

To me, it is an opportunity-based system for people who have had a disadvantaged life and I believe is a healing balm on this very difficult undertone of racism that we have seen in this country.

Madam President, I think the administration is moving in a positive direction, so I object.

The PRESIDING OFFICER. Objection is heard.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Madam President, I do not know what the agenda is. I know the chairman of the Judiciary Committee has a different opinion.

Maybe the Democratic leader decided we are not going to be dealing with the appropriations bill. We have an amendment on which we are getting ready to vote. We were supposed to vote on it a couple of minutes ago. I guess people want to debate the Michigan case, but that is really not the issue before us. The issue before us is an appropriations bill.

Eleven out of the thirteen appropriations bills have not been passed. We are trying to finish the appropriations bills. The chairman of the Appropriations Committee is trying to move the Senate forward. He has been asking for amendments. We are trying to consider amendments. We are getting ready to vote on an amendment, and the Democratic leader has a resolution that says: We want to adopt a position opposite that of the President of the United States on the Michigan case, without even advanced warning and without allowing the chairman of the Judiciary Committee, who also has a resolution taking a different position, to come forward.

There is a time and place to debate it, but this is not it. We should be doing the business we have not completed from last year, and that is the appropriations bill. I have a resolution, and I can do exactly what the Democratic leader did. I can ask unanimous consent that we take the plaintiff's side of this case and ask that it would pass. I know it would be objected to. It was actually drafted by Senator HATCH, so I will leave that to him to elect to do.

It is kind of a waste of the Senate's time for people to take a contentious issue and say: I am going to ask unanimous consent that we take one side of that issue and try to pass it, knowing it would not pass. I could make this same argument and know it would not pass. I think we would be wasting the Senate's time.

I urge our colleagues to stay with the regular order and finish the work we did not do last year, and that would be to deal with the amendments that are pending and pass the unfinished business of the appropriations bills.

I shall not ask unanimous consent at this point, but if people want to pursue this, we can.

I yield the floor.

MAKING FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2003—Continued

Mr. BIDEN addressed the Chair. The PRESIDING OFFICER. The Senator from Delaware.

Mr. McCAIN. Madam President, I ask for the regular order.

Mr. STEVENS. Madam President, there is a time agreement in effect.

The PRESIDING OFFICER. The regular order is 2 minutes of debate before a vote relative to the Senator's amendment.

Who yields time?

Mr. McCAIN. I yield to the Senator from Hawaii for his 1 minute, and I will take 1 minute.

Mr. INOUE. Madam President, I yield back my time.

Mr. McCAIN. I yield back my time.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUE. Madam President, I move to table the amendment.

Mr. NICKLES. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second on the motion to table?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. McCONNELL, I announce that the Senator from Nebraska (Mr. HAGEL) is necessarily absent.

Mr. REID. I announce that the Senator from Louisiana (Mr. BREAU), the Senator from North Carolina (Mr. EDWARDS), the Senator from Massachusetts (Mr. KERRY), and the Senator from Maryland (Mr. SARBANES) are necessarily absent.

I further announce that, if Present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "Aye".

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

The result was announced—yeas 62, nays 33, as follows:

[Rollcall Vote No. 8 Leg.]

YEAS—62

Akaka	Domenici	Lott
Baucus	Dorgan	McConnell
Bayh	Durbin	Mikulski
Biden	Ensign	Murkowski
Bingaman	Feinstein	Murray
Bond	Frist	Nelson (FL)
Boxer	Gregg	Nelson (NE)
Burns	Harkin	Pryor
Byrd	Hollings	Reed
Campbell	Hutchison	Reid
Cantwell	Inouye	Roberts
Carper	Jeffords	Rockefeller
Chafee	Johnson	Schumer
Clinton	Kennedy	Snowe
Cochran	Kohl	Specter
Collins	Landrieu	Stabenow
Conrad	Lautenberg	Stevens
Corzine	Leahy	Talent
Daschle	Levin	Warner
Dayton	Lieberman	Wyden
Dodd	Lincoln	

NAYS—33

Alexander	DeWine	Lugar
Allard	Dole	McCain
Allen	Enzi	Miller
Bennett	Feingold	Nickles
Brownback	Fitzgerald	Santorum
Bunning	Graham (FL)	Sessions
Chambliss	Graham (SC)	Shelby
Coleman	Grassley	Smith
Cornyn	Hatch	Sununu
Craig	Inhofe	Thomas
Crapo	Kyl	Voivovich

NOT VOTING—5

Breaux	Hagel	Sarbanes
Edwards	Kerry	

The motion was agreed to.

Mr. STEVENS. 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.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Madam President, what is the regular order now?

The PRESIDING OFFICER. Under the previous order, the Senator from Delaware has 20 minutes.

Mr. STEVENS. Madam President, under the agreement he has 20 minutes to speak. Following that, for the information of the Senate, Senator BROWNBACK has 5 minutes.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Madam President, if I may ask the chairman of the Appropriations Committee, Senator STEVENS, a question.

Mr. STEVENS. Yes.

Mr. BIDEN. Although I have been waiting a while, I can refrain from doing that if we are likely to move on to other votes. I do not want to hold people up on Friday afternoon. But if we don't have something we are going to go to right away—in other words, I don't want to get in the chairman's way. But, otherwise, I would like to speak. But I know it is Friday afternoon. I see people with topcoats on their laps, and they have places to go. I can make this the last order of business today. But I don't want to yield to others who are not going to speak on an amendment. But I will yield if you really think we are going to move to something and we are going to act on it. That is my point.

I ask the Senator from Alaska if he can tell me what the plans are.

Mr. STEVENS. Madam President, the Senator from Delaware has given us a chance to think. This is a good time to think. So we are happy to give him 20 minutes right now.

The PRESIDING OFFICER. The Senator from Delaware.

THE UNIVERSITY OF MICHIGAN CASE

Mr. BIDEN. Madam President, I rise today to, quite frankly, compliment and add to the comments of my friend from West Virginia, Senator BYRD—although I will not be as eloquent—who spoke today on Iraq and Korea and national security policy.