The result was announced—yeas 60, nays 40, as follows:

[ROLL CALL VOTE NO. 51 LEG.]

NAYS—40

Akaka Dorgan Lincoln
Baucus Durbin Lugar
Bayh Edwards McCain
Biden Ensign Mikulski
Bingaman Feingold Miller
Boxer Feinstein Murray
Byrd Feulner Nelson (FL)
Cantwell Graham Reed
Carusone Harkin Reid
Carpenter Hollings Rockefeller
Chafee Inouye Sarbanes
Cleland Jeffords Schumer
Clinton Johnson Snowe
Coehorn Kennedy Specter
Collins Kerry Stabenow
Conrad Kohl Stevens
Corzine Landrieu Thompson
Daschle Leahy Torricelli
Dayton Levin whitespace
Dodd Lieberman Wyden

The motion was agreed to.

Mr. DODD. Mr. President, I move to reconsider the vote.

Mr. LIEBERMAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DODD. Mr. President, just to notify the Chamber, the next amendment to be offered will be by Senator KERRY of Massachusetts.

I ask unanimous consent that the recess be extended until the hour of 2:30 p.m. today.

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

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will now stand in recess until the hour of 2:30 p.m.

Thereupon, at 1:15 p.m., the Senate recessed until 2:30 p.m. and reassembled when called to order by the Presiding Officer (Mr. INHOFE).

BIPARTISAN CAMPAIGN REFORM ACT OF 2001—(continued)

The PRESIDING OFFICER. The Chair, in his capacity as a Senator from the State of Oklahoma, suggests the absence of a quorum. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MCCAIN. 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 President, I ask unanimous consent that the order for the quorum call be rescinded.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. MCCAIN. Mr. President, I am very pleased at the progress we have made. We have disposed of a number of amendments. I think we have had a level of debate with which Americans are pleased, as are certain Members of the Senate, by the significant participation that has taken place.

We really only have two major issues remaining. One is the issue of severability, which is, if there is a constitutional challenge to this legislation, if one part falls, whether or not all of it falls. The other is the hard money issue, with lots of negotiations and discussions going on as I speak.

It was agreed at the beginning we would spend 2 weeks on this issue, and that was my understanding. It is now my understanding that there are some Members who think perhaps we would not move to final passage. I am committed to moving to final passage.

As I have said before, it is not the 2 weeks that counts; it is the final disposition of this legislation which I think not only I but the American people deserve. If the only thing we do is pass it, then the only thing we do is pass it.

As I say, we have disposed of the major issues with the exception of two. Therefore, in regard to further consideration of the bill before the Senate, I ask unanimous consent that first-degree amendments be limited to 10 each for the proponents and opponents of the bill; that relevant second-degree amendments be in order, with 1 hour for debate per second-degree amendment; and after all amendments are offered, the bill be immediately advanced to third reading for final passage, with no intervening action or debate.

Mr. MCCONNELL. Reserving the right to object, and I will object, let me say to my friend from Arizona, he knows, and we worked on it together, the compromise under which we took up this legislation scripted the beginning of the bill. It did not script the end.

The Senator from Arizona made very plain from the beginning he wanted this debate to end in an up-or-down vote. It may well end in an up-or-down vote, but the consent agreement did not determine that, and it would not be possible to get consent to structure the end at this time.

Let me turn to this from my friend from Arizona. I agree with him the only big issues left are the hard money limits and the nonseverability question. I do not think it is likely we would go beyond Thursday night, in any event.

However, Mr. President, to the unanimous consent request, I object.

The PRESIDING OFFICER. The objection is heard.

The Senator from Arizona.

Mr. MCCAIN. Mr. President, I appreciate the point of the Senator from Kentucky. It is hard for me to understand what is going on here, why we don't, as is our practice around here once we have considered a lot of amendments and a lot of proposals, we reach the end, narrow down amendments. One, then, has to work to get a decision. It is not clear yet what we are doing.

I don't perhaps disagree with the Senator from Kentucky about the language of the unanimous consent agreement. I believe everyone was laboring under the impression that we would reach final resolution of this issue with an up-or-down vote. There are some Senators who now question that.

So I will be back with another unanimous consent request, and if that is not agreeable, then one can only draw the conclusion that there is an objection to a final disposition of this issue and that, obviously, would be something we would have to then consider.

I want to make perfectly clear again what I said at the very beginning, and I will get to it. I want to say, the CONGRESSIONAL RECORD when the unanimous consent was entered into with this distinguished majority leader. No matter how long it takes, as long as I can maintain 51 votes, we will not move to further legislation until we dispose of this legislation. For years we were blocked. For years we were not allowed to have this process which we now all agree has been valuable and helpful. But we need to take it to a final vote. I will be back with further unanimous consent requests so that we can fully bring this issue to closure.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I join in the remarks of the Senator from Arizona. I am pleased to see the distinguished majority leader on the floor, whom I have heard say on a number of occasions with regard to this process that he would not support filibuster or an approach that would involve preventing us from getting to final passage on this bill. I appreciated those assurances, and I assume they still hold.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Let me make it clear once again, there would have been no consent agreement at all had the end been dictated by the agreement. I fully understand from the beginning was the desire of the Senator from Arizona to press for an up-or-down vote at the end of this debate. No one has more aggressive than he has. Had it not been for the Senator from Arizona, we would not have been on this issue at all, at this point, which would have been my preference given the fact we have an energy crisis in the country, we have a stock market that is in trouble, and I, frankly, am somewhat stunned that we have spent 2 weeks on this issue.

Having said that, we have been on this issue because of the tenacity of the Senator from Arizona. The consent agreement was entered into because of