case cloture is invoked?

Mr. LUGAR. Yes. Senator MCCAIN has requested essentially the same privilege that was accorded to Senators ROBERTS and COCHRAN and to Senator GORDON SMITH by the majority leader when he made his original unanimous consent request.

Mr. HARKIN. Reserving the right to object, I am going to object for right now. I may OK it later. But for right now, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. LUGAR. Mr. President, in the moments before our rollcall vote, let me respond briefly to the distinguished Senator from South Dakota.

I observed during the past 48 hours that Senators have had an opportunity to offer amendments to the farm bill. I believe all witnesses to the debate would understand it has been spirited and vigorous. As a matter of fact, all of the amendments offered have been very relevant to agriculture. There were obviously many more amendments that Senators wished to offer that would be relevant to agriculture. We have compiled a list of 44 such amendments.

In relation to the colloquy I just enjoyed with the distinguished chairman, two of those amendments—one to be offered by Senators COCHRAN and ROBERTS, and one to be offered by Senator GORDON SMITH—have been deemed germane by the majority leader's unanimous consent request, even if cloture is invoked. Those Senators have asked for

this privilege simply because cloture would mean the possibility that very relevant amendments would be deemed nongermane.

The problem for many Senators is that the agriculture bill has gone through several rewritings, including the bill offered by the distinguished chairman, Senator HARKIN, but then supplanted by a complete substitute offered by the distinguished majority leader, Senator DASCHLE, with over 1,000 pages. Many Senators have found this situation difficult, although they are researching precisely where their amendments are, in a parliamentary situation, in order. In any event, they would like to have the opportunity to offer them.

Very clearly, the invoking of cloture today would limit those Senators' ability to offer the pertinent amendments and, in some cases, completely eliminate it. Therefore, knowing there are many Senators on both sides of the aisle who have those amendments that we believe would perfect this bill, I am very hopeful that cloture will not be invoked when that time of vote comes at about 4 o'clock this afternoon.

I thank the Chair and yield the floor. The PRESIDING OFFICER. The hour of 1:50 having arrived, the question now is on agreeing to the Johnson amendment No. 2534. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Massachusetts (Mr. KERRY), are necessarily absent.

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

Mr. NICKLES. I announce that the Senator from New Mexico (Mr. DOMENICI), is necessarily absent.

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

The result was announced—yeas 51, nays 46, as follows:

[Rollcall Vote No. 367 Leg.]

YEAS—51

Akaka	Craig	Johnson
Baucus	Crapo	Kohl
Biden	Daschle	Landrieu
Bingaman	Dayton	Leahy
Boxer	DeWine	Levin
Breaux	Dodd	Lieberman
Burns	Dorgan	Mikulski
Byrd	Enzi	Murray
Campbell	Feingold	Nelson (FL)
Cantwell	Feinstein	Nelson (NE)
Carnahan	Graham	Reed
Carper	Grassley	Reid
Chafee	Hagel	Rockefeller
Cleland	Harkin	Sarbanes
Clinton	Hollings	Thomas
Collins	Inouye	Wellstone
Conrad	Jeffords	Wyden

NAYS—46

Allard	Hatch	Schumer
Allen	Helms	Sessions
Bayh	Hutchinson	Shelby
Bennett	Hutchison	Smith (NH)
Bond	Inhofe	Smith (OR)
Brownback	Kyl	Snowe
Bunning	Lincoln	Specter
Cochran	Lott	Stabenow
Corzine	Lugar	Stevens
Durbin	McCain	Thompson
Edwards	McConnell	Thurmond
Ensign	Miller	Torricelli
Fitzgerald	Murkowski	Voinovich
Frist	Nickles	Warner
Gramm	Roberts	
Gregg	Santorum	

NOT VOTING—3

Domenici	Kennedy	Kerry
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The amendment (No. 2534) was agreed to.

Mr. HARKIN. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NOTICE

*Incomplete record of Senate proceedings. Except for concluding business which follows, today's Senate proceedings will be continued in the next issue of the Record.*

NOMINATIONS

Executive nominations received by the Senate December 13, 2001:

DEPARTMENT OF TRANSPORTATION

JOHN MAGAW, OF MARYLAND, TO BE UNDER SECRETARY OF TRANSPORTATION FOR SECURITY FOR A TERM OF FIVE YEARS. (NEW POSITION)

INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

ROBERT B. HOLLAND, III, OF TEXAS, TO BE UNITED STATES ALTERNATE EXECUTIVE DIRECTOR OF THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT FOR A TERM OF TWO YEARS, VICE MICHAEL MAREK, TERM EXPIRED.

EXECUTIVE OFFICE OF THE PRESIDENT

ANDREA G. BARTHWELL, OF ILLINOIS, TO BE DEPUTY DIRECTOR FOR DEMAND REDUCTION, OFFICE OF NA-

TIONAL DRUG CONTROL POLICY, VICE FRED W. GARCIA, RESIGNED.

DEPARTMENT OF JUSTICE

NEHEMIAH FLOWERS, OF MISSISSIPPI, TO BE UNITED STATES MARSHAL FOR THE SOUTHERN DISTRICT OF MISSISSIPPI FOR THE TERM OF FOUR YEARS, VICE EISENHOWER DURR.

ARTHUR JEFFREY HEDDEN, OF TENNESSEE, TO BE UNITED STATES MARSHAL FOR THE EASTERN DISTRICT OF TENNESSEE, FOR THE TERM OF FOUR YEARS, VICE JOSEPH CLYDE FOWLER, JR.

DAVID GLENN JOLLEY, OF TENNESSEE, TO BE UNITED STATES MARSHAL FOR THE WESTERN DISTRICT OF TENNESSEE FOR THE TERM OF FOUR YEARS, VICE WESLEY JOE WOOD.

DENNIS CLUFF MERRILL, OF OREGON, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF OREGON FOR THE TERM OF FOUR YEARS, VICE REGINALD B. MADSEN, RESIGNED.

MICHAEL WADE ROACH, OF OKLAHOMA, TO BE UNITED STATES MARSHAL FOR THE WESTERN DISTRICT OF OKLAHOMA FOR THE TERM OF FOUR YEARS, VICE PATRICK J. WILKERSON.

ERIC EUGENE ROBERTSON, OF WASHINGTON, TO BE UNITED STATES MARSHAL FOR THE WESTERN DISTRICT OF WASHINGTON FOR THE TERM OF FOUR YEARS, VICE ROSA MARIA MELENDEZ, RESIGNED.

CONFIRMATIONS

Executive nominations confirmed by the Senate December 13, 2001:

THE JUDICIARY

WILLIAM P. JOHNSON, OF NEW MEXICO, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEW MEXICO.

FREDERICK J. MARTONE, OF ARIZONA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF ARIZONA.

CLAY D. LAND, OF GEORGIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF GEORGIA.