

www.cancercurecoalition.org and I am attaching a copy of it for you to review.

If you need any further information please feel free to contact me.

Sincerely,

CHARLES A. REINWALD,
President.

Mr. ENZI. Those letters are from Omeris, Ohio's bioscience membership and development organization; the New York State Cancer Association; the ALS Association; the Cancer Cure Coalition, and there are others. These groups recognize the absolute necessity of having a Senate-confirmed Commissioner of Food and Drugs. I understand some of my colleagues are not satisfied. They seek to use this nomination as leverage to accomplish some other agendas. That is something you can do in the Senate. However, I urge them to consider the consequences of those actions. In the upcoming year we face an exceptionally full agenda with respect to the FDA. We need this man in place. This man could work anywhere in America, probably anywhere in the world, and do much better than what we are offering.

I appreciate his sense of wanting to give back. He is a three-time cancer survivor and understands a lot about food and drugs outside of being a doctor.

I ask my colleagues to join me in getting cloture so that we can get the confirmation accomplished.

I yield back the remainder of our time.

The PRESIDING OFFICER. Who seeks time?

Mr. ENZI. It is my understanding that the previous speakers did yield their time back. So all time is yielded back.

CLOTURE MOTION

The PRESIDING OFFICER. If all time is yielded back, under the previous order, pursuant to rule XXII, the clerk will report the motion to invoke cloture.

The assistant 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. 907, the nomination of Andrew von Eschenbach, of Texas, to be Commissioner of Food and Drugs, Department of Health and Human Services.

William H. Frist, Michael B. Enzi, Richard Burr, Thad Cochran, George V. Voinovich, Robert F. Bennett, Tom Coburn, Norm Coleman, Conrad R. Burns, Jon Kyl, Pat Roberts, Mel Martinez, John Ensign, Lamar Alexander, Elizabeth Dole, Christopher Bond, 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. 907, the nomination of an Andrew von Eschenbach, of Texas, to be Commissioner of Food and Drugs, Department of Health and Human Services, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. McCONNELL. The following Senators were necessarily absent: the Senator from Utah (Mr. HATCH) and the Senator from Alabama (Mr. SHELBY).

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from Vermont (Mr. JEFFORDS), and the Senator from Massachusetts (Mr. KENNEDY) are necessarily absent.

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

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

The yeas and nays resulted—yeas 89, nays 6, as follows:

[Rollcall Vote No. 273 Ex.]

YEAS—89

Akaka	Dole	McCain
Alexander	Domenici	McConnell
Allard	Dorgan	Menendez
Allen	Durbin	Mikulski
Bayh	Ensign	Murkowski
Bennett	Enzi	Murray
Bingaman	Feingold	Nelson (FL)
Bond	Feinstein	Nelson (NE)
Boxer	Frist	Obama
Brownback	Graham	Pryor
Bunning	Gregg	Reed
Burns	Hagel	Reid
Burr	Harkin	Roberts
Byrd	Hutchison	Rockefeller
Cantwell	Inhofe	Salazar
Carper	Inouye	Sarbanes
Chafee	Isakson	Schumer
Chambliss	Johnson	Sessions
Clinton	Kerry	Smith
Coburn	Kohl	Snowe
Cochran	Kyl	Specter
Coleman	Landrieu	Stabenow
Collins	Lautenberg	Stevens
Conrad	Leahy	Sununu
Cornyn	Levin	Talent
Craig	Lieberman	Thomas
Crapo	Lincoln	Thune
Dayton	Lott	Warner
DeMint	Lugar	Wyden
Dodd	Martinez	

NAYS—6

Baucus	Grassley	Vitter
DeWine	Santorum	Voinovich

NOT VOTING—5

Biden	Jeffords	Shelby
Hatch	Kennedy	

The PRESIDING OFFICER. On this vote, the yeas are 89, the nays are 6. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. ENZI. Mr. President, I thank the Chamber for allowing us to do the cloture vote. With the strong support shown by the cloture vote, I would highly recommend that we get this man confirmed so he can actually have the opportunity to do the kinds of things that have been expected of him in the debate we have had. I also thank Senator KENNEDY for his tremendous help. We have had a number of meetings, a number of hearings. This is the second confirmation of an FDA Director we have worked on. It will be nice to have somebody actually in the position, but I do thank Senator KENNEDY and all of his staff.

I do want to mention the staff person who has directed my health issues. Stephen Northrup is on the floor, and I thank him particularly for all of the work on all of the health issues we have had. Anybody who has looked at the list of those we have done will find it has been a very productive session in the health area, and we are still working on another half dozen issues that could pass yet in this session before the week ends. So I thank Stephen for all of his tremendous help. I ask that people support the nomination of Dr. Von Eschenbach.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY. Mr. President, I spoke earlier this morning against cloture. Cloture passed, which for the public listening means there are 60 percent or more in support of stopping debate, and there is under the rules the possibility of 30 hours of debate. I don't intend to probably speak for more than a half hour, so if anybody is interested in how long postcloture debate might go on, it won't go on very long from my point of view. But I do want to take some time to tell people, even though it is quite obvious this nominee will be approved, why I think he should not be approved.

I placed a hold on this nominee for quite a few weeks. That hold obviously was ignored by the leader when he filed cloture, which is his right to do. I voted against cloture because I take my constitutional duty to conduct oversight of the executive branch of Government very seriously, and I think the nominee is standing in the way of Congress doing its oversight of the agency of which he is now Acting Director and will probably soon be the confirmed Director. That sort of lack of cooperation violates the separation of powers and the checks and balances within our constitutional system.

I hope my colleagues know that I take a great deal of time to make sure that we do both jobs we have the responsibility to do here in the Congress. One is to pass laws. But the one we are never taught much about in political science classes is the constitutional job of oversight, which is the responsibility to make sure the laws are faithfully executed and money is being spent according to congressional intent, and the overseeing of the administrative branch of Government. So I take a great deal of my time in the Senate trying to make Government work not just by passing laws but by making sure they are faithfully executed. I don't do that all by myself as a single Senator. I have good staff. I charge my staff to conduct oversight rigorously and to investigate any areas where the Federal Government is failing to be transparent, accountable, and effective. Transparency is so important, because the public's business, which is everything about the Federal Government, ought to be public. If the work of the executive branch fails the