

town that tried this found 300 discarded needles by junkies in one week.

No. 2, this nominee for Surgeon General conducted studies on individuals in Africa when the studies would have been unethical in the United States. The regulations provide that you are not allowed to do to other people what you won't and can't do to yourself. The New England Journal of Medicine made clear the absence of ethics in this situation.

No. 3, David Satcher persisted in conducting blind HIV studies of newborns in the United States, ignoring the need to identify the blood samples and notify parents of HIV infections in children, even after therapies were developed which could help those children in those settings. When the Congress got upset about it and decided to discontinue the program altogether, Dr. Satcher said, "No, we want to continue it without telling parents and without identifying which of the children is HIV infected," and came and lobbied the Congress in that respect.

I don't think that calls us to our highest and best. I think that accommodates America at something far less. So you have this pattern.

In addition, we have tried to get information from the Centers for Disease Control and Dr. Satcher. They have given us partial bits of information. The report in which the CDC commended the idea of Federal funding for needle exchange was sent to us but it didn't have Dr. Satcher's cover letter on it—conveniently didn't. The denial of needle exchange support by Dr. Satcher conveniently didn't indicate that Federal funds, provided through the CDC, had the sole purpose of promoting needle exchange programs.

When we asked about the ethics of the African trials we simply didn't get all the information from the CDC. We were not given memos internal to the agency which we have received from other sources that have raised the very ethical issues in CDC by medical personnel there that we have been raising on this floor.

Now if trust is a fundamental component of the relationship between the doctor of a nation and the people of the Nation, there has been in some substantial measure a breach of the necessary trust in the absence of candor and the absence of providing information in this setting.

Last but not least, let me say that Dr. Satcher has said that he supports the President's position on partial-birth abortion. The President's position has been that he is going to continue to make it available in this country and refuse to have a reasonable law which would prevent it. In my judgment, it is time for us to say that we expect the leadership on health in this country to comport with the understanding of the health community that partial-birth abortions are not indicated, they are not necessary, and that to endorse the political agenda of the President rather than the health agen-

da of America is inappropriate. This is about whether someone who is indifferent to infanticide can care for our children.

The PRESIDING OFFICER. The Chair advises the Senator that he has 2 minutes remaining.

Mr. ASHCROFT. Mr. President, I ask unanimous consent the time remaining be yielded to the chairman of the Senate Labor and Human Resources Committee so that he has the custom of concluding the remarks in the Chamber in a way that is favorable to the nominee.

The PRESIDING OFFICER. The chairman of the committee, the Senator from Vermont, is recognized.

Mr. JEFFORDS. Mr. President, first I want to thank my good friend for allowing me to do this.

Mr. President, this is one of the relatively few times in the Senate when we have had a cloture motion on a nomination.

I want to remind everyone of the fine, fine man that we are voting on here today. I urge my colleagues to vote for cloture, and then to confirm Dr. Satcher.

When we opened this debate last week, I stated that Dr. Satcher's record of service to the people of the United States was exemplary. I noted that his character and integrity were absolutely without blemish. Nothing has been said over the past two days that has challenged these assertions. Not even Dr. Satcher's critics question his professional qualifications to serve in the positions for which he has been nominated.

Senators FRIST and THOMPSON, and others, have already spoken eloquently about Dr. Satcher's commitment and integrity. They described the unprecedented support Dr. Satcher enjoys within the medical community, the public health community, and the research community. They have also described firsthand their own experiences working with the nominee to address public health issues in the State of Tennessee.

I wish to associate myself with their remarks and to urge my colleagues to support Dr. Satcher's nomination. I know of no reason why we should not vote for cloture, and then support Dr. Satcher.

Mr. President, I yield the remainder of my time, if any.

CLOTURE MOTION

The PRESIDING OFFICER. All time has expired. By unanimous consent, pursuant to rule XII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The bill clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provision of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Executive

Calendar Nos. 338 and 339, the nomination of David Satcher to be Assistant Secretary of HHS and to be Surgeon General:

Trent Lott, James Jeffords, Richard Lugar, Conrad Burns, Arlen Specter, Frank H. Murkowski, Ted Stevens, Ted Kennedy, Olympia J. Snowe, Susan Collins, Tom Daschle, Paul Wellstone, Herb Kohl, Christopher Dodd, Chuck Robb, Tim Johnson, and Tom Harkin.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the nomination of David Satcher of Tennessee to be Assistant Secretary of Health and Human Services, Medical Director of the Public Health Service, and Surgeon General of the Public Health Service shall be brought to a close?

The yeas and nays are required. The clerk will call the roll.

The bill clerk called the roll.

Mr. NICKLES. I announce that the Senator from Virginia (Mr. WARNER) is necessarily absent.

Mr. FORD. I announce that the Senator from Michigan (Mr. LEVIN) is necessarily absent.

The yeas and nays resulted—yeas 75, nays 23, as follows:

[Rollcall Vote No. 8 Ex.]

YEAS—75

Abraham	Feingold	Lott
Akaka	Feinstein	Mack
Baucus	Ford	McCain
Bennett	Frist	Mikulski
Biden	Glenn	Moseley-Braun
Bingaman	Gorton	Moynihan
Bond	Graham	Murkowski
Boxer	Grams	Murray
Breaux	Gregg	Nickles
Bryan	Hagel	Reed
Bumpers	Harkin	Reid
Byrd	Hatch	Robb
Chafee	Hollings	Rockefeller
Cleland	Hutchison	Roth
Cochran	Inouye	Sarbanes
Collins	Jeffords	Smith (OR)
Conrad	Johnson	Snowe
Coverdell	Kennedy	Specter
Craig	Kerrey	Stevens
Daschle	Kerry	Thomas
DeWine	Kohl	Thompson
Dodd	Landrieu	Thurmond
Domenici	Lautenberg	Torricelli
Dorgan	Leahy	Wellstone
Durbin	Lieberman	Wyden

NAYS—23

Allard	Faircloth	Lugar
Ashcroft	Gramm	McConnell
Brownback	Grassley	Roberts
Burns	Helms	Santorum
Campbell	Hutchinson	Sessions
Coats	Inhofe	Shelby
D'Amato	Kempthorne	Smith (NH)
Enzi	Kyl	

NOT VOTING—2

Levin	Warner
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The PRESIDING OFFICER. On this vote, the yeas are 75, the nays are 23. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Under the previous order the question is now on the nomination without further debate.

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, have the yeas and nays been requested?

The PRESIDING OFFICER. They have not.

Mr. JEFFORDS. Mr. President, 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.

VOTE

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of David Satcher to be an Assistant Secretary of Health and Human Services, Medical Director of the Public Health Service, and Surgeon General of the Public Health Service? On this question the yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Virginia (Mr. WARNER) is necessarily absent.

Mr. FORD. I announce that the Senator from Michigan (Mr. LEVIN) is necessarily absent.

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

The result was announced, yeas 63, nays 35, as follows:

[Rollcall Vote No. 9 Ex.]

YEAS—63

Akaka	Durbin	Lieberman
Baucus	Feingold	Mack
Bennett	Feinstein	McCain
Biden	Ford	Mikulski
Bingaman	Frist	Moseley-Braun
Bond	Glenn	Moynihan
Boxer	Gorton	Murray
Breaux	Graham	Reed
Bryan	Harkin	Reid
Bumpers	Hatch	Robb
Byrd	Hollings	Rockefeller
Chafee	Inouye	Roth
Cleland	Jeffords	Sarbanes
Cochran	Johnson	Snowe
Collins	Kennedy	Specter
Conrad	Kerrey	Stevens
Coverdell	Kerry	Thompson
Daschle	Kohl	Thurmond
Dodd	Landrieu	Torricelli
Domenici	Lautenberg	Wellstone
Dorgan	Leahy	Wyden

NAYS—35

Abraham	Gramm	Lugar
Allard	Grams	McConnell
Ashcroft	Grassley	Murkowski
Brownback	Gregg	Nickles
Burns	Hagel	Roberts
Campbell	Helms	Santorum
Coats	Hutchinson	Sessions
Craig	Hutchison	Shelby
D'Amato	Inhofe	Smith (NH)
DeWine	Kempthorne	Smith (OR)
Enzi	Kyl	Thomas
Faircloth	Lott	

NOT VOTING—2

Levin	Warner
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The nomination was confirmed.

Mr. HATCH. Mr. President, I move to reconsider the vote by which the nomination was confirmed.

Mr. LOTT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

LEGISLATIVE SESSION

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

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader.

MORNING BUSINESS

Mr. LOTT. Mr. President, I ask unanimous consent that there be a period for the transaction of morning business for not to exceed 1 hour, with the first 30 minutes under the control of Senator BYRD and the remaining 30 minutes under the control of Senator ROBERTS.

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

Mr. LOTT. I yield the floor.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I thank the distinguished majority leader for arranging the time for me to speak.

HIGHWAY FUNDING

Mr. BYRD. Mr. President, since the convening of this session of Congress 2 weeks ago today, I have spoken on the Senate Floor numerous times to convey the urgency of prompt action on the highway bill. We were told that it would be among the first pieces of legislation considered this year, and yet the bill is still not before us. This inactivity is unjustified and, I think, it is inexcusable. The deadline for passing highway reauthorization legislation is May 1—May 1 of this year.

That deadline is set forth in the short-term highway bill that was passed last November before the Congress adjourned sine die. It is very clearly set forth in that legislation. After May 1, States will be prohibited from obligating any Federal highway or transit funds.

After that date, states will be prohibited from obligating any Federal highway or transit funds. As a result, many states will be forced to delay road and bridge projects and thousands of highway construction workers, as well as those in related industries, such as gravel and asphalt manufacturers, highway equipment manufacturers, and steel suppliers, may begin to be laid off. At the height of the highway construction season, thousands of highway, bridge, and safety projects will be stopped cold—dead in their tracks—and those who are employed in relation to these projects could begin to be sent home and lose their paychecks, while they await further action by Congress to enact highway reauthorization legislation.

So the Senate has just 44 session days remaining, including today. Those are days we have been told that the Senate will be in session. So there are just 44 session days, including today, remaining in which to avert this impending crisis. When the hour strikes midnight on May 1, the time is up.

I want to take a few minutes to explain exactly what this May 1 deadline means to a number of the States.

The Road Information Program, TRIP, recently surveyed the State transportation departments throughout the country to ascertain what will happen after May 1 if a new highway bill has not been signed into law by the President by that time. To date, TRIP has received responses from 15 State transportation departments, and additional responses are expected soon. Even with preliminary results, however, it is clear that billions of dollars worth of highway projects and transit projects are in danger of being postponed, and will be postponed until new Federal funding is available. These are critical transportation projects—critical transportation projects—projects designed to improve road safety and reduce the number and severity of highway crashes, to smooth the flow of traffic so we can improve air quality and lower the pollution that Americans breathe every day and every hour and every minute, and to reduce congestion so that Americans can spend more time at work and more time at home caring for their children, more time with their families and less time trapped in gridlock.

It may be edifying to my colleagues to hear some of the specific projects in their States that will be delayed, according to their own State transportation departments, if new Federal highway funding is not available beyond May 1. Remember, these are just the 15 States that have responded already to the TRIP survey.

The Road Information Program asked each State to list some of the most critical transportation projects that would have to be postponed during the 12-month period beginning May 1, 1998, if no new Federal funding is available.

And so let us go down the list. The very first State that is on the list is the State of Georgia.

In Georgia, the State transportation department will have to delay: Improvements to I-475 from I-75 in Bibb County to I-75 in Monroe County; improvements to the Harry S. Truman Parkway in Chatham County; work on the Jefferson Bypass in Jefferson County; and improvements to Peachtree Industrial Boulevard in Gwinnett County.

The Indiana transportation department will have to postpone: rehabilitating I-69 in Dekalb County; road and bridge rehabilitation on I-465 in Marion County; and bridge rehabilitation on US 20 in St. Joseph County.

In Kentucky, funds will dry up after May 1 for projects to: widen US 27 to four lanes from Lexington to Paris; reconstruct the Donaldson Road interchange on I-75 in Boone County; and replace the Cumberland River Bridge in Somerset.

Now, the Senators from these respective States, I am sure, are talking with their highway departments. Those Senators will probably have more complete lists than these that I am reading. But these are just the first 15 that have been supplied to me by TRIP.