

strike these balances. She has an understanding of the role and of the limitations of the judiciary. But more importantly, she possesses the modesty of realization that there is often no immediate balance that can be struck, that the great questions facing our Nation transform and develop over years of struggle.

Finally, the most important point in favor of Judge Ruth Bader Ginsburg's nomination to the Supreme Court is her personal strength of character and sense of purpose. When asked before the Judiciary Committee how she would want the American people to think of her, she responded, "As someone who cares about people and does the best she can with the talent she has to make a contribution to a better world." These are not merely words to Judge Ginsburg, she has already dedicated much of her life to this strongly felt notion of public service. I have no doubt that she will serve on the Supreme Court with the same integrity and view toward the public good that she has exhibited throughout her life thus far.

The PRESIDING OFFICER. The question is on the confirmation of the nomination of Ruth Bader Ginsburg, of New York, to be an Associate Justice of the Supreme Court of the United States.

The yeas and nays have been ordered. Senators are reminded to vote from their seats.

The clerk will now call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Michigan [Mr. RIEGLE] is necessarily absent.

I further announce that, if present and voting, the Senator from Michigan [Mr. RIEGLE] would vote "yea."

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

The result was announced—yeas 96, nays 3, as follows:

[Rollcall Vote No. 232 Ex.]

YEAS—96

Akaka	Dodd	Kennedy
Baucus	Dole	Kerrey
Bennett	Domenici	Kerry
Biden	Dorgan	Kohl
Bingaman	Durenberger	Lautenberg
Bond	Eron	Leahy
Boren	Faircloth	Levin
Boxer	Feingold	Lieberman
Bradley	Feinstein	Lott
Breaux	Ford	Lugar
Brown	Glenn	Mack
Bryan	Gorton	Mathews
Bumpers	Graham	McCain
Burns	Gramm	McConnell
Byrd	Grassley	Metzenbaum
Campbell	Gregg	Mikulski
Chafee	Harkin	Mitchell
Coats	Hatch	Moseley-Braun
Cochran	Hatfield	Moynihhan
Cohen	Heflin	Markowski
Conrad	Hollings	Murray
Coverdell	Hutchison	Nunn
Craig	Inouye	Packwood
D'Amato	Jeffords	Pell
Danforth	Johnston	Pressler
Daschle	Kassebaum	Pryor
DeConcini	Kempthorne	Reid

Robb	Sbelby	Thurmond
Rockefeller	Simon	Wallop
Roth	Simpson	Warner
Sarbanes	Specter	Wellstone
Sasser	Stevens	Wofford

NAYS—3

Helms	Nickles	Smith
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NOT VOTING—1

Riegle

So the nomination was confirmed.

The PRESIDING OFFICER. As previously ordered, the motion to reconsider is laid upon the table and the President will be immediately notified of the Senate's action confirming Judge Ginsburg's nomination.

Under the previous order, the clerk will report the next nomination.

The Senator from Maine.

Mr. MITCHELL. Mr. President, may I have the attention of Senators, please?

The PRESIDING OFFICER. The Senate will be in order.

Mr. MITCHELL. Under the previous order, the next two votes will be 10 minutes each, a total of 10 minutes each. I urge Senators to remain in the Chamber through the first vote and then not leave until after they vote on the second vote. And Senators are responsible for making certain that the clerk has actually recorded their vote.

I encourage all Senators to remain in the Chamber and to make certain the clerk has actually recorded your vote. I thank my colleagues.

DEPARTMENT OF EDUCATION

NOMINATION OF THOMAS W. PAYZANT, OF CALIFORNIA, TO BE ASSISTANT SECRETARY FOR ELEMENTARY AND SECONDARY EDUCATION.

The bill clerk read the nomination of Thomas W. Payzant, of California, to be Assistant Secretary for Elementary and Secondary Education.

Mr. SIMPSON. Mr. President, I rise today on behalf of the nomination of Dr. Thomas Payzant as Assistant Secretary of Education for Elementary and Secondary Education. I believe that Dr. Payzant has the ability and the will to implement policies that will enable our public schools to rise to the challenge of our national education goals.

It is important for the Federal Government to have an Assistant Secretary of Education for Elementary and Secondary Schools who is adept at building consensus among a variety of groups interested in education and who has hands on experience at the local and State level, as that is where the heart of school innovation occurs.

During his tenure as superintendent of schools in San Diego, Dr. Payzant did not shy away from controversial issues, but instead attempted to address the concerns of his critics head on by attempting to find compromises when possible.

Once again during his nomination hearings, Dr. Payzant showed his willingness to answer the queries of critics and appeared to be amenable to working with those in the minority on a variety of education issues that will face the Congress in the coming year, specifically the reauthorization of the Elementary and Secondary Education Act, which is due for an overhaul during the 103d Congress.

I know that some of my Republican colleagues remain opposed to Dr. Payzant's nomination due to his decision to ban the Boy Scouts from participating in the schools during normal school hours because of their anti-homosexual policies. As I understand it, this decision was based on school board policy that was voted on by members of the elected board of education. After this action was taken, Dr. Payzant assured the Boy Scouts that they could continue to use school facilities after school hours. The students of the San Diego unified district are still free to participate in the Boy Scout Program during their free time. While I do not agree with such a policy, I recognize the fact that this matter is primarily a local issue and that Dr. Payzant was implementing a policy determined by the locally elected officials. Dr. Payzant had no choice but to fulfill that policy. His actions should in no way be interpreted to be anti-Boy Scout. In fact, Dr. Payzant was a Boy Scout as a youngster and his sons are Boy Scouts, as well.

As we face the beginning of the 21st century, we must remain committed to improving the quality of public education. Our children must be able to grow and mature into a work force that is competitive with the rest of the world. We can only accomplish these goals by increasing the participation of parents, by encouraging innovation, by improving standards, and by making educators accountable for the quality of instruction.

I believe that Dr. Payzant has the capability to accomplish such a task. I will vote for his nomination, and I look forward to working with him on education issues that affect all our children.

Mr. CRAIG. Mr. President, before casting my vote on the nomination of Dr. Thomas Payzant for Assistant Secretary for Elementary and Secondary Education, I would like to take a moment to outline some of my concerns about this nominee.

Dr. Payzant has a number of fine qualities, and he has received a number of prestigious honors such as the Harold W. McGraw, Jr., Award. I do not question his abilities, and accomplishments in the area of education. However, I am concerned about his continued use of his position as superintendent of the San Diego School District to further his own social agenda.

In his position as the San Diego schools superintendent, Dr. Payzant