

Mrs. HUTCHISON. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. CONRAD. 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 President, I ask unanimous consent that the order for the quorum call be rescinded.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. CONRAD. Mr. President, I thank the Chair. I thank my colleagues.

Let me be very clear. Senators have a right to invoke rule XVI. But let's be clear. This is how emergency disasters have been dealt with year after year after year in this body. What I am seeking to do is to get a vote. The farmers and ranchers of this country deserve a vote. Now, they can deny the vote, at least temporarily, but if they think that is the end of the story, they are wrong. We are going to be back. And, look: If my colleagues are going to invoke rule XVI on this measure, when the underlying legislation has passed this body with 77 votes, and by that device prevent a vote, then things are going to get very tough around here. I know the rules of the Senate. If Members think they can ramrod things and deny farmers and ranchers in this country a vote on desperately needed disaster assistance, then this Senate is going to slow way down. My colleagues can use their rights and I will use mine. Let there be no doubt about what the result will be. This place is going to have a hard time functioning if there is not comity, if there is not fairness, and if people are denied a vote repeatedly. That is what is occurring.

The precedent is clear in this Senate. Virtually every disaster package has been legislation on an appropriations bill. Rule XVI was not invoked because it was recognized that is one of the few ways to achieve the result.

The Senator has the right to invoke rule XVI. This Senator has a right to object to unanimous consent agreements, to put the legislation on Vietnam PNTR, and to move to seek a vote. It is only fair the farmers and ranchers of this country, who have been devastated, get a vote. Let the Members vote. That is what the people were saying in this election. They want a process that is fair and that gets results for the American people.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent this amendment be set aside until we have the withdrawal of the previous motion.

Mr. CONRAD. I object.

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

The PRESIDING OFFICER (Mr. MARTINEZ). Without objection, it is so ordered.

Mr. SPECTER. Mr. President, I note that the majority leader is on the Senate floor. I am prepared to speak for just about 5 minutes, if that is acceptable. I thank the majority leader, and I thank the Senator from North Dakota.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. I thank the Chair. (The remarks of Mr. SPECTER and Mrs. FEINSTEIN pertaining to the introduction of S. 4051 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

QUORUM CALL

Mr. SPECTER. Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll, and the following Senators entered the Chamber and answered to their names:

[Quorum No. 1 Leg.]

Akaka	Dorgan	Menendez
Alexander	Durbin	Mikulski
Allard	Ensign	Murkowski
Allen	Enzi	Murray
Baucus	Feingold	Nelson, Florida
Bayh	Feinstein	Nelson, Nebraska
Bennett	Frist	Obama
Bingaman	Graham	Pryor
Bond	Grassley	Reed, Rhode
Boxer	Gregg	Island
Brownback	Hagel	Reid, Nevada
Bunning	Harkin	Roberts
Burns	Hatch	Rockefeller
Burr	Hutchison	Salazar
Byrd	Inhofe	Santorum
Cantwell	Inouye	Sarbanes
Carper	Isakson	Schumer
Chambliss	Jeffords	Sessions
Clinton	Johnson	Shelby
Coburn	Kerry	Smith
Cochran	Kohl	Snowe
Coleman	Kyl	Specter
Collins	Landriau	Stabenow
Conrad	Lautenberg	Stevens
Cornyn	Leahy	Sununu
Craig	Levin	Talent
Crapo	Lieberman	Thune
Dayton	Lincoln	Vitter
DeMint	Lott	Voinovich
DeWine	Lugar	Warner
Dodd	Martinez	Wyden
Dole	McCain	
Domenici	McConnell	

The PRESIDING OFFICER (Mr. ISAKSON). A quorum is not present.

Mr. FRIST. Mr. President, I move to instruct the Sergeant at Arms to request the presence of absent Senators, and I ask for the yeas and nays.

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

The question is on agreeing to the motion of the Senator from Tennessee. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCONNELL. The following Senators were necessarily absent: the Senator from Rhode Island, (Mr. CHAFEE) and the Senator from Wyoming (Mr. THOMAS).

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), and the Senator from Massachusetts (Mr. KENNEDY) are necessarily absent.

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

The result was announced—yeas 95, nays 1, as follows:

[Rollcall Vote No. 264 Leg.]

YEAS—95

Akaka	Dorgan	McConnell
Alexander	Durbin	Menendez
Allard	Ensign	Mikulski
Baucus	Enzi	Murkowski
Bayh	Feingold	Murray
Bennett	Feinstein	Nelson (FL)
Bingaman	Frist	Nelson (NE)
Bond	Graham	Obama
Boxer	Grassley	Pryor
Brownback	Gregg	Reed
Bunning	Hagel	Reid
Burns	Harkin	Roberts
Burr	Hatch	Rockefeller
Byrd	Hutchison	Salazar
Cantwell	Inhofe	Santorum
Carper	Inouye	Sarbanes
Chambliss	Isakson	Schumer
Clinton	Jeffords	Sessions
Coburn	Johnson	Shelby
Cochran	Kerry	Smith
Coleman	Kohl	Snowe
Collins	Kyl	Specter
Conrad	Landriau	Stabenow
Cornyn	Lautenberg	Stevens
Craig	Leahy	Sununu
Crapo	Levin	Talent
Dayton	Lieberman	Thune
DeMint	Lincoln	Vitter
DeWine	Lott	Voinovich
Dodd	Lugar	Warner
Dole	Martinez	Wyden
Domenici	McCain	

NAYS—1

Allen
NOT VOTING—4

Biden	Kennedy
Chafee	Thomas

The motion was agreed to. Mr. FRIST. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. FRIST. 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.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KERRY. 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. KERRY. Mr. President, I ask unanimous consent that amendment No. 5142 to the Military Construction-Veteran Affairs bill be called up.

The PRESIDING OFFICER. Is there objection?

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Massachusetts [Mr. KERRY], for himself, Mr. KENNEDY, Mr. AKAKA, Mrs. BOXER, and Mr. JEFFORDS, proposes an amendment numbered 5142.

Mr. KERRY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows: