

The Senator from Virginia [Mr. WARNER], for Mr. GREGG, for himself, and Mr. BOND, proposes an amendment numbered 1441.

Mr. WARNER. 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:

At the appropriate place in title I, insert the following:

**SEC. 1 . MORATORIUM ON CERTAIN EMISSIONS TESTING REQUIREMENTS.**

(a) MORATORIUM.—

(1) IN GENERAL.—The Administrator of the Environmental Protection Agency (referred to in this subsection as the "Administrator") shall not require adoption or implementation by a State of a test-only or I/M240 enhanced vehicle inspection and maintenance program as a means of compliance with section 182 of the Clean Air Act (42 U.S.C. 7511a), but the Administrator may approve such a program if a State chooses to adopt the program as a means of compliance.

(2) REPEAL.—Paragraph (1) is repealed effective as of the date that is 1 year after the date of enactment of this Act.

(b) PLAN APPROVAL.—

(1) IN GENERAL.—The Administrator of the Environmental Protection Agency (referred to in this subsection as the "Administrator") shall not disapprove a State implementation plan revision under section 182 of the Clean Air Act (42 U.S.C. 7511a) on the basis of a regulation providing for a 50-percent discount for alternative test-and-repair inspection and maintenance programs.

(2) CREDIT.—If a State provides data for a proposed inspection and maintenance system for which credits are appropriate under section 182 of the Clean Air Act (42 U.S.C. 7511a), the Administrator shall allow the full amount of credit for the system that is appropriate without regard to any regulation that implements that section by requiring centralized emissions testing.

(3) DEADLINE.—The Administrator shall complete and present a technical assessment of data for a proposed inspection and maintenance system submitted by a State not later than 45 days after the date of submission.

Mr. WARNER. This is to place a moratorium on certain emissions testing requirements. And it has been cleared by both managers. There is no indication that further debate is needed. I urge its adoption.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

So the amendment (No. 1441) was agreed to.

Mr. WARNER. Mr. President, 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.

Mr. HATFIELD. Mr. President, it is my pleasure to speak on the matter currently before the United States Senate which designates the National Highway System [NHS]. This legislation not only identifies the 159,000-mile NHS, but it provides greater flexibility to the States and attempts to reduce administrative burdens. I believe this is an important step forward in planning for our Nation's infrastructure development and that the Senate should act quickly in passing the National Highway System Act.

The Intermodal Surface Transportation Efficiency Act of 1991 [ISTEA]

requires Congress to designate the NHS by September 30, 1995. The House and Senate each passed different NHS bills during the last Congress and, unfortunately, a compromise between the two could not be crafted. Without this measure all NHS and Interstate Maintenance funding, which totals approximately \$6.5 billion per year through FY 1997, for the states would cease on that date. Consequently, by acting on this important measure at this early date we are helping to ensure that a bill is passed into law before repercussions are felt by the states.

For Americans across the country, our emerging transportation crisis is made apparent by the increasing number of traffic jams, delays, potholes, and road erosion in rural areas. Oregonians are no less afflicted by these growing problems than those in the rest of the Nation. As frustrating as they are, these problems represent only the tip of the iceberg.

Many do not realize the true importance of our tremendous network of roads and bridges to our economy, national security, and way of life. The health of our citizens, the education of our children, the movement of our perishable food and access to employment all depend upon a reliable and efficient transportation network. The National Highway System is a vital investment in our transportation infrastructure which will allow our society to continue to prosper.

Mr. President, the people of Oregon have long understood the importance of land use planning that incorporates transportation needs. The residents of Portland have frequently made their resounding support for the city's light rail project abundantly clear. As with most Western States, the people of rural Oregon rely constantly on an effective highway system which allows them to access educational, economic, and health care facilities.

Even though my support for this important legislation is extremely clear, there are several specific provisions of this bill which I cannot endorse and I will address these concerns through the amendment process. I continue to believe that in the aggregate this is an excellent piece of legislation and I intend to support its final passage.

I commend Senators CHAFEE, WARNER, BAUCUS and MOYNIHAN for their leadership on this issue. As the chairman of the Senate Appropriations Transportation Subcommittee, I look forward to working with them on this measure in the future.

Mr. SIMPSON. Mr. President, I wish to make a few remarks about the highway bill that we are considering today. The highway bill is so very critical for my State of Wyoming. We need to complete action on this legislation prior to October 1st of this year in order that funds can be released for badly-needed projects in all the States.

In the West our highways have become more and more important as we have observed the effects of airline de-

regulation and the reduction in rail service in our rural States. Airline deregulation has led to a dramatic decrease in the number of carriers and flights into Wyoming and we have lost Amtrack service. So the Interstate and State Highways System was and is—and always will be our great lifeline.

Because highways are so very important to us the State of Wyoming has proposed to add three significant road segments to the National Highway System in order to link several other primary and secondary highways. The Wyoming delegation has contacted the Federal Highway Administrator regarding this proposal and we trust he will give it every proper consideration.

When people travel in Wyoming—for the most part they drive—and they usually drive for long distances. We have highways that stretch for miles with no habitation at all in between. It is understandable that we are a so put off by a national speed limit. I am so pleased to see that the committee bill repeals the national speed limit. I think that the individual States are quite able to set speed limits that provide for a safe speed given local conditions. The same holds true for seat belt laws and helmet laws. I believe the States are able to determine on their own if they want these laws and how they should be administered without the intrusion of the Federal Government and the threat of Federal sanctions.

I trust we will swiftly pass this legislation and get it onto the President's desk so that we can get about the business of maintaining our present National Highway System and constructing the additional mileage as we require it. Those of us from the Western States of high altitude and low multitude understand the real necessity of passing this important legislation and I would urge my colleagues to support it.

Mr. WARNER. Mr. President, that concludes all matters relating to the pending bill, S. 440.

MORNING BUSINESS

Mr. WARNER. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators allowed to speak for up to 5 minutes.

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

UNANIMOUS-CONSENT AGREEMENT—NOMINATION OF DR. HENRY FOSTER

Mr. DOLE. Mr. President, as in executive session, I ask unanimous consent that at 9 a.m. on Wednesday, June 21, the Senate proceed to executive session to consider the nomination of Henry Foster, to be Surgeon General, and the debate on the nomination be limited to 3 hours equally divided in the usual form, and at 12 noon on Wednesday, June 21, the Senate proceed with a vote

on the motion to invoke cloture on the nomination of Dr. Foster, to be Surgeon General, with the mandatory quorum under rule XXII being waived.

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

Mr. DOLE. If cloture is invoked, the Senate would immediately begin postcloture debate under the provisions of rule XXII.

I also ask, if cloture is not invoked, the Senate return to legislative session, and at 12 noon on Thursday, June 22, the Senate resume executive session to consider the nomination of Dr. Foster, and there be 2 hours of debate equally divided in the usual form, and at 2 p.m. a second vote occur on the motion to invoke cloture on the nomination of Dr. Foster, to be Surgeon General, with the mandatory quorum under rule XXII being waived.

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

Mr. DOLE. Again, if cloture is invoked, the Senate would immediately begin debate postcloture under the provisions of rule XXII.

And finally I ask unanimous consent that if cloture is not invoked on the Foster nomination, the nomination be immediately returned to the calendar and the Senate return to legislative session, all without any intervening action or debate.

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

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The minority leader.

Mr. DASCHLE. I wonder if I might just indulge the distinguished majority leader on a couple of questions. Assuming that cloture is invoked, obviously there is a 30-hour time agreement. But is it the intention of the majority leader not to limit time on the actual confirmation vote itself?

Mr. DOLE. Beyond the 30 hours?

Mr. DASCHLE. No, something shorter than 30 hours.

Mr. DOLE. My view is there would be 30 hours. I do not think it would take 30 hours, but certainly—as I understand, the most any one Member could accumulate would be 7 hours.

Mr. DASCHLE. Mr. President, let me thank the distinguished majority leader for his cooperation in the effort over the last several days to reach this point. Obviously, we are quite hopeful that we can invoke cloture on the first vote and go to a vote on the confirmation shortly thereafter.

This represents an effort on both sides to allow a vote, at least first on cloture, and second, hopefully, on the motion to confirm Dr. Foster. I know the distinguished majority leader has expressed his interest in working with us to reach this point, and I appreciate the cooperation that he has demonstrated.

We will have 3 hours of debate tomorrow, and then, if we fail to invoke cloture tomorrow, 2 hours of debate on Thursday. Many of us have been seeking an opportunity to have a vote, and

we are just hopeful, now that we have reached this agreement, that, indeed, we can find the requisite number of colleagues on both sides of the aisle to ensure that cloture is invoked and that Dr. Foster be allowed a vote on confirmation.

As I understand it, no nomination for the Bush administration was ever defeated on a cloture motion, and I hope the same opportunity could be accorded the nominees of this President.

In accordance with the agreement, I ask unanimous consent to send two cloture motions to the desk, as in executive session.

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

Mr. DASCHLE. I thank again the distinguished majority leader.

#### CLOTURE MOTION

The PRESIDING OFFICER. 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. 174, the nomination of Dr. Henry 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.

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(Later, the following occurred:)

Mr. FORD. Mr. President, I ask unanimous consent that Senator MOSELEY-BRAUN be added to the cloture motion filed with regard to the nomination of Dr. Foster.

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

(Conclusion of earlier proceedings.)

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. DOLE. Mr. President, I thank my colleague, Senator DASCHLE, the Democratic leader. Let me indicate, as I said before, I did meet with Dr. Foster yesterday morning in my Hart office. We had a good discussion. I asked him a series of questions. I indicated to him that there would be possibly two votes, a cloture vote, which he understood would be, in effect to vote on the nomination, and if cloture was invoked, there could be a second vote, which would be a vote on the nomination itself. I tried to lay it out as best I could to Dr. Foster.

In addition, I must say, as is the case sometimes, different plans to proceed sometimes do not please everyone. This is not the process some of my colleagues would prefer. Some would prefer not to bring it up at all; that I, in effect, as the leader had a veto and should not bring this up. I thought about that and indicated at one time that might be the course I would follow, but I also had other options to consider, and this is another option.

If cloture should be invoked, then there will be the debate. I do not think it will consume 30 hours and I guess the vote, if it went that far, would be very, very close, based on my count. Whether or not there will be votes for cloture, I am not certain. I do not think so, but there may be.

We will put all this information in the RECORD tomorrow. There had been a number of nominations for the Bush administration which never got to the floor. They were in the committee and held in the committee and never got to the floor. We can have that debate, too.

The important thing is the Foster nomination was reported out of the Labor Committee in late May, and we had a week's recess. Nobody is suggesting, and I think the record is fairly clear, there has been no undue delay. We are trying to dispose of the nomination one way or the other. I think that is acknowledged, though some might suggest we should not be proceeding in this fashion. But that is a judgment that I made and I hope that we can conclude—in fact, I hope cloture is not invoked and that this nomination then would go back on the calendar after a vote on Thursday.

#### ACCOLADES TO JOHN KERRY

Mr. MCCAIN. Mr. President, last weekend the U.S. Navy formally retired the last of the Navy's legendary swift boats. Our friend and colleague, Senator JOHN KERRY played a central role in the ceremonies attending the event. As many of our colleagues know, JOHN KERRY was not always the genteel, polished U.S. Senator he is today. He was once the 25-year-old skipper of a swift boat, PC-94, a title as honorable as any he subsequently earned.

JOHN KERRY distinguished himself in service to his country aboard his swift boat, earning the Silver Star, the Bronze Star, and three Purple Hearts. His speech at the retirement ceremony