

background in advertising. I would be anxious before we spend this money to do a little analysis of how effective the advertising has been.

You talk about instruction in schools. We all know that there are instructions that work and there are instructions that don't. My own experience is that the Government is not very good at advertising healthy lifestyle changes. We could have been spending—I have no idea. We have not researched this at all. I have no idea where the evidence might be. We could have been spending the 21 cents per pupil and wasting every bit of it in terms of results.

I have something of a background in advertising and I know how much advertising budgets get wasted simply because the advertising campaign is not effectively carried out.

I recommend to my colleagues we defeat this amendment and if, indeed, the Senator from Oklahoma and the Senator from New Mexico can examine this from their background and demonstrate we are getting a 17-to-1 return from this particular program, that we are getting a 17-to-1 return from the kind of instruction going on in classrooms, then I would be happy to endorse this at some future time.

In terms of what has been the result of the \$10 million we have been spending, how certain will we be that doubling that is going to, in fact, increase health among our children? It may well be that a GAO study would say the \$10 million has been spent on training materials that have been ineffective and produced no result whatever.

In effect, we are being asked to buy something of a pig in a poke without understanding exactly how it works. I hope we would stay with the committee allocation here. The issue is a very legitimate issue. I, for one, will be more than willing in the hearings to ask the Department to give us a demonstration of how effective this has been.

If it can be demonstrated that it has, in fact, reduced obesity and has had some impact on diabetes, at that point I would be all for doubling it or tripling it because of the 17-to-1 figure the Senator from Oklahoma cites. But lacking that information, in this particular situation I would be loathe to proceed.

The PRESIDING OFFICER. All time has expired.

VOTE ON AMENDMENT NO. 1775

The PRESIDING OFFICER. Under the previous order, the question occurs on agreeing to the Coburn amendment No. 1775. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. The following Senators were necessarily absent: the Senator from New Mexico (Mr. DOMENICI) and the Senator from Wyoming (Mr. ENZI).

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE), the Senator from Hawaii (Mr.

INOUYE), the Senator from Maryland (Ms. MIKULSKI), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessary absent.

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

The result was announced—yeas 55, nays 39, as follows:

[Rollcall Vote No. 238 Leg.]

YEAS—55

Akaka	DeMint	Nelson (FL)
Alexander	Dodd	Nelson (NE)
Allen	Ensign	Obama
Bayh	Feingold	Roberts
Biden	Feinstein	Salazar
Bingaman	Graham	Santorum
Boxer	Inhofe	Schumer
Brownback	Isakson	Sessions
Burns	Kerry	Snowe
Burr	Kohl	Specter
Cantwell	Kyl	Stabenow
Chafee	Landrieu	Sununu
Clinton	Levin	Talent
Coburn	Lieberman	Thomas
Collins	Lugar	Voinovich
Cornyn	Martinez	Warner
Craig	McCain	Wyden
Crapo	McConnell	
Dayton	Murkowski	

NAYS—39

Allard	Dorgan	Leahy
Baucus	Durbin	Lincoln
Bennett	Frist	Lott
Bond	Grassley	Murray
Bunning	Gregg	Pryor
Byrd	Hagel	Reed
Carper	Harkin	Reid
Chambliss	Hatch	Sarbanes
Cochran	Hutchison	Shelby
Coleman	Jeffords	Smith
Conrad	Johnson	Stevens
DeWine	Kennedy	Thune
Dole	Lautenberg	Vitter

NOT VOTING—6

Corzine	Enzi	Mikulski
Domenici	Inouye	Rockefeller

The amendment (No. 1775) was agreed to.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, I have a unanimous consent request in which all Senators, I believe, will be interested.

Mr. President, I ask unanimous consent that after the next vote, there be no other rollcall votes until 9:30 tomorrow morning, with the understanding that all amendments will be offered tonight, all debate will take place tonight, and all votes that occur tomorrow will be stacked to be followed by final passage.

The PRESIDING OFFICER. Is there objection?

Mr. BENNETT. That means, Mr. President, that there will be no more votes tonight, and amendments that require rollcall votes will be voted on in the morning, and that we will go to final passage immediately at 9:30 tomorrow after disposing of any rollcall votes. We have several amendments pending which we hope we can deal with by voice votes tonight, and I hope that we will not have any more rollcall votes and can go immediately to final passage.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I certainly understand the chairman's sen-

timents, but I ask the chairman of the Senate Judiciary Committee what the impact of this schedule will be on our hearing tomorrow.

Mr. SPECTER. Mr. President, the answer to that is, we will work around it. We will proceed, and we will get the nominee voted out of committee. We can accommodate it. That is the answer.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

AMENDMENT NO. 1797

The PRESIDING OFFICER. Under the previous order, there are 2 minutes evenly divided on the amendment offered by the Senator from New Mexico. The Senator from New Mexico is recognized.

Mr. BINGAMAN. Mr. President, this amendment is being offered by myself, Senator LUGAR, Senator MURKOWSKI, and Senator COBURN. The amendment would add \$10 million for child nutrition to the program that already exists in the Department of Agriculture called Team Nutrition. This is the only significant Federal effort we have to assist with nutritional education in our schools.

Today, it is drastically underfunded. This would allow us to add \$10 million. Instead of spending 21 cents per child per year in this country on nutritional education from the Federal Government, we would be spending 42 cents.

This is an amendment that I think all Members should support. Clearly, this is needed to deal with the problem of childhood obesity that is becoming an epidemic in our society.

I hope my colleagues will all support this amendment.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, the President's request for this program was \$10 million. This amendment doubles it and takes the money away from computers at a time when the Department is doing its very best to increase its interoperability and raise its level of technological ability. I do not think doubling a program that has not been evaluated for its effectiveness is the right thing to do in this time of heavy budget pressure.

I urge my colleagues to oppose the amendment.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 1797. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. The following Senator is necessarily absent: the Senator from New Mexico (Mr. DOMENICI).

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE), the Senator from Hawaii (Mr. INOUYE), the Senator from Maryland (Ms. MIKULSKI), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

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