

First, I want to remind the Senate that I urged the House and the Senate and interested parties to do this bill last year when it should have been done, because it expired last year. That is No. 1. No. 2, because it was not an election year and I knew, if we waited until this year, we would have less time and more pressure as we try to decide how \$175 billion or more is fairly distributed across the country.

I remind the Senators of that, and they know now and they knew then that I was right. I stood right here and filed not one, not two, not three, but four cloture motions to try to bring to a conclusion unrelated debate and delays based on pure politics, if I may suggest, but for an unrelated issue. I kept saying we need to deal with this bill, and others kept saying, "Until you agree to what we want on an unrelated issue, we are not going to let you bring up ISTEA."

That was a mistake. The Senate made a mistake. Now some of the same people not voting to bring it up last year are saying, "Where is it? Please bring it up," demanding that it be brought up right away.

Well, the world is different now. A lot has happened. For one thing, we find that we may actually have a little more money than we anticipated last year. There are very few Senators that have a longer history of having voted to spend the highway trust fund for the purpose it was intended—highways. There are very few places where I think the Government should be involved in spending money. Defense is one and budding infrastructure is the other. This is a place where people can't do it by themselves. The Government has to do its part.

So I want this. I want more money. But I also have a responsibility as majority leader to look at this from the standpoint of how does it relate to the overall budget? How is it going to affect all these other programs? And what we did last year—we stood out here in the rotunda and said that we had reached an agreement with the President of the United States on a balanced budget, on how to control taxes and how to control spending. We entered into an agreement. We entered into an agreement in every category across the board. We said we will spend this much on transportation, this much on education, this much on housing, interior, energy, right across the board.

Now, if we open the year up by raising spending, without looking at how it will affect everything else, we could break the dam and have another avalanche of spending. I am not saying it will happen. I am not saying how it should happen. I am just saying we should take our time and see what's going to happen before we charge forward. Why does the Senate need to do this when the House is not going to act? They are not going to act this month and not until at least the end of next month. I tried to get the Senate

to show leadership and to lead and go first. The Senate would not do it. Now, let's act in concert.

Let's work with the House. Let's do this together. Nobody wants to bring this up more than I do. But my responsibility as majority leader is to make sure that we have thought it through and know what the impact will be on a budget agreement that we gave our word to the American people on. I intend for us to keep it, and I will do everything I can to get that result.

ORDER FOR ADJOURNMENT

Mr. LOTT. Mr. President, if there is no further business to come before the Senate, I now ask that the Senate stand in adjournment under the previous order following the remarks of Senator KENNEDY.

Mr. President, the Senator is in the area. He will return shortly I am sure to give his remarks. I observe the absence of a quorum until he can return.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

NOMINATION OF DR. SATCHER

Mr. KENNEDY. Mr. President, first of all, I want to express the appreciation of all of us to the majority leader for scheduling this nomination promptly in this session. I thank the majority leader for scheduling this Satcher nomination, and also for filing the cloture motion.

We had an opportunity to make the presentation, and the excellent presentation by Senator FRIST yesterday, which I thought was just so compelling. There were those who took some issue with the record of Dr. Satcher. But I do believe that at the end of the day yesterday the membership would be convinced of the quality of this extraordinary nominee and the incredible opportunity that all America has for his service when he is confirmed, which I expect will be on Tuesday next.

So we look forward to the opportunity to vote and to hopefully see Dr. Satcher in that important position.

In response to questions raised yesterday, I also am including a copy of a letter from Dr. Harold Varmus, Director of the National Institutes of Health, to Senator ASHCROFT regarding studies of maternal-to-infant transmission of HIV in developing countries.

I ask unanimous consent that these materials be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF HEALTH AND HUMAN SERVICES, NATIONAL INSTITUTES OF HEALTH,

Bethesda, MD, February 3, 1998.

Hon. JOHN ASHCROFT,
U.S. Senate,
Washington, DC

DEAR SENATOR ASHCROFT: Your "Dear Colleague" letter criticizing Dr. David Satcher's support for studies of maternal-to-infant transmission of HIV in developing countries has been brought to my attention. I am writing to offer a different view of the situation from my perspective as the Director of the National Institutes of Health, a sister agency in the Department of Health and Human Services that also conducts studies to prevent transmission of HIV in the developing world.

Virtually all parties involved in this difficult issue acknowledge that there are many factors to be considered in determining whether to use a placebo-controlled group in a clinical trial; several of these factors are discussed in an attached article from the New England Journal of Medicine, co-authored by Dr. Satcher and me a few months ago. For the trials in question, the general design of the studies was carefully considered by the World Health Organization and the Joint United Nations Program on HIV/AIDS, and the specific studies we support have been reviewed and approved by duly constituted Institutional Review Boards in the United States and in the countries in which the studies are being performed.

The essential point is that the studies are designed to provide information useful to the management of HIV infection in the countries in which the studies are done; to act otherwise and generate knowledge applicable only in wealthier parts of the world would, in my opinion, be exploitative of the subjects of the study. Viewed in this context, it is entirely appropriate that we are supporting studies in the developing world that would not be conducted in the United States.

The article to which you allude in your "Dear Colleague" letter, by Dr. Marcia Angell, the Deputy Editor of the New England Journal of Medicine, presents a view that is not generally accepted in the medical community. Indeed her views have been strongly contested by many knowledgeable physicians, scientists, and ethicists, including some members of the Editorial Board of the Journal who have offered their resignations in protest. (The enclosed essay by Dr. Satcher and me was also written in response to Dr. Angell's article.)

Finally, I must take issue with the contention that the current CDC- and NIH-supported trials are similar to the infamous Tuskegee study. In that study, the course of a disease (syphilis) was observed without attempts to intervene, and informed consent was neither sought nor obtained from the research subjects. In the current studies, the goal is to find useful means to prevent transmission of HIV, the studies are closely supervised by many knowledgeable people, and informed consent has been obtained from each enrolled individual. The analogy to Tuskegee is inappropriate and distracting.

I appreciate that there are legitimate concerns about the ethical conduct of clinical trials in developing countries, but the debates need to be described in a fashion that gives due consideration to the arguments on both sides. Furthermore, Dr. Satcher's position on these trials should not, in my opinion, constitute grounds for opposing his nomination to be Surgeon-General of the United States. Indeed, even Dr. Sidney Wolfe of Public Citizen, one of the strongest critics of the position Dr. Satcher and I have taken, is an ardent supporter of Dr. Satcher's nomination.

I offer these comments on your letter in hopes that they will be useful to you and your colleagues in considering Dr. Satcher's nomination to this important post.

Sincerely,

HAROLD VARMUS, M.D.,
Director, NIH.

INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT REAUTHORIZATION

Mr. KENNEDY. Mr. President, I want to join Senator BYRD and others who were speaking today in support of prompt action on an issue of major importance to the country—the ISTEA reauthorization that will set the country's course for the next six years on transportation policy and investments.

I noticed the majority leader had indicated that there were some differences about the consideration of that proposal last year.

But the fact of the matter remains that when I look over what we are involved in outside of the Dr. Satcher nomination, it seems that we certainly would have the opportunity for the consideration of the ISTEA reauthorization. And looking over the anticipated schedule, I would think that we could deal with this, and deal with it appropriately, certainly before the February recess. I don't know what else has been placed on the schedule prior to that time next week. Certainly we would make time for any kind of consideration or resolution on the issues of Iraq. But barring that, it would seem to me that reauthorization could be dealt with by that particular time.

This debate has major ramifications, not only for the Nation's transportation system, but for the economy and the environment.

What Congress does with this legislation will, in many ways, define the degree to which communities across the country will be able to take full advantage of the possibilities for economic development and growth in the years ahead. Without a modern, safe and efficient transportation network, America's businesses can't compete as efficiently, America's cities can't be revitalized as effectively, and America's families will lose valuable time in the daily struggle to move from home to work, and carry out all the other responsibilities of daily life.

This legislation will also have a major impact on the environment, as we debate what direction the law should take. A major goal is to preserve and strengthen the innovative intermodal approach established under the original ISTEA, including special emphasis on public transit, the Conges-

tion Mitigation and Air Quality Program, bikeways and other initiatives that enhance the quality of life in our communities.

I hope we will be able to build on the original ISTEA law, sustaining its innovative programs and laying the foundation for greater economic growth. To do that, we need to make a substantially larger investment that will address the many urgent transportation needs facing the country, and also facing my own State of Massachusetts that has some very special needs.

I commend Senator BYRD for his extraordinary leadership on all of these vital infrastructure issues. The amendment he proposed last fall will make a significant difference for all states, enabling us to meet all of the new challenges more effectively.

I think he makes a compelling case. Let the Senate make its judgments. Let the Senate decide. It is difficult to justify and say we are not going to let the Senate decide because we might have the votes for a particular position, which is at least partly delaying the opportunity to consider the legislation.

We can't afford to have this important debate drag on into the months ahead. The country's transportation needs are urgent and can't wait. We should take up the ISTEA legislation and complete action on it promptly, to avoid paralysis in critical ongoing work involving transportation construction, public transit operations, traffic safety programs, and other issues that demand attention.

Mr. President, I may have more to say on this subject. I know that the Senate is anxious to recess in order to hear the full report of the Secretary of State.

So I will yield at this time and hope that the Senate will follow the leader's motion for adjournment.

ADJOURNMENT UNTIL 11 A.M., MONDAY, FEBRUARY 9, 1998

The PRESIDING OFFICER. Under the previous order, the Senate will stand in adjournment until 11 a.m. on Monday, February 9.

Thereupon, the Senate, at 3:52 p.m., adjourned until Monday, February 9, 1998, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate February 5, 1998:

DEPARTMENT OF VETERANS AFFAIRS

ELIGAH DANE CLARK, OF ALABAMA, TO BE CHAIRMAN OF THE BOARD OF VETERANS' APPEALS FOR A TERM OF SIX YEARS, VICE CHARLES L. CRAGIN.

DEPARTMENT OF AGRICULTURE

KEITH C. KELLY, OF ARIZONA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE COMMODITY CREDIT CORPORATION, VICE GRANT BUNTROCK.

STATE JUSTICE INSTITUTE

ROBERT A. MILLER, OF SOUTH DAKOTA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE STATE JUSTICE INSTITUTE FOR A TERM EXPIRING SEPTEMBER 17, 2000, VICE DAVID ALLEN BROCK, TERM EXPIRED.

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. FRED E. ELLIS, 0000.
BRIG. GEN. EDWARD R. JAYNE II, 0000.
BRIG. GEN. CARL A. LORENZEN, 0000.
BRIG. GEN. RICHARD A. PLATT, 0000.
BRIG. GEN. JOHN H. SMITH, 0000.
BRIG. GEN. IRENE TROWELL-HARRIS, 0000.

To be brigadier general

COL. WILLIAM E. BONNELL, 0000.
COL. EDWARD H. GREENE II, 0000.
COL. ROBERT H. HARKINS III, 0000.
COL. JAMES W. HIGGINS, 0000.
COL. ROBERT F. HOWARTH, JR., 0000.
COL. THOMAS C. HRUBY, 0000.
COL. RICHARD S. KENNEY, 0000.
COL. PHIL P. LEVENTIS, 0000.
COL. CHARLES A. MORGAN III, 0000.
COL. JERRY W. RAGSDALE, 0000.
COL. LAWRENCE D. RUSCONI, 0000.
COL. RICHARD H. SANTORO, 0000.
COL. WAYNE L. SCHULTZ, 0000.
COL. RALPH S. SMITH, JR., 0000.
COL. RONALD C. SZARLAN, 0000.
COL. JAMES K. WILSON, 0000.
COL. RUTH A. WONG, 0000.

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. JOHN W. BERGMAN, 0000.
COL. JOHN J. MCCARTHY, JR., 0000.

CONFIRMATIONS

Executive nominations confirmed by the Senate February 5, 1998:

IN THE AIR FORCE

THE FOLLOWING NAMED UNITED STATES AIR FORCE OFFICER FOR APPOINTMENT AS THE VICE CHAIRMAN OF THE JOINT CHIEFS OF STAFF AND FOR APPOINTMENT TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 154:

To be general

GEN. JOSEPH W. RALSTON, 0000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. THOMAS R. CASE, 0000.

IN THE ARMY

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. MICHAEL J. SQUIER, 0000.

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. ROBERT L. ECHOLS, 0000.