

clear we have a broken process. Even one filibuster of a judicial nominee is one too many, and we are now up to four, and I might add there are others they have made very clear they are going to filibuster. These are appellate nominees. For the first time in history, these filibusters are occurring. I think it is shameful.

I yield the floor.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Executive Calendar No. 310, the nomination of William H. Pryor, Jr., to be United States Circuit Judge for the Eleventh Circuit.

Bill Frist, Rick Santorum, Ben Nighthorse Campbell, Lindsey Graham, Norm Coleman, John Sununu, Jon Kyl, Mike DeWine, Wayne Allard, Elizabeth Dole, Pete Domenici, Mitch McConnell, Robert F. Bennett, Jeff Sessions, Michael B. Enzi, John Ensign, and John Cornyn.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on Executive Calendar No. 310, the nomination of William Pryor, of Alabama, to be United States Circuit Judge for the Eleventh Circuit, shall be brought to a close?

The yeas and nays are required under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Colorado (Mr. CAMPBELL) and the Senator from New Hampshire (Mr. SUNUNU) are necessarily absent.

I further announce that if present and voting the Senator from New Hampshire (Mr. SUNUNU) would vote "yes."

Mr. REID. I announce that the Senator from Massachusetts (Mr. DAYTON), the Senator from North Carolina (Mr. EDWARDS), the Senator from Massachusetts (Mr. KERRY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

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

The PRESIDING OFFICER (Mr. GRAHAM of South Carolina). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 51, nays 43, as follows:

[Rollcall Vote No. 441 Ex.]

YEAS—51

Alexander	Bennett	Bunning
Allard	Bond	Burns
Allen	Brownback	Chafee

Chambliss	Graham (SC)	Nelson (NE)
Cochran	Grassley	Nickles
Coleman	Gregg	Roberts
Collins	Hagel	Santorum
Cornyn	Hatch	Sessions
Craig	Hutchison	Shelby
Crapo	Inhofe	Smith
DeWine	Kyl	Snowe
Dole	Lott	Specter
Domenici	Lugar	Stevens
Ensign	McCain	Talent
Enzi	McConnell	Thomas
Fitzgerald	Miller	Voinovich
Frist	Murkowski	Warner

NAYS—43

Akaka	Dorgan	Levin
Baucus	Durbin	Lincoln
Bayh	Feingold	Mikulski
Biden	Feinstein	Murray
Bingaman	Graham (FL)	Nelson (FL)
Boxer	Harkin	Pryor
Breaux	Hollings	Reed
Byrd	Inouye	Reid
Cantwell	Jeffords	Rockefeller
Carper	Johnson	Sarbanes
Clinton	Kennedy	Schumer
Conrad	Kohl	Stabenow
Corzine	Landrieu	Wyden
Daschle	Lautenberg	
Dodd	Leahy	

NOT VOTING—6

Campbell	Edwards	Lieberman
Dayton	Kerry	Sununu

LEGISLATIVE SESSION

Mr. BENNETT. I ask unanimous consent that the Senate now return to legislative session.

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

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2004

Mr. BENNETT. I ask unanimous consent that we resume consideration of H.R. 2673.

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

Pending:

Bennett/Kohl amendment No. 2073, of a technical nature.

Specter amendment No. 2080, to limit the use of funds to allocate the rate of price support between the purchase prices for nonfat dry milk and butter in a manner that does not support the price of milk at the rate prescribed by law.

Mr. BENNETT. I understand there are a number of amendments to be offered. Senator DORGAN has approached me about one he would like to offer. I have no particular preference as to the order in which the amendments come. I understand some Senators wish to make comments before we get into the amending process. I do not see the Senators in the Chamber who told me they planned to make some kind of a statement.

Senator KOHL and I are open for business.

Mr. REID. If the Senator has given up the floor, 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.

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

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

AMENDMENT NO. 2115

Mr. BINGAMAN. I send an amendment to the desk.

The PRESIDING OFFICER. Without objection, the pending amendments are laid aside.

The clerk will report.

The assistant legislative clerk read as follows:

Senator from New Mexico [Mr. BINGAMAN] proposes an amendment numbered 2115.

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

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

The amendment is as follows:

(Purpose: To provide funds to implement and administer Team Nutrition programs, with an offset)

On page 5, line 1, strike "\$188,022,000" and insert "\$183,022,000".

On page 48, line 24, strike "\$11,418,441,000" and insert "\$11,423,441,000".

On page 48, line 26, strike "\$6,718,780,000" and insert "\$6,723,780,000".

On page 49, line 7, before the period, insert the following: "Provided further, That not less than \$15,025,000 shall be available to implement and administer Team Nutrition programs of the Department of Agriculture".

Mr. BINGAMAN. Mr. President, this amendment is very straightforward. It would provide \$5 million in additional funding to the nutrition education and training section of the School Lunch Program. The funds would serve to develop new programs and to implement existing programs in the Department of Agriculture Team Nutrition Program. Nutrition education programs are being chronically underfunded and have been for a great many years.

We have authorized in current law—the law about to expire, as I understand it—50 cents to be spent for every public school student to be served in this country. That is 50 cents per year. This is not 50 cents per day; this is 50 cents per year.

I was speaking to Senator BYRD from West Virginia and he said for nutrition education we ought to at least give them as much money as it costs to buy a candy bar. That is not an unreasonable goal to set for this great country. Last year, we did not begin to reach the 50 cents per student per year. Last year, we provided \$10 million.

This chart shows the funding level beginning in 1996. In 1996, we provided \$23.5 million. This is for the combined funding of the nutrition education training and the team nutrition. As I understand, this nutrition education training is essentially money that goes as grants to the States to help them provide some kind of nutrition instruction in their schools. We provided \$23.5 million in 1996, \$14.25 million in 1997, \$11.75 million in 1998, and down to \$10 million in 1999.

We are again, in the current fiscal year, being presented with an appropriations bill that calls for \$10 million.