

Supreme Court was subjected to a cloture vote—the Chief Justice of the Supreme Court subjected to a cloture vote; not some small office with a staff of seven, with no policy, nothing but a public relations office. I voted yes on the cloture motion. I voted yes on final passage.

Prior to the 103d Congress, the following nonjudicial nominations have been subjected to the cloture procedure: William Lubbers, nominated to be general counsel of the National Labor Relations Board, 1980; Don Zimmerman, nominated to be a member of the National Labor Relations Board, 1980; Melissa Wells, nominated to the rank of Ambassador, 1987; and William Verity, nominated to be Secretary of Commerce, 1987. On each of these nominations, cloture was invoked and the nominations were confirmed. And that is only part of the story.

I remember meeting a few years ago with a fellow named Bill Lucas, an outstanding black American who was sheriff in Wayne County, MI; an outstanding man, a Republican. The Black Caucus did not show up for that event. But he was an outstanding American. The vote in the committee was 7 to 7, a tie. That was the end of it. We never had a vote. We never had anything on the Senate floor because the Judiciary Committee said, "No; we are not even going to report it out, not even unfavorably." That is fairness? I do not think so. It was not fairness for Bill Lucas. It was not fairness to his family. He did not have any hearing on the Senate floor.

So I just suggest that we are all talking about all this being fair. I have a memory for fairness. I have been here a while, and I have tried to be fair. I had a number of options—not bring it up at all. But I did not believe that was appropriate. I thought about it. It was an option. But that would have been one person making a decision for 100 Senators, and I did not do it although it has been done in the past by majority leaders on the other side when they had a majority, not to bring it up at all. But I chose not to do that. I do not believe we give up our rights when we bring it up. We are not giving up our rights. And I can understand where people would have different views.

I would say, as I have said, I had a good visit with Dr. Foster. I think he is a very nice person. We are not voting on that. There were contradictions in his statements. I asked him 20 to 25 questions, and I tried to make a record so I would understand, myself, on much of the debate. I read the information which Senator COATS sent to each of us, which was very helpful.

I was troubled by the Tuskegee information. I was troubled by sterilization of some mentally retarded women. I was troubled by a lot of these things that Dr. Foster had no recollection of. I could not understand it. But again, let some say, "OK, maybe you can dismiss that." So I just suggest that there may be a lot of things—I am proud of

the fact that Dr. Foster is a veteran. He served his country. I am proud of that. He is proud of that.

I just want to suggest that a cloture vote on a nomination is nothing new here in the Senate. As I said, there are 24 nominations that have been subjected to cloture votes since 1968. And one of those votes occurred on the nomination of William Rehnquist to be Chief Justice of the United States, the head of the third branch of our Government, and we had to have a cloture vote.

So it seems to me that we understand the options. I told Dr. Foster we would not let him hang there in limbo. He told me his sabbatical ends the first of the month. He has been on a year of sabbatical, and he would like to have some determination. I think he is entitled to it. That is why we are here today.

So I must say, we said let us do it. The Democrats said, "Oh, we would like to wait a week"—so they can work over Republican Senators and try to get the liberal media to follow the steps that they normally do and spread their spin across America.

So I say again, about Presidential politics, certainly everything is not Presidential politics here. If I wanted to have one-upmanship, I would not have brought the nomination up. Maybe others have ideas about Presidential politics. But again, let me suggest that certainly it was not overlooked at the White House.

I think another major point is candor. I think even Dr. Foster's supporters have to say on a number of occasions, this nominee's candor has come into question. All of these were not Dr. Foster's fault. This particular nomination was flawed from the outset because of the way it was handled at the White House, the way they did not bring out all of the information right up front. I know that was not Dr. Foster's fault.

In his committee hearing, in his public statements, and in his meeting with me, Dr. Foster had an explanation for every misstatement concerning the number of abortions he performed and for every controversial action, including his alleged knowledge of the infamous Tuskegee syphilis study and his role in sterilizing several mentally retarded women during the early 1970's. Some explanations made sense, and some did not. Some questions were answered and some were not.

And somewhere along the line, I think a line was crossed where no matter how Dr. Foster tries, there will always be questions in the minds of many Americans about this nominee's candor and credibility.

This is not just the opinion, as has been noted here—I have watched every debate on C-SPAN—it is not just the opinion of a few conservative Senators. It is also the opinion from an editorial in today's New York Times.

But it seems to me, Mr. President, that we have President Clinton de-

manding we return to civility in our politics. He said the Americans want Republicans and Democrats to work together for the betterment of our country.

If that is true—and I think it is—then this nomination certainly does not further those goals. Without consulting with Senator KASSEBAUM, my colleague, or any other Senator, President Clinton selected a nominee who was all but guaranteed to cause a political controversy, a nominee who was all but guaranteed to divide the Senate, and all America, as well. And that is just what this nomination has done.

Sadly, this divisive nomination was made in the wake of the forced resignation of a Surgeon General whose tenure led many to believe that the time had come to abolish the office before it became even more politicized than it was.

So again, I will conclude by saying that while I admire Dr. Foster's military service and his obvious passion for his work—and he has done a lot of good work—that somewhere out there among America's hundreds of thousands of physicians, there is a man or a woman whose past actions and statements would not divide the American people and this Chamber. They can be pro-choice. They could be pro-life. They could be whatever. There are thousands and thousands of qualified people out there. The Surgeon General should be "America's doctor"—America's doctor.

I have listened to these statements, one just by the Democratic leader, about cancer, heart disease, the Surgeon General is going to take care of all these things. If we just confirm Dr. Foster, all these things are going to go away. We know that is not the case.

They should not be the Democrat's doctor or the Republican's doctor. They should not be the liberal's doctor or the conservative's doctor. Ideally, their qualifications and experience should be so apparent that they would be confirmed by an overwhelming vote. And this is most assuredly not the case here. The bottom line is, will Dr. Foster unite the American people? Will his public pronouncements and speeches be regarded as medical and scientific fact rather than political rhetoric? Would he be regarded as America's doctor? That is the question we need to answer.

As I said, he may be a fine person, but in my view he is the wrong person for this job.

I ask for the yeas and nays.

THE PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

#### CLOTURE MOTION

THE PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

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. 174, the nomination of Dr. Henry W. Foster, to be Surgeon General of the United States.

Senators Christopher Dodd, Carl Levin, Dianne Feinstein, James Exon, Harry Reid, Daniel K. Akaka, Claiborne Pell, Richard Bryan, Patty Murray, Bob Graham, Max Baucus, Frank R. Lautenberg, Russell D. Feingold, Barbara Mikulski, Barbara Boxer, Edward Kennedy, and Tom Daschle.

CALL OF THE ROLL

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

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the nomination of Dr. Henry W. Foster, Jr., of Tennessee, to be Surgeon General, shall be brought to a close. The yeas and nays are required. The clerk will now call the roll.

The legislative clerk called the roll.

The yeas and nays resulted—yeas 57, nays 43, as follows:

[Rollcall Vote No. 273 Ex.]

YEAS—57

Akaka	Feinstein	Levin
Baucus	Ford	Lieberman
Biden	Frist	Mikulski
Bingaman	Glenn	Moseley-Braun
Boxer	Gorton	Moynihan
Bradley	Graham	Murray
Breaux	Harkin	Nunn
Bryan	Heflin	Packwood
Bumpers	Hollings	Pell
Byrd	Inouye	Pryor
Campbell	Jeffords	Reid
Chafee	Johnston	Robb
Cohen	Kassebaum	Rockefeller
Conrad	Kennedy	Sarbanes
Daschle	Kerrey	Simon
Dodd	Kerry	Simpson
Dorgan	Kohl	Snowe
Exon	Lautenberg	Specter
Feingold	Leahy	Wellstone

NAYS—43

Abraham	Gramm	McConnell
Ashcroft	Grams	Murkowski
Bennett	Grassley	Nickles
Bond	Gregg	Pressler
Brown	Hatch	Roth
Burns	Hatfield	Santorum
Coats	Helms	Shelby
Cochran	Hutchison	Smith
Coverdell	Inhofe	Stevens
Craig	Kempthorne	Thomas
D'Amato	Kyl	Thompson
DeWine	Lott	Thurmond
Dole	Lugar	Warner
Domenici	Mack	
Faircloth	McCain	

The PRESIDING OFFICER. On this vote, the yeas are 57, the nays are 43. Three-fifths of the Senators duly chosen and sworn, not having voted in the affirmative, the motion is rejected.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

NATIONAL HIGHWAY SYSTEM DESIGNATION ACT

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 440, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 440) to amend title 23, United States Code, to provide for the designation of the National Highway System, and for other purposes.

The Senate resumed consideration of the bill.

Mr. DOLE. 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.

Mr. CHAFEE. 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. CHAFEE. Mr. President, under the previous order, the next amendment is that of the Senator from Maine, Senator SNOWE, as I understand it; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. CHAFEE. I understand she is willing to let the Senator from Missouri make a statement for up to 5 minutes.

The PRESIDING OFFICER. That is the Chair's understanding. The Senator from Missouri.

Mr. BOND. Mr. President, I thank my distinguished chairman and the Senator from Maine.

Mr. President, it was a real pleasure for me on February 16 of this year to join the distinguished chairman of this committee, the ranking member, Senator BAUCUS, and chairman of the subcommittee, Senator WARNER, with whom I joined in introducing S. 440, the National Highway System Designation Act of 1995.

Since its introduction, the Subcommittee on Transportation and Infrastructure, of which I am a member, conducted four hearings, had a full committee markup and moved this bill to the point where we are now. This is a priority measure. I am very grateful for the bipartisan leadership and support that this measure has obtained.

The concept of the NHS was authorized in the big Federal highway bill, ISTEA, to solicit State and local input in designing a national transportation system which would move people and goods efficiently and safely across the country.

This is something I have worked for throughout my career in State and Federal government, and it has always been important to those of us in my State of Missouri, that we who are at the crossroads of the Nation be included in a modern national network that would provide Missouri the same kind of full access to the markets that the coasts currently have, and it would provide our friends and neighbors from other States the opportunity for effi-

cient transportation through the heartland of the Nation.

NHS was developed from the bottom up. In our State, the highway and transportation department coordinated with metropolitan planning organizations, regional planning agencies, highway groups and local officials to determine the highway priorities.

Missouri then acted promptly in submitting the approved plan to the Federal Department of Transportation for incorporation into the overall system. This, to me, Mr. President, is a great example of the cooperation between Federal, State, local governments, and private sector organizations, and we should encourage this kind of cooperation in the future.

In its entirety, as the Members well know, NHS will be a 159,000-mile network of interstate highways, major arterials and key corridors across the United States. These highways will carry more than 75 percent of all commercial traffic, although they comprise only 4 percent of the Nation's highway mileage. For our State of Missouri, Mr. President, this means 3,490 rural and 973 urban miles of highways that are the most economically important roads in the State, carrying 46 percent of all motor vehicle traffic.

The NHS will be the backbone of our transportation infrastructure network. They will carry over 40 percent of the Nation's highway traffic, 75 percent of heavy truck traffic, and 80 percent of our tourist traffic, which is vitally important to us. These highways are critical for both State and interregional commerce. These highways are the economic lifeline, especially for States like mine.

I know that in striving to reach a balanced budget by 2002, we have to make tough choices and recognize that the Government cannot do it all. But by developing and passing the NHS, we are establishing priorities, priorities on our highway and transportation needs, in order to ensure that we invest our limited funds wisely. We recognize the role that the transportation infrastructure has with the state of our economy. It is imperative that these critical things receive priority attention.

We must realize the importance of this legislation being passed and signed into law by September 30 of this year. Without passage, States will not receive their apportionments of \$6.5 billion. There is \$156 million for our State of Missouri. We cannot delay or hinder the passage of this bill which means so much to our constituents. I join my colleagues in urging prompt adoption of this measure here. I also urge our colleagues in the House to act on this legislation before it is too late. This is of vital national concern.

Mr. President, I thank the Chair, and I particularly thank the distinguished Senator from Maine for yielding time to me.