From that original group of 22 sprang forth a movement which now boasts over 5 million members in this country alone, and continues to grow each year. In my home state of Minnesota, the Viking Council of the Boy Scouts of America serves over 57,000 youths between the ages of 5 and 20, making it the 21st largest of the 335 Boy Scout Councils in this country.

Participation in the Boy Scouts of America gives young people a sense of self-worth and satisfaction that is the product of setting and accomplishing goals, and being a part of a winning team. Such experiences cultivate discipline and a sense of responsibility that are assets for life.

By cooperating with peers to achieve a common end, Scouts learn valuable lessons in leadership. Countless civic, professional, and community leaders throughout our Nation were involved in the Boy Scouts of America as youths, including 302 members of the 104th Congress.

Through programs like the ''Urban Scouting Emphasis,'' which has over 4,300 participants in urban Minneapolis, the Boy Scouts of America is bringing its valuable life lessons to inner city youth who are particularly at risk of falling victim to the entrapments of the streets. The Boy Scouts of America offers a place where young people can gain a sense of belonging and loyalty that they may otherwise seek to find in street gangs. Furthermore, the importance of programs like ''Urban Emphasis'' is amplified when considering the annual cost per youth served by Viking Council is $58.31, whereas the cost of housing a juvenile offender is $100.00 per day.

Of course all the forementioned would hardly be possible without the adult volunteers who are the foundation of the Boy Scouts of America. Currently there are over 1.3 million men and women nationwide who, in the spirit of Robert Baden-Powell, graciously give their time and talents to ensure that the youth of society grow into well-adjusted adults. Adult volunteers touch the lives of young people by serving as excellent role models and teachers, as well as caring friends.

The Boy Scouts' objectives are defined in the ''Aim of Scouting'' as being character development, citizenship training, and personal fitness. On the surface, these aims may seem simplistic, yet many have forgotten the importance of these principles. Thankfully, these principles continue to prosper in the Boy Scouts of America.

Mr. President, for 88 years the Boy Scouts of America has been teaching the value of community, Nation, and Creator to our Nation's youth. This is truly grounds for celebration.●

AMENDING THE CONSTITUTION TO PROHIBIT FLAG DESECRATION

● Mr. HAGEL. Mr. President, I rise today to speak in support of Senate Joint Resolution 40, introduced yesterday by my distinguished colleague from Utah, Senator ORRIN HATCH, proposing an amendment to the Constitution authorizing Congress to prohibit the physical desecration of the American Flag.

From the birth of our nation, the Flag has represented all that is good and decent about our country. Whether it be the battlefields of Bunker Hill and Gettysburg, the trenches of Flanders Field, the shores of Normandy, the rugged terrain of Korea, the jungles of the Mekong, or the desert of Kuwait—the Stars and Stripes led young Americans into battle. Proud young soldiers would carry it high, and if they should fall another would be right there to pick up Old Glory and carry it forward. It may have been tattered by the battle and singed by fire of war, but the American flag burned as a guiding beacon of hope and freedom for our young men and women. For those who paid the ultimate price for our nation, the Flag blanketed their journey and graced their final rest place.

You see, Mr. President, the Flag is not just a piece of cloth. The ''broad stripes and bright stars'' shining through the ''rockets' red glare'' inspired Francis Scott Key to write the Star Spangled Banner. It is a symbol so sacred to our nation that we teach our children not to let it touch the ground. It flies over our schools, our churches and synagogues, our courts, our seats of government and homes across America. The Pledge of Allegiance unites all Americans regardless of race, creed or color. The flag is not just a symbol of America, it is America.

Those who oppose this legislation say that it impinges on freedom of speech and violates our Constitution. In my view this is a hollow argument. There are many limits placed on ''free speech,'' including limiting yelling ''fire'' in a crowded theater. Other freedoms of speech and expression are limited by our slander and libel laws.

In 1989 and 1990 the Supreme Court of this great nation struck down flag protection laws by narrow votes. The Court has an obligation to protect and preserve our fundamental rights as citizens. However the American people understand the difference between freedom of speech and ''anything goes.''

When our citizens disagree with our national policy, there are a number of options available to them other than destroying the American Flag to make their point. Let them protest, let them write to their newspaper, let them organize, let them march, let them shout to the rooftops—but we should not let them burn the Flag. Too many have died defending the Flag for us to allow it to be used in any way that does not honor their sacrifice.

Mr. President, in a day where too often we lament what has gone wrong with America, it's time to make a stand for decency, for honor and for pride in our nation. Just as the Flag has wrapped itself around the hearts and souls of our nation, let us now wrap the protection of our Constitution around the Flag.●

ORDERS FOR MONDAY, FEBRUARY 9, 1998

Mr. LOTT. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 11 a.m. on Monday, February 9, and immediately following the prayer the routine requests through the morning hour be granted, and that there then be a period for morning business until 12 noon, with Senators permitted to speak therein for up to 5 minutes each, with the following exceptions: Senator KYL for 10 minutes, Senator BYRD for 20 minutes, and Senator HAGEL for 20 minutes.

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

Mr. LOTT. Mr. President, I ask unanimous consent that, at noon, the Senate resume consideration of the Satcher nomination for up to 6 hours of debate, as under the previous order.

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

PROGRAM

Mr. LOTT. Mr. President, the Senate will not be in session tomorrow, but will convene on Monday, as I have just indicated, February 9—although no rollcall votes will occur on Monday—so that the debate can go forward on the Satcher nomination for the position of Assistant Secretary of HHS and Surgeon General.

As a reminder to all Members, the next rollcall vote will occur then on invoking cloture on the Satcher nomination, if necessary, and I presume it will be at 11 a.m. on Tuesday, February 10. If cloture is invoked on that nomination, a second vote would occur immediately on the confirmation of the nomination. Also, a cloture motion was filed on the motion to proceed to the cloning legislation; therefore, that vote will occur on Tuesday as well.

RECORD TO REMAIN OPEN UNTIL 4 P.M. TODAY

Mr. LOTT. Mr. President, I ask unanimous consent that the Record remain open until 4 p.m. today for Members to introduce legislation and to submit statements for the RECORD.

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

INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT REAUTHORIZATION

Mr. LOTT. Mr. President, in conclusion, before I take the Senate out following the statement of Senator KENNEDY, I want to briefly comment on some statements that have been made today and yesterday here and in other arenas and forums. There are those saying we should immediately bring up the ISTEA highway bill.

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.