v. Liggett & Myers in the early 1960s, attorneys today will have everything going for them because of the tobacco settlement.

This law will work if we do this right. That will be a tremendous change from what poor Jimmy McArdle had to go through in the early days of Prichard v. Liggett & Myers. I remember that case. I was watching it closely. I was hoping he would win. I felt there was little likelihood he would win in Pennsylvania at that particular time because we didn't know then what we know today about the tobacco companies, about this industry and about what this industry has done to entice children to use their products.

I just have to tell you, if we keep doing what we are doing here on the floor, we will have millions more children exposed to a greater risk than they should and be exposed to during the course of the new litigation which could last for 10 years or so. Some of these children will ultimately die prematurely because of this increased risk as this litigation proceeds.

What is really unfortunate is that at the end of that litigation you will find that if this bill passes—the managers' amendment in its current form—the tobacco companies will likely prevail on a number of important matters. Then, where are we?

That means we would have let the American people down by passing legislation that will not work. And in the end, we would have done a lot of unnecessary harm to millions of children, and we will only have to start all over again, and we may not have a group of tobacco companies willing to deal at that time as they have with the attorneys general and plaintiffs' lawyers as we had under the June 20th proposal.

I yield the floor.

Mr. GREGG. It would be my intention to respond to a number of points made by the Senator from Utah and the Senator from Massachusetts. I see the Senators from Nebraska and Minnesota are here. I know they have been waiting, so I will wait for my response.

EXECUTIVE SESSION

NOMINATION OF DAVID R. OLIVER TO BE UNDER SECRETARY OF DEFENSE FOR ACQUISITION

Mr. GREGG. Mr. President, I ask unanimous consent the Senate immediately proceed to executive session to consider the following nomination on the Executive Calendar, Calendar 562, David R. Oliver of Idaho, to be Deputy Under Secretary of Defense for Acquisition and Technology; I further ask unanimous consent that the nomination be confirmed, the motion to reconsider be laid upon the table, and any statements relating to the nomination appear at this point in the RECORD, the President be immediately notified of the Senate's action, and the Senate immediately proceed to legislative session.

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

The nomination was considered and confirmed as follows:

DEPARTMENT OF DEFENSE

David R. Oliver, of Idaho, to be Deputy Under Secretary of Defense for Acquisition and Technology.

LEGISLATIVE SESSION

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

NATIONAL TOBACCO POLICY AND YOUTH SMOKING REDUCTION ACT

The Senate continued with consideration of the bill.

The PRESIDING OFFICER. The distinguished Senator from Minnesota.

AMENDMENT NO. 2433

Mr. WELLSTONE. I will speak for a couple of minutes on this amendment. I ask unanimous consent after I speak on this amendment that I have 2 minutes to speak as in morning business, and following that, that Senator KERREY be allowed to have the floor.

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

Mr. WELLSTONE. I thank the Chair.

Mr. President, let me join with my colleagues from Vermont and New Hampshire in supporting their amendment. I shall be very, very brief—uncharacteristically brief. I see the Presiding Officer smiling.

Minnesota is a State that has played a very central role in this debate about tobacco. I think if there is one thing that has come out of the litigation, the whole case against tobacco with Minnesota leading the way, Attorney General Humphrey and others, it is this: Minnesota unearthed a lot of documents, around 36,000 documents, and many of the documents have been referred to in the debates on the floor of the Senate. The one thing that you see over and over again is a pattern of lying. It is just a pattern of outright lying on the part of this industry. Mr. President, I don't believe that an industry that has walked away from an agreement, which has really willfully targeted our children, has really caused a tremendous amount of pain among children and their families, has really brought about the addiction of children and too many citizens dying an early death, deserves any immunity at all.

We should not give this industry any special deal. We don't in other cases. I don't think this industry should get immunity. I fully support this amendment. It is as simple as that. I see nothing in what this industry has done over many, many years—the way in which this industry has conducted itself, the way in which this industry has blatantly lied to people in this country, or, for that matter, the way this industry has related to what is going on here in the Senate—that would lead me to the conclusion that they deserve a special deal. I don't think people in the country think they deserve any special deal.

Therefore, this amendment is extremely important. I hope colleagues will support it.

NOMINATION OF JAMES C. HORMEL

Mr. WELLSTONE. Mr. President, I rise to speak one more time—and I have done this from time to time on the floor of the Senate—on behalf of the nomination of James C. Hormel to be U.S. Ambassador to Luxembourg. I have talked about Mr. Hormel's qualifications before, so I need not repeat that.

We are talking about someone who is a loving and devoted father and grandfather, an accomplished businessman, dean of students at the University of Chicago Law School, on the board of directors of all sorts of organizations, from the San Francisco Chamber of Commerce to Swarthmore College—you name it.

One of my colleagues—and I think it is extremely unfortunate—has compared Mr. Hormel, a highly qualified public servant and nominee, to Mr. David Duke who, among other credentials, is a former grand wizard of the Ku Klux Klan, founded the National Association for the Advancement of White People, and claimed that the ''Holocaust is primarily a historical hoax and not against Jews but perpetuated on Christians by Jews.''

Mr. James Hormel has been compared with this man, David Duke. I want to say to my colleagues that, given this kind of statement made publicly by a U.S. Senator, this kind of character assassination, it is more important now than ever that this man, Mr. Hormel, be allowed to have his day in the court of the U.S. Senate. There is overwhelming support for his nomination. He should be brought to the floor of the Senate, and we should have an up-or-down vote.

I want to just announce my intention to colleagues that when we come back, I will have sense-of-the-Senate amendments that the majority leader should bring this nomination to the floor of the U.S. Senate. When colleagues start making comparisons to David Duke to someone who has been such a sensitive, good public servant, that man or that woman—in this particular case, Mr. James Hormel—deserves, out of a sense of decency and fairness, to have his case brought before the U.S. Senate. I am going to be pushing very, very hard on this when we get back.

I thank my colleague from Nebraska for his courtesy.

I yield the floor.