

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA), the Senator from New York (Mrs. CLINTON), the Senator from Connecticut (Mr. DODD), the Senator from North Dakota (Mr. DORGAN), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Georgia (Mr. MILLER), and the Senator from Florida (Mr. NELSON) are necessarily absent.

I further announce that, if present and voting, the Senator from New York (Mrs. CLINTON) and the Senator from North Dakota (Mr. DORGAN) would each vote "no."

Mr. NICKLES. I announce that the Senator from New Mexico (Mr. DOMENICI), the Senator from Oklahoma (Mr. INHOFE), the Senator from Arizona (Mr. KYL), the Senator from Alaska (Mr. MURKOWSKI), the Senator from Kansas (Mr. ROBERTS), the Senator from Alabama (Mr. SESSIONS), the Senator from Alabama (Mr. SHELBY), the Senator from Ohio (Mr. VOINOVICH), and the Senator from Arizona (Mr. MCCAIN) are necessarily absent.

I further announce that, if present and voting, the Senator from Oklahoma (Mr. INHOFE) would vote "yea."

The yeas and nays resulted—yeas 39, nays 45, as follows:

[Rollcall Vote No. 3 Leg.]

#### YEAS—39

Allard	Ensign	Lugar
Allen	Enzi	McConnell
Bennett	Fitzgerald	Nickles
Bond	Frist	Santorum
Brownback	Gramm	Smith (NH)
Bunning	Grassley	Smith (OR)
Burns	Gregg	Snowe
Campbell	Hagel	Specter
Cochran	Hatch	Stevens
Collins	Helms	Thomas
Craig	Hutchinson	Thompson
Crapo	Hutchison	Thurmond
DeWine	Lott	Warner

#### NAYS—45

Baucus	Dayton	Levin
Bayh	Durbin	Lieberman
Biden	Edwards	Lincoln
Bingaman	Feingold	Mikulski
Boxer	Feinstein	Murray
Breaux	Graham	Nelson (NE)
Byrd	Harkin	Reed
Cantwell	Hollings	Reid
Carnahan	Inouye	Rockefeller
Carper	Jeffords	Sarbanes
Chafee	Johnson	Schumer
Cleland	Kerry	Stabenow
Conrad	Kohl	Torricelli
Corzine	Landrieu	Wellstone
Daschle	Leahy	Wyden

#### NOT VOTING—16

Akaka	Kennedy	Roberts
Clinton	Kyl	Sessions
Dodd	McCain	Shelby
Domenici	Miller	Voinovich
Dorgan	Murkowski	
Inhofe	Nelson (FL)	

The PRESIDENT pro tempore. There will be order in the Senate.

On this vote, the yeas are 39, the nays are 45. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The amendment of the Senator from Oregon would result in a breach of the revenue floor set out in the budget resolution. The point of order is sustained. The amendment falls.

The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I ask for the yeas and nays on amendment No. 2698.

The PRESIDENT pro tempore. Will the Senator withhold briefly?

#### EXECUTIVE SESSION

NOMINATIONS OF MARCIA S. KRIEGER, OF COLORADO, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF COLORADO AND JAMES C. MAHAN, OF NEVADA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEVADA

The PRESIDENT pro tempore. Under the previous order, upon the disposition of the Smith amendment No. 2705, the Senate will now go into executive session and proceed with the consideration of Executive Calendar Nos. 644 and 645.

The nominations will be stated.

The assistant legislative clerk read the nomination of Marcia S. Krieger, of Colorado, to be United States District Judge for the District of Colorado, and James C. Mahan, of Nevada, to be United States District Judge for the District of Nevada.

The PRESIDENT pro tempore. Under the previous order, there will now be 10 minutes for debate to be equally divided between the chairman and ranking members of the Judiciary Committee, and 10 minutes for debate under the control of the Senator from Iowa, Mr. HARKIN.

The Senator from Vermont.

Mr. LEAHY. Mr. President, I ask unanimous consent that I be recognized after these two votes for such time as I may need to speak about the nominations. I know a number of Senators have schedules they want to keep.

Mr. HATCH. Mr. President, reserving the right to object—I will not object—I would like to be given time immediately following the distinguished Senator from Vermont.

The PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

The Senator from Iowa is recognized.

Mr. HARKIN. Mr. President, I say to my colleagues here in the Chamber today that I announced last year before we adjourned for the holiday recess that because of the failure of the Senate to provide for cloture on the farm bill so that we could have a reasonable amount of time for debate and come to closure on it, the Senator from Iowa, this Senator, was not going to agree to any unanimous consent on any judges or anything else that came before the Senate until we completed the farm bill.

I was approached the other day and was asked if we would let a couple of these judges go. It was my intention at that time to say no. I am not interested in anything passing here until we

got a farm bill finished and sent to conference. But it has come to my attention that there seems to be some movement towards reaching some agreement to have either a defined list of amendments and/or a time limit so that we could bring this farm bill to some closure.

So in the spirit of trying to work on a bipartisan basis and trying to reach some agreement, I withdrew my objection so we could go ahead and permit these two judges to go through. I asked for this 10 minutes of time only to hope that in the ensuing few days—I know that next week we are not going to be here much more than 1 day, and I think we are out Wednesday, Thursday, and Friday for the party conferences. That means we will have a short day Monday, a day Tuesday, and that is it. Then we are in the week after that. I am hopeful that sometime before we adjourn next week for our party conferences the leadership on the Republican side and on the Democratic side can reach an agreement on a defined list of amendments on the farm bill and/or some time limit so we can reach closure on it. Hopefully we will do that the week after next.

This is becoming even more important because the Department of Agriculture just came out last week with their economic forecast for agriculture this year. I will read from the AP report on their forecast.

With crop prices mired near record lows, the government says farm income will drop nearly 20 percent this year unless Congress enacts a new farm program quickly, or approve more emergency payments.

There you have it.

There are three things we can do: Sit back, do nothing, and let farm income drop 20 percent, we can come up with more emergency payments, or we can enact a new farm bill, go to conference with the House, and have a more reasonable approach.

I hope we can do the latter; that is, pass the farm bill, go to conference, come back, and let the House and the Senate work its will.

We have had a lengthy debate on the farm bill already. We have been here 12 days; 1 more day on the farm bill means we will have broken all records for length of time for the farm bill to be considered in this Chamber. Just 1 more day and we will have that. It looks as if we are going to break the record.

We had three substitutes for this farm bill. It was well debated. We had the Lugar substitute, we had the Roberts-Cochran substitute, and we had the Hutchison substitute, which is basically the House bill. None of them got over 40 votes. One got 30, one got 38, one got 40. So it looks as if the bipartisan bill that we came out of committee with is the bill that has the most votes.

I know there are things in the bill not everyone likes. There are some things in the bill I personally as chairman of the committee do not like. But

I recognize there are other reasons for things and for different parts of the country. There is agriculture all over America. Maybe what is good in one place is not good in other places. That is why there are varying interests. I believe the bill we have on the floor does a good job of balancing those interests.

We have a good bipartisan bill. That doesn't mean we can't have more amendments considered. Of course we can. There are payment limitation amendments. There are other amendments that will come up. That is just fine. I have never taken the position we should not have amendments. Let us have a reasonable time limit, get the amendments up, have a reasonable debate, and then move on.

Again, I hope my friends on the other side of the aisle will permit us to move ahead week after next on this farm bill, either with a defined list of amendments or at least a time agreement or vote cloture on the bill so we can move ahead on it expeditiously.

Again, I do not intend to hold up these judges in the spirit of comity and working together. But I say to my friends on the other side of the aisle, if we cannot get some reasonable agreement to have this bill up and passed the week after next, then this Senator from Iowa will again say nothing else is going to pass here until we get that farm bill passed.

So I have removed my objection to these judges because of what I have heard. And I have talked with some people and have heard that there may be some movement to get this farm bill debated and passed. If that is the case, that is fine. I hope we can do that. But we cannot afford to tarry any longer. We have to get this bill passed, get to conference with the House, and, hopefully, get it to the President.

We have farmers getting ready to go into the fields in the South already. I think the wheat harvest in Texas is probably going to start next month. We have farmers up in the northern parts of the country—where I am from—who do not know whether they can go out and buy a new combine or a new tractor or something similar because they do not know what they are going to get this year. The bankers are uncertain.

The President was just out at John Deere a couple weeks ago. I was with him at a John Deere plant in Illinois. The CEO of John Deere said that we have to get a farm bill passed because no one is buying the implements because they do not know what the bill is going to be. There is that uncertainty out there.

So I know we are talking about a stimulus package, my friends, but stimulus in rural America is the farm bill. If we get that farm bill passed, it will stimulate economic activity in rural America. It will let bankers know how much they can lend. Farmers would then be able to say: OK, now I can buy that tractor or that combine or that new piece of equipment. But until we do that, all that uncertainty and that cloud is hanging over them.

So, again, I took this time only to say that I will not object to these judges in that spirit of comity, but I hope by next Wednesday we will have an agreement worked out so when we come back the week after next, after the party conferences and the party issues conferences, we can bring up the farm bill, have a reasonable time for debate, and then have final passage on the bill.

With that, Mr. President, I yield back the remainder of my time.

The PRESIDENT pro tempore. All time has expired.

Mr. BURNS. Mr. President, is there any time to respond to the statement made by the Senator from Iowa?

The PRESIDENT pro tempore. Under the unanimous consent order, there is none.

Mr. BURNS. Mr. President, I ask unanimous consent that I be recognized for 5 minutes. And I daresay I would not use that much time.

The PRESIDENT pro tempore. How much time?

Mr. BURNS. Five minutes.

Mr. REID. Mr. President, reserving the right to object, I say to my friend from Montana, the chairman and ranking member of the Judiciary Committee agreed to speak after the votes. We have people here who have schedules to meet. If my friend really wants to speak now, I will not object.

Mr. BURNS. No.

Mr. REID. Mr. President, I would ask unanimous consent the Senator from Montana be allowed to speak after the chairman and ranking member are allowed to speak.

Mr. BURNS. I will agree to that. I thank my friend.

The PRESIDENT pro tempore. The Senator from Montana withdraws his request?

Mr. BURNS. That is correct.

The PRESIDENT pro tempore. The question is, Will the Senate advise and consent to the nomination of Marcia S. Krieger, of Colorado, to be United States District Judge for the District of Colorado? The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA), the Senator from California (Mrs. BOXER), the Senator from Connecticut (Mr. DODD), the Senator from North Dakota (Mr. DORGAN), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Georgia (Mr. MILLER), and the Senator from Florida (Mr. NELSON) are necessarily absent.

I further announce that, if present and voting, the Senator from North Dakota (Mr. DORGAN) would vote "aye."

Mr. NICKLES. I announce that the Senator from New Mexico (Mr. DOMENICI), the Senator from Oklahoma (Mr. INHOFE), the Senator from Arizona (Mr. KYL), the Senator from Alaska (Mr. MURKOWSKI), the Senator from Kansas (Mr. ROBERTS), the Senator from Ala-

bama (Mr. SESSIONS), the Senator from Alabama (Mr. SHELBY), the Senator from Ohio (Mr. VOINOVICH), the Senator from Arizona (Mr. McCAIN), and the Senator from Tennessee (Mr. THOMPSON) are necessarily absent.

I further announce that if present and voting the Senator from Oklahoma (Mr. INHOFE) and the Senator from Arizona (Mr. KYL) would each vote "aye."

The PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 83, nays 0, as follows:

[Rollcall Vote No. 4 Ex.]

#### YEAS—83

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

#### NOT VOTING—17

Akaka	Kennedy	Roberts
Boxer	Kyl	Sessions
Dodd	McCain	Shelby
Domenici	Miller	Thompson
Dorgan	Murkowski	Voinovich
Inhofe	Nelson (FL)	

The nomination was confirmed.

The PRESIDENT pro tempore. The question is, Will the Senate advise and consent to the nomination of James C. Mahan, of Nevada, to be United States District Judge for the District of Nevada?

The Senator from Vermont.

Mr. LEAHY. Mr. President, I ask unanimous consent that this be a 10-minute vote.

The PRESIDENT pro tempore. Will the Senator repeat his request?

Mr. LEAHY. I ask unanimous consent this be a 10-minute rollcall vote.

The PRESIDENT pro tempore. Is there objection?

Hearing no objection, this will be a 10-minute rollcall vote. 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 Hawaii (Mr. AKAKA), the Senator from California (Mrs. BOXER), the Senator from Missouri (Mrs. CARNAHAN), the Senator from Connecticut (Mr. DODD), the Senator from North Dakota (Mr. DORGAN), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Georgia (Mr.

MILLER), and the Senator from Florida (Mr. NELSON) are necessarily absent.

I further announce that, if present and voting, the Senator from North Dakota (Mr. DORGAN) would vote "aye."

Mr. NICKLES. I announce that the Senator from New Mexico (Mr. DOMENICI), the Senator from Oklahoma (Mr. INHOFE), the Senator from Arizona (Mr. KYL), the Senator from Alaska (Mr. MURKOWSKI), the Senator from Kansas (Mr. ROBERTS), the Senator from Alabama (Mr. SESSIONS), the Senator from Alabama (Mr. SHELBY), the Senator from Ohio (Mr. VOINOVICH), the Senator from Arkansas (Mr. HUTCHINSON), the Senator from Arizona (Mr. MCCAIN), and the Senator from Tennessee (Mr. THOMPSON) are necessarily absent.

I further announce that if present and voting the Senator from Oklahoma (Mr. INHOFE) and the Senator from Arizona (Mr. KYL) would each vote "aye."

The PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 81, nays 0, as follows:

[Rollcall Vote No. 5 Ex]

#### YEAS—81

Allard	DeWine	Lieberman
Allen	Durbin	Lincoln
Baucus	Edwards	Lott
Bayh	Ensign	Lugar
Bennett	Enzi	McConnell
Biden	Fitzgerald	Mikulski
Bingaman	Feinstein	Murray
Bond	Fitzgerald	Nelson (NE)
Breaux	Frist	Nickles
Brownback	Graham	Reed
Bunning	Gramm	Reid
Burns	Grassley	Rockefeller
Byrd	Gregg	Santorum
Campbell	Hagel	Sarbanes
Cantwell	Harkin	Schumer
Carper	Hatch	Smith (NH)
Chafee	Helms	Smith (OR)
Cleland	Hollings	Snowe
Clinton	Hutchison	Specter
Cochran	Inouye	Stabenow
Collins	Jeffords	Stevens
Conrad	Johnson	Thomas
Corzine	Kerry	Thurmond
Craig	Kohl	Torricelli
Crapo	Landrieu	Warner
Daschle	Leahy	Wellstone
Dayton	Levin	Wyden

#### NOT VOTING—19

Akaka	Inhofe	Roberts
Boxer	Kennedy	Sessions
Carnahan	Kyl	Shelby
Dodd	McCain	Thompson
Domenici	Miller	Voinovich
Dorgan	Murkowski	
Hutchinson	Nelson (FL)	

The nomination was confirmed.

#### LEGISLATIVE SESSION

The PRESIDENT pro tempore. Under the previous order, the Senate will return to legislative session.

#### HOPE FOR CHILDREN ACT— Continued

The PRESIDENT pro tempore. The clerk will report the title.

The assistant legislative clerk read as follows:

A bill (H.R. 622) to amend the Internal Revenue Code of 1986 to expand the adoption credit, and for other purposes.

The PRESIDENT pro tempore. The Senator from Vermont.

Mr. LEAHY. Mr. President, I understand under the unanimous consent request I am to be recognized, but the distinguished Senator from Illinois and the distinguished Senator from Oregon are here, and I ask unanimous consent it be in order first to recognize the distinguished Senator from Illinois for 2 minutes, then the distinguished Senator from Oregon for 1 minute, and the distinguished Senator from Oklahoma, the Republican assistant leader, for 30 seconds, and then we revert back to my original time.

The PRESIDENT pro tempore. Is there objection to the several requests?

There being no objection, the requests are agreed to.

The Senator from Illinois.

The PRESIDENT pro tempore. The Senator from Illinois.

AMENDMENT NO. 2714 TO AMENDMENT NO. 2698

(Purpose: To provide enhanced unemployment compensation benefits)

Mr. DURBIN. Pursuant to an earlier unanimous consent request, I am sending to the desk an amendment being offered by me on behalf of the majority leader.

The PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

The Senator from Illinois [Mr. DURBIN], for himself, Mr. WELLSTONE, Mr. DAYTON, Ms. LANDRIEU, and Mrs. LINCOLN, proposes an amendment numbered 2714.

Mr. DURBIN. I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. DURBIN. Mr. President, this is part of the economic stimulus package. It is an amendment agreed to by both sides, Democrats and Republicans, to extend the unemployment insurance benefits to those States which will provide protection, expanded coverage for part-time workers who otherwise would not be eligible for unemployment compensation, and expand coverage to low-wage and recent hires who are also out of work and cannot be covered by unemployment. It also increases benefit levels under unemployment compensation by 15 percent or \$25 per week, whichever is greater. These proposals are temporary. All of the funding comes from Federal funding sources from the unemployment insurance fund. The amendment costs about \$15 billion in one year, but it will provide direct, immediate relief to unemployed people across America. When we return next Tuesday, I will speak to this amendment at length.

I hope my colleagues will join me in supporting it on a bipartisan basis.

I yield the floor.

The PRESIDENT pro tempore. The Senator from Oregon.

Mr. SMITH of Oregon. Mr. President, I thank the chairman of the Judiciary

Committee for allowing me a minute to simply notify the Senate that I will redo my amendment and try to get 60 votes. It will come back and be filed later today. It will have a 2-year time period beginning January 1 of this year and going for 2 years, with a 30-percent depreciation bonus, and it will also specifically include the motion picture industry so that they can have the advantage of this stimulus as well.

I think it is critical we do what the the Senator from Illinois is talking about, and it is also critical we do something that is actually stimulatory of the economy. Two years is the absolute minimum, if we are serious about this part of the stimulus bill.

I yield the floor.

The PRESIDENT pro tempore. The Senator from Oklahoma, Mr. Nickles.

Mr. NICKLES. I ask unanimous consent that it be in order I ask for the yeas and nays on amendment No. 2698.

The PRESIDENT pro tempore. Is there objection to the request that it be in order?

Mr. LEAHY. Reserving the right to object—I understand there is no objection.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Is there a sufficient second?

There is a sufficient second. The yeas and nays are ordered.

Mr. NICKLES. I thank my colleague.

The PRESIDENT pro tempore. The Senator from Vermont.

Mr. LEAHY. Is the Senator from Vermont correct that following my statement the distinguished senior Senator from Utah is to be recognized?

The PRESIDENT pro tempore. That is correct.

#### JUDICIAL NOMINATIONS

Mr. LEAHY. I thank the distinguished Presiding Officer.

Mr. President, I appreciate the fact that the majority leader and the assistant majority leader moved to consider additional judicial nominations today. Both Senator DASCHLE and Senator REID have been working very diligently to clear these nominations which were put on the Executive Calendar as we went out of session prior to the new year. They have worked very hard to return the Senate's consideration of judicial nominations to a more orderly and open process. I compliment the Senator from South Dakota and the Senator from Nevada for their efforts and thank them for their leadership. Along with our Senate leaders, many Senators have been working to move away from the anonymous holds and inaction on judicial nominations that characterized so much of the period from 1996 through the year 2000. Since the change in majority last summer, we have already made a difference in terms of both the process and its results. The number of vacancies and the number of confirmations have finally begun to move in the right directions.

As we begin this new session, I will take a moment to report where we are