United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 105th CONGRESS, SECOND SESSION

Vol. 144 WASHINGTON, MONDAY, JUNE 1, 1998 No. 68

House of Representatives

The House was not in session today. Its next meeting will be held on Wednesday, June 3, 1998, at 2 p.m.

Senate

MONDAY, JUNE 1, 1998

The Senate met at 12 noon and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious God, give us a deeper awareness of the power of prayer. You have told us in the Bible that there are blessings You grant only when we care enough to pray for each other. Our attitudes are changed when we do pray for one another. We listen better and conflicts are resolved. We discover answers to problems together because prayer has made it easier to work out solutions. Working together becomes more pleasant and more productive.

Knowing this, we make a specific commitment to pray for the people with whom we disagree politically. As we pledge that we are one Nation under You, help us to exemplify for our Nation what it means to be one here in the Senate family, with unity in our diversity, held together with the bonds of loyalty to You and to our Nation.

Today, we experience the power of intercessory prayer for very specific needs. We ask You to comfort and encourage the survivors of the tornado that leveled the town of Spencer, South Dakota.

Also, we ask You for the continued healing and health of Senator ARLEN SPECTER. Be with him now as he is in surgery.

And we join with Members of both parties in thanking You for the life and leadership of Senator Barry Goldwater who served here in the Senate for 30 years. Bless his wife and family in this time of grief. In the Name of our Lord and Savior. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able majority leader, Senator LOTT of Mississippi, is recognized.

Mr. LOTT. Thank you very much, Mr. President.

SCHEDULE

Mr. LOTT. Mr. President, today the Senate will be in a period of morning business until 2 p.m. Following morning business, the Senate will resume consideration of S. 1415, the tobacco legislation, with several amendments pending. As was announced prior to the recess, there will be no rollcall votes during today's session. And also as a reminder to Members, a cloture motion was filed with respect to the motion to proceed to the nuclear waste bill. That vote, and any votes ordered during today's session or during the morning session of the Senate tomorrow, will be postponed to occur Tuesday, June 2, at 6 p.m.

For the remainder of the week, the Senate will continue consideration of the tobacco legislation, the nuclear waste bill, and possibly the Department of Defense authorization bill. I know the distinguished chairman of the Armed Services Committee is anxious for us to return to the DOD authorization bill. It is my intent to do that at the earliest possible opportunity and that work be completed on the authorization bill so that we can go to the military construction appropriations bill and the DOD appropriations bill.

We also may have some executive and legislative calendar items that will be cleared for action. I believe we have at least one more judicial nomination, perhaps others, that we will be able to move on today. We are hopeful there will be some conference reports available this week. Specifically, the Coverdell A+ education bill conference report could be ready this week. Work will continue on the IRS conference report, but it looks like that may not be available until next week.

Finally, I announce that with respect to the passing of our former colleague, Senator Barry Goldwater, the Senate will not be in session on Wednesday in honor of this distinguished Member of the U.S. Senate. Members will be attending funeral services on that day in Arizona.

I thank my colleagues for their attention and their cooperation as we go through the balance of this week.

I yield the floor, Mr. President.

MORNING BUSINESS

The PRESIDING OFFICER (Mr. ROBERTS). Under the previous order, there will now be a period for the transaction of morning business, not to extend beyond the hour of 2 p.m., with Senators permitted to speak for up to 5 minutes each.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The distinguished Senator from South Carolina is recognized.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Printed on recycled paper containing 100% post consumer waste

TRIBUTE TO SENATOR BARRY GOLDWATER

Mr. THURMOND. Mr. President, I rise to speak a word or two about Senator Barry Goldwater. Senator Goldwater was a man of integrity, ability, and dedication. When he announced he was going to run for President, I changed parties that year because I wanted to support this particular man on account of the high principles for which he stood. I did support him. Whether he had a chance to be elected or not, I wanted to have a part in supporting a man who stood for values, who stood for America, and who stood for the good things of life.

Senator Goldwater served here for about 30 years. I enjoyed serving with him. On account of that opportunity to serve with him—I knew a good man when I saw one—that is the reason that I supported him for President. He carried my State, and he carried about five or six other States. I was sorry he was not elected. He would have made a great President of the United States.

I extend my deepest sympathy to his family in this time of grieving.

Thank you, Mr. President.

Mr. KYL addressed the Chair.

The PRESIDING OFFICER. The distinguished Senator from Arizona is recognized.

Mr. KYL. Thank you, Mr. President.

I appreciate those remarks of the Senator from South Carolina who, of course, served with Senator Goldwater probably longer than anybody else in this body.

Senator Goldwater first came to the Senate in 1952 and completed his service in the U.S. Senate in 1987. And, of course, we recall the time-out when he ran for President of the United States. But the first thing about his service to this country, obviously, for us to note is his service as a U.S. Senator, serving right here on this floor.

Mr. President, I would like to talk about Senator Goldwater for just a few minutes this morning but focus on a couple of other aspects of his life.

It is clear that for many of us, particularly my generation, he was an inspiration for us to become involved in politics and to approach it from what he called a ''commonsense conservative point of view.''

I remember in 1960 meeting him when I was a student at the University of Arizona in Tucson, AZ. He cared a lot about young people and was always willing to come to the university and talk to us.

I had read the ''Conscience of a Conservative'' and was greatly impressed with its commonsense approach to politics at the time. Everywhere I have gone over the years—and when I have been with Senator Goldwater—I have been impressed with the fact that people from all over the country would come up to him and say, ''Senator Goldwater, you're the reason I got involved in politics. Yours was the first campaign that I ever got involved in'' or ''It was your election that was the first time I voted.''

He inspired Americans all over the country to become more involved in politics and, as I said, to approach politics from his commonsense conservative point of view.

For the United States as a whole, I think our history will reflect the fact that Senator Goldwater was one of the three people who really began the modern conservative movement in this country. I think he was the first, along with Bill Buckley, providing a lot of the intellectual stimulus for the conservative movement through his publication, the National Review. And, of course, Senator Goldwater paved the way later for Ronald Reagan to become elected by the American people and to serve two terms with the tremendous conservative mandate of the American people.

I think it is generally acknowledged that without Senator Goldwater's activity here in the U.S. Senate, and also in his activities as a Presidential candidate in 1964, that the ascendancy of the Ronald Reagan candidacy and his election by the American people would not have occurred.

So as a result, I think those of us here in the Senate reflect not only on his service here in the Senate as chairman of the Armed Services Committee, his service and very strong support for a strong national defense for the United States, but also for being part of the beginning of the conservative movement in this country. I find it interesting that today most people call themselves conservatives in the same way that Barry Goldwater did all the way back in 1958, 1960, when he first came here.

Let me talk just a little bit about Senator Goldwater in a different sense, not in the sense of a Senator in this body, not in the sense of a creator of the modern conservative movement in this country, but rather as the individual, because in Arizona a lot of people know Barry Goldwater a little bit differently, a lot of people whom no one else knows. They are not the big important people of the world, they are people who grew up with Senator Goldwater. They are Navajo Indians whom he got to know when he helped to run his family's trading post on the Navajo Indian reservation. They are people all over the State with whom he visited when he traveled the State, hiked it, and photographed it. There are veterans he visited with, people in the military all over the country, but particularly in Arizona, with whom he was very closely associated. These are the people Barry Goldwater would reminisce with me about when I went to his home and visited with him, long after his Government service came to an end.

In fact, when I went to his house to visit with him, I expected him to talk about Senate business and get advice from him about what we should be doing here. He didn't want to talk about that. He wanted to reminisce about people he had known way back when—the people who really mattered to him most. They weren't kings, they weren't presidents, and they weren't Senators; they were regular folks from whom he took a great deal of learning.

If you read ''Conscience of a Conservative'' again, and even if you review the speech that he gave when he accepted the party's nomination in 1964 to run for President, you will see throughout a strong reference to the economic sense of people and the nature of people. He talked, in ''Conscience of a Conservative,'' about the inherent nature of people, and he criticized some of his liberal friends for wanting to remake people in their image, basically, through Government action. His point was, look, people are the way God made them, for better or for worse; we should recognize that human nature and formulate Government policies to help permit people to live as they would as human beings, without trying to have Government make them into a particular type of person or to direct their activities in a particular way. That is why he became known as the great friend of freedom.

He was a person who did not believe Government should tell people what to do or even shouldn't tell people a great deal, because it would prevent them from helping to learn themselves. He understood human nature. How did he come to that understanding? Part of it is because he really liked people and he liked to be with people. He learned from them what it was that was the essence of the character of man.

I think a lot of that began, as I said, when he was living on the Navajo Indian reservation, tending to his family's trading post. The photographs he has taken, particularly in his early life, frequently are commented upon as remarkable for capturing something very special, some inner quality of the people he photographed. A lot of the people he photographed were on the Navajo Indian reservation and the Hopi Indian reservation. I have one of his photographs hanging in my office of a young Navajo girl. There is something very, very special about that. Every one of the photographs that he took of the people, you almost feel that you know that person, that it is a very special person. There is sort of an inner quality that comes out in his photographs.

How did he do that? He didn't have the greatest camera equipment at the time, although he has always been a fine photographer. He was somehow able to capture the essence of people through his photography. I think part of it is because he got to know the people and he would talk to them and ask them very nicely if they would mind being photographed. He was able, therefore, to capture that essence of humanity that I think most of us miss. We are all too busy, too busy with the big important things in life.

Barry Goldwater focused a lot on the little things in life, which is another reason he was such a great photographer of Arizona landscape. He found

beauty in places that many of us would have passed over because we were in a hurry. Now we reflect on those photographs and think, how could anyone have captured that the way he did? Some of which, incidentally, Mr. President, are very valuable because they show, for example, trips down the Grand Canyon in areas that are now dammed up and we will never see them the way he saw them and the way the photographs captured them.

My point here is that in recent years when I visited with Senator Goldwater, I learned a lot more from him about people than I did about political philosophy and what we should be doing with these great momentous decisions here that we debate on the Senate floor. In this respect, Senator Goldwater was a lot like my own father, who also had the privilege of serving in the U.S. Congress, representing the State of Iowa. He, too, is a great photographer. And he, too, sees that something special in people and in places that he has been able to photograph. He, too, thinks a great deal about individual people and what they meant. And he, too, likes to reminisce about people in his earlier years.

I suppose that happens to all of us when we get a little bit older, but part of it is because not only do we remember those people, but we reflect, now, upon an entire life and we understand what is important and what isn't. We understand that part of what is really important about life is the people we got to know and what we have learned from them. I learned a great deal from my father, just as I have from Senator Goldwater, about human nature. I think that knowledge is better for us as public servants than any other schooling we could get or any other studying we could do.

In reflecting on Senator Goldwater's life after he passed away on Friday, it just occurred to me that the things I want to share about him are these reflections about the individuals he knew and what he learned from them, something that probably will not be greatly commented upon by others who will reflect upon his service here in the Senate, his strong support for national defense, his creation of the modern conservative movement—as I said, his leading of that movement through much of the period of the 1960s. All of that was very, very important. That is why he will go down in the history books as a great American leader, as a great American patriot.

But as I said, he was also, to me, a teacher. One of the reasons for his greatness was the fact that he understood the importance of the little things in life, the little things that create beauty, the little things that make us all what we are. I think if more people understood that human nature as Senator Goldwater did, because he experienced it so much in his early life, that all of us in this body and in the other body would be much better representatives of the people for whom we work, because we would better understand their desires, their hopes, their needs, and perhaps would better be able to reflect those hopes, needs, and desires in the kind of policy that we help to set here in Washington, DC.

A final point in closing, Mr. President. Senator Goldwater, of course, was very blunt and outspoken. I think a little bit of that would go a long way these days, too—to say what we really think, irrespective of the political consequences. Now, some have said he could afford to do that because in 1964 he was running a race that he couldn't win and so he had the luxury, in effect, of just saying what was on his mind. If you know Barry Goldwater, he didn't just limit it to the 1964 campaign; he said what was on his mind, regardless of the circumstances, when he was beginning in politics and all the way through to the day he died.

All of us, I think, could benefit by trying to be a little bit more candid in how we express ourselves. He and Ronald Reagan, I think, found the same thing. When you do that, it is surprising how appreciative people are and how politically popular, sometimes, you can be by simply saying what is on your mind. People understand when you are politicking versus when you are talking from the heart. It is not hard for people to see through what most of us say. That is why a lot of politicians do not have very good reputations. I think if more of us reflected on the way Barry Goldwater did it, we would find it is not only a more candid approach but it also can have very good benefits for people to see that all of us are willing to express ourselves in a very candid and a very open way.

So he has taught us a great deal. I think as people put the parts of his life together, it all fits together in a mosaic that created a unique individual. We will find additional lessons to take from his long and very productive life. I am looking forward, Mr. President, to visiting with other Members of this body to learn of their experiences with Senator Goldwater, because of course I didn't have the opportunity to serve with him.

In the time that he was here, Senator Goldwater, I think, represented Arizona in a way that permitted those of us in Arizona to refer to him as Mr. Arizona, a person who reflected really a great deal about our own State. Mr. President, it is from that standpoint that I approach, not with a great deal of sadness, but rather with some degree of celebration, the fact that he was able to serve in this body so long, to represent the State of Arizona for so long, to be really reflective of our State, and he will go down in the history books not as a great national and international figure, but probably as the most important and famous Arizonan, at least in my lifetime, and someone who I think all of us in Arizona were proud to have as a representative of our State.

I am looking forward to joining many of my colleagues Wednesday in Phoenix at his funeral which, as his wife told me, will be more of a celebration of his life and of all of the things that he did, both for his State and for this country. I am sure we will hear a lot of stories and do a lot of laughing about Barry—and a lot of crying about the fact that he is gone. But the fact of the matter is that we have an opportunity to reflect on an individual who we have loved very much, and we want to make the most of that opportunity.

Mr. President, I wanted to come here this morning to give a few reflections, not in the usual vein of his political accomplishments and what he did as a Senator, but more what I saw in him, especially in his later years, as an individual who just wanted to be remembered as an honest man.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. WELLSTONE. Mr. President, I gather that my colleague, Senator KYL, has taken some time to speak about Senator Goldwater.

The PRESIDING OFFICER. The Senator is correct.

Mr. WELLSTONE. I only heard about his remarks. Let me thank my colleague from Arizona for coming to the floor to speak. I am sure we will hear from Senator MCCAIN as well, if we haven't already.

As a Senator, I suppose, on the other side of the ideological continuum—if that is, in fact, even relevant; sometimes I don't think it is. I don't think politics has that much to do with left to right to center; I think it has more to do with trying to do well for people, and we have all reached different conclusions about how to do that. But it is about public service. I just want to say to the Goldwater family that I think Barry Goldwater really set a standard, especially when it comes to personal integrity and intellectual integrity and political integrity. And I think people in our country really yearn for that. His outspokenness, and especially his courage, and especially in recent years his willingness to speak out, even after no longer being in office, to continue to serve our country I think really is inspiring for all of us.

I wish to add my words to the really fine words of the Senator from Arizona.

(The remarks of Mr. WELLSTONE pertaining to the submission of S. Res. 238 are located in today's RECORD under ''Submission of Concurrent and Senate Resolutions.'')

Mr. WELLSTONE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. KYL). The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. DORGAN. Mr. President, I ask unanimous consent to speak for 15 minutes as if in morning business.

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

PATIENTS' BILL OF RIGHTS

Mr. DORGAN. Mr. President, as we near the summer of this legislative session and discuss the agenda remaining for this Congress, I want to raise, as my colleagues and I have for many, many days in this Chamber, one of the pieces of legislation we want considered in the Senate during this session of the Senate. That legislation is the Patients' Bill of Rights.

About 160 million Americans are now enrolled in managed care organizations. HMOs—health maintenance organizations, one of the main types of managed care—can save money and they can improve care. But by the same token, managed health care organizations can cause real serious problems for many Americans. I want to describe just a few of them and describe why we believe a Patients' Bill of Rights should be enacted by this Congress.

To describe part of the problem with managed care organizations, let me tell the story of a woman who had just suffered a brain injury. As she was lying in an ambulance being hauled to a hospital, with her brain swelling, she advised the ambulance drivers that she wanted to be taken to the hospital that was farther away, rather than the nearest hospital.

She survived and was asked later why she issued directions to be taken to the hospital farther away. She said she had learned a lot about the hospital that was nearest to the ambulance at that point, and it was a hospital that by reputation had made health care a function of its profit and loss statement. She did not feel comfortable presenting herself to an emergency room where her care was going to be a function of someone else's profit and loss.

And that is something that concerns a lot of the American people these days, especially as health care moves more towards for-profit health care, more towards managed care. Let me give you another example.

This example, whose name is Wendy Connelly, a wife and mother from Sherwood, OR, is yet another reason why we need a Patients' Bill of Rights.

In 1994, Wendy Connelly experienced symptoms of what she feared was a heart attack, including heaviness in her chest and a heart that began beating wildly, at a rate approaching 150 beats per minute. She thought she was having a heart attack, so Wendy sought treatment at the local hospital emergency room, as one would likely do in that situation. Fortunately for Wendy, the doctors on call treated her for what was not a heart attack, but rather, a previously undiagnosed thyroid imbalance. When she first began to fear the worst, Wendy had contacted her HMO's on-call physician for advice. Obviously, he was unable to make an over-the-phone diagnosis for her, and he told her to seek emergency room care if her symptoms did not subside. And so she did. But when the bill came due, the HMO denied payment of Wendy Connelly's claim. They said that her case was not deemed emergency care. The HMO was basing its decision on the final diagnosis, not the heart-attack like symptoms that sent her to the emergency room.

Wendy Connelly, to her credit, felt that the HMO was wrong in its denial, and so, for more than a year, she sent letters explaining what had happened. Even her doctors and the hospital that treated her urged the HMO to cover that claim. Finally, the HMO conceded and she was no longer liable for the costs that she incurred more than a year before. But she decided that she would help others in this situation who were being unfairly denied coverage, so she filed a complaint against the HMO with the Oregon Department of Insurance. It was found by the Department of Insurance that what had happened to Wendy Connelly was a routine practice for this insurer. If a person went to the emergency room but found that the final diagnosis is not something that would require emergency care, despite what the presenting symptoms were, then the claim was denied.

Here is what Wendy said:

> I went to an emergency room (because) I thought I was having a heart attack. . . . I felt that if I went somewhere else or delayed longer, I would (have been) putting my life in jeopardy.

But all across the country now we discover these cases, time after time after time, of the managed care organizations deciding that they won't cover someone showing up in an emergency room. Or, in fact, some of them have clauses in their contracts with their doctors that say if a doctor's patient shows up in the emergency room, it comes out of the doctor's compensation for the managed care organization. You talk about a terrible incentive; you talk about a conflict of interest; that is it.

We have proposed a Patients' Bill of Rights, proposed by Democrats and Republicans, in the Congress. Let me go through, just for a moment, what some of these rights would be.

Patients in this country ought to have an opportunity to know all of the medical options available to treat their illness or disease—all of the medical options, not just the cheapest. A number of managed care organizations have gag rules in their contracts with their doctors. They will only allow their doctors to tell patients what they want the patients to know. If there are other treatments available, perhaps better treatments, treatments that are more appropriate but perhaps more expensive, then they have no obligation to tell the patient that there are other treatment options. Many patients worry, and some investigations confirm, that often the patients learn not all of the treatments available but only those which are the cheapest.

You have a right to choose the doctor you want for the care you need, including specialty care. One person from my home state of North Dakota whose employer recently switched to a closed network health plan has a chronic heart condition. But his new health plan has refused to allow him to see the cardiologist who has been caring for him for this heart condition for a decade. This employee has no option to choose a health plan that will allow him to continue seeing his cardiologist, even though he says he is willing to pay for that right. So under the Patients' Bill of Rights, patients will have the right to choose the doctor they want for the care they need.

You have the right to emergency room care whenever and wherever you need it. In fact, a Missouri managed care organization plan sent all of its customers a letter saying a trip to the emergency room with a broken leg, or a baby running a high fever, should not generally be assumed to be covered. The letter read like this:

> An emergency room visit for medical treatment is not automatically covered under your benefit plan.

An Arkansas woman suffered a broken neck in a car wreck and was rushed to the hospital. Her managed care company refused to pay for her emergency room care—this is a patient with a broken neck from a car accident—because she failed to get prior authorization. Managed care organizations think that the first thing to do when you break your neck in a car accident is to seek prior authorization to get to an emergency room? So, another of the patients' rights is the right to emergency room care whenever and wherever you need it.

You also have the right to a fair and speedy process for resolving disputes with your health care plan. You have the right to considerate, respectful care without discrimination. You have the right to keep your medical records confidential.

Why is it important that these rights be made available to patients? Because too many managed care organizations are denying those basic rights to American citizens and to those who are sick right now. We have a proposal that has been dealt with by the Senate, dealing with mastectomies. Why should the Senate be talking about the length of hospital stays available for a woman who has a mastectomy? Because managed care organizations are taking these women into hospitals for mastectomies, radical mastectomies, and 8, 10, 12 hours later, with tubes coming from their bodies, sending them home. And the same is true with

drive-through baby deliveries. That is why Congress addressed that particular problem in 1996.

Is this body part by body part legislation the best way to address these issues? No, not for Congress to be dealing with these specific procedures. But why are we even confronted with this? Because health care all too often—regrettably, for those who are sick, for those who are in need of health care—has become more a function of dollars and cents, more a function of someone's profit and loss, than someone else's critically needed health care. That is why we want a Patients' Bill of Rights passed by this Congress.

Some say this will cost a lot of money. No it will not. The ultimate cost for the American people is to deny treatment, to deny coverage, and deny opportunity for those who are sick to get the treatment they need. If you want to mushroom the health care bill in this country, then keep doing what we are doing and say to the American people: If you break your neck, we won't pay for emergency services for you because your first stop should be some accountant's desk to get prior authorization. Your first stop, before the doctor's office or the hospital room, is to appeal to some accountant in an insurance office 500 miles away to ask what kind of health care delivery that managed care plan will give you, your child, your parents, or your family. That doesn't make any sense.

Doctors all across my State and across this country support the Patients' Bill of Rights, because they understand medicine ought to be practiced in the doctor's office and in the hospital room, not in some insurance company's office by some junior accountant who is 500 or 1,000 miles away from the problem the patient is suffering.

Mr. President, I hope very much that in the coming weeks this Congress will include on its agenda a Patients' Bill of Rights so that all Americans will understand their rights and all managed care organizations will understand their obligations to people in this country when they need health care.

FARM CRISIS

Mr. DORGAN. Mr. President, as I finish my time I want to turn to a separate matter for a moment to discuss some meetings that I held in North Dakota during this past week. While the U.S. Senate was not in session, I held a number of farm neighbor meetings around North Dakota to talk about the farm crisis that exists in our part of the country. It is not something you read much about, but it exists and it is serious.

We have seen all kinds of natural disasters and they break your heart. We have seen tornadoes, earthquakes and floods. We have had floods in North Dakota, our neighboring State of South Dakota had devastating tornadoes over the weekend. They are all tough to deal with.

But there is another kind of crisis and disaster that occurs that does not come from a single event that climaxes in massive, visible immediate destruction. I am talking about a farm crisis that is devastating farm families in States like North Dakota. Chronic grain disease, such as scab that results in vomitoxin, chronically low farm prices, a wet cycle, diminished production, and a range of other things have combined to put literally thousands and thousands of family farmers in harm's way. By harm's way, I mean these farmers are not going to get financing to put in another year's crop. They are going to see their lifelong dream of operating their family farm gone, ripped apart and torn to shreds.

At one of the farm neighbor meetings I had, there were three generations of farmers sitting there—a granddad, a dad and a son. The son was about 20 years old, kind of a husky young man. The granddad started that farm many, many decades ago, and the father took over that farm. Now the son is getting ready to graduate from college and would like to come back and farm as well. But the son said he wasn't sure he was going to be able to do that. In fact, the dad wasn't sure he was going to be able to hold on to the farm even if his son did want to farm it. Three generations of farmers and their hope for the future is gone.

At one of the farm meetings we had, the sky clouded up with big black storm clouds to the west. A storm was imminent, when one of the farmers stood up and explained what a lot of people probably do not understand.

He said, ''You know, I've lost money 4 years in a row. I run a small grains farm. I put my kids through college. This is what I love to do. It is what I know to do,'' and he said, ''yet, the grain prices are far below my cost of production. We have had crop disease and every problem you virtually can conceive of, and I don't know how long I can keep farming.''

He said, ''See that cloud bank out west. Those storm clouds that will be here in an hour or so, that's pressure. That's pressure for us, and people don't understand that. That might ruin what little crop that has started to come. That might wash out seeds that haven't yet sprouted. That is pressure.''

You don't think much about that until you sit on those farmsteads and visit with the farmers who are trying to make a living under very difficult circumstances.

Farmers are the only business men and women in this country who have the following kinds of problems of risk: One, when they plant a seed after they plow the soil in spring, they have no idea whether the crop is going to grow, whether it be wheat, barley, flax, or corn. If it grows, maybe a month later the grasshoppers come. Maybe it is insects, maybe it is hail, maybe crop disease or maybe a dozen other things conspire to destroy that crop.

But maybe the crop doesn't get destroyed and the farmer harvests the crop and takes it to the grain elevator. Then maybe, as is the circumstance today, that farmer gets $2 a bushel less than it cost him to produce the wheat. Then the farmer wonders, ''I took all these risks and end up losing all my money, all my equity, and then I am told by my banker that the U.S. Congress changed the farm program and reduced price supports so I can't cashflow anymore. Because Congress changed the farm programs, I no longer have the loans available to me to put in the spring crop.'' And they rightfully wonder what is happening to our country.

We must, as a country, do something if we want to save family farmers. This country has an obligation to stand up in international trade and farm policy. We need to say that a network of family farms in our country's future matters to this nation.

We can do better in a range of areas. We need a better crop insurance program, a better price support program, and better trade policies that prevent other countries from unfair trade practices against us. We can do all these things.

This Congress, in my judgment, has a responsibility now to respond to the growing farm crisis. I hope my colleagues who come from farm States will understand that this is not some parochial issue. It is not some parochial concern that is of no consequence to anyone else.

It is of consequence to everyone in this country whether or not our family farmers have an opportunity to survive and succeed. I think it is interesting, Mr. President, that the price of wheat has gone from $5.50 a bushel to $3.50 a bushel, nearly $2 below the cost of production for a bushel of wheat. And yet, at the same time, the folks in town go to the grocery store and they discover the price of bread has increased a bit. The price of wheat has dropped like an anvil, and the price of bread keeps going up. The price of wheat drops, the price of cereal keeps going up. What it says is that family farmers are down there at the bottom of the economic totem pole. Yet, they are the ones who produce. They plow the ground in the spring, they harvest it in the fall, they take all the risks in between and, in all the circumstances, they are the ones who lose the money. At the same time the big millers have record profits and the big grocer manufacturers have record profits. You can take a look at the big grain trading companies—record profits.

Everybody profits, except those who have to put on work clothes to plant the field and harvest the crop. It is everybody who doesn't have to work in that kind of a situation who makes a record profit, while the farm families are going out of business.

In my home State, they have had to call auctioneers out of retirement to handle the number of auction sales for

family farms going out of business this year. There is something wrong when we say as a country, ''Gee, our economic policy is working quite well,'' and then we see all these family farmers going out of business.

One part of this is trade, and I might just finish today by mentioning trade. In almost every circumstance, this country has refused to stand with its producers on trade, and that is especially true with farm producers. It has refused to do what it should have done on United States-Canada grain trade in which this country is flooded with subsidized Canadian grain. It refuses to do what it should do with respect to China, Japan, and Europe.

Just last week, we finally began confronting unfair trade, when the Secretary of Agriculture took action against the European Union for sending a ship that docked in California loaded with barley. That barley was deeply subsidized, to the tune of over $1 a bushel. Secretary Glickman, to his credit, took the first action. It was a step, it was a baby step, but, nevertheless, a step in the right direction. In taking it Secretary Glickman is saying to the European Union: ''You can't do that to this country. You can't do that to our farmers. You can't take money directly out of our farmers' pockets. In this case of unfair trade, you can't do that with impunity. This country will not allow you to do that.''

Mr. President, I am going to speak later this week about farm policy and some of the related issues that we have to deal with—crop insurance, trade, price supports, investment in research for crop disease, and a whole range of other things.

I say to my colleagues, this is critically important. There is, indeed, a farm crisis and we have a responsibility to respond to it in a thoughtful and important way.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

NATIONAL TOBACCO POLICY AND YOUTH SMOKING REDUCTION ACT

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 1415, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 1415) to reform and restructure the processes by which tobacco products are manufactured, marketed, and distributed, to prevent the use of tobacco products by minors, to redress the adverse health effects of tobacco use, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Gregg/Leahy amendment No. 2433 (to amendment No. 2420), to modify the provisions relating to civil liability for tobacco manufacturers.

Gregg/Leahy amendment No. 2434 (to amendment No. 2420), in the nature of a substitute.

Gramm motion to recommit the bill to the Committee on Finance with instructions to report back forthwith, with amendment No. 2436, to modify the provisions relating to civil liability for tobacco manufacturers, and to eliminate the marriage penalty reflected in the standard deduction and to ensure the earned income credit takes into account the elimination of such penalty.

Daschle (for Durbin) amendment No. 2437 (to amendment No. 2436), relating to reductions in underaged tobacco usage.

Daschle (for Durbin) amendment No. 2438 (to amendment No. 2437), of a perfecting nature.

Mr. GRAMS addressed the Chair.

The PRESIDING OFFICER (Mr. HAGEL). The Senator from Minnesota.

Mr. GRAMS. Mr. President, I rise this afternoon to express some of my concerns dealing with the tobacco tax increase legislation that we are close to considering, including how we deal with this country's tobacco farmers.

I believe we should do what we can to assist tobacco farmers and their communities' transition for a supposed decrease in demand for tobacco products that will result from this bill's passage.

However, I would like to share this cartoon by Mr. Ed Fischer which illustrates a very important point: Do we value tobacco farming and tobacco-dependent communities more than other producers and their communities? ''Guess which farmers in trouble will get a huge government bailout?'' I have serious doubts this legislation will actually reduce tobacco growth and consumption in this country as much as proponents claim. As such, I question whether the type of support we are willing to rush in and throw at tobacco producers and tobacco-dependent communities is warranted.

My understanding is, under both proposals, there is no requirement that tobacco farmers actually stop producing tobacco; they will just have to assume all the risk, like other farmers under the freedom to farm bill which was signed into law in April of 1996. The freedom to farm bill contained transition payments, but those payments pale in comparison to what we are talking about here. All crops combined under the transition to Freedom to Farm—corn, wheat, soybeans, et cetera—amounted to less than $1,500 per acre over 7 years. This bill would amount to about $18,000 per acre over 3 years. Yes, it is a phase-out of the tobacco program, but let us be fair to the farmers, but also let us be fair to the taxpayers.

Mr. President, I am very sympathetic to the plight of tobacco farmers, their families and their communities, who suffer as a direct result of Federal policy. The tobacco farmers are certainly not alone in facing unfavorable—even crushing—circumstances at the hands of the Congress.

The point I now propose is that we cannot hope to maintain any semblance of consistency if we favor one agriculture product over all others. Let us not get caught up in the hype of this tobacco legislation today to forge a plan that will cost taxpayers more than necessary. Let us be fair, but let us be reasonable. How can we explain why we favor one product over another?

My colleagues and I from the Upper Midwest have been fighting a constant battle against Federal dairy policy for years.

And again just look at this cartoon: ''Guess which farmers in trouble will get a huge government bailout * * *''

The dairy producers of the Upper Midwest have long been disadvantaged by having to bear the burden of unjustifiable dairy policy which does not reflect the realities of modern dairy economics. This current Federal policy—specifically, Class I milk price differentials—is widely recognized as antiquated, unjustifiable, and patently unfair.

In fact, USDA's current Federal marketing order system was deemed ''arbitrary and capricious'' by a Federal district court judge late last year. The case brought against USDA has been in the courts for 7 years, and the judge's ruling was no less than the fourth such proceeding in the history of the case.

The courts have ruled four separate times the Federal dairy program is arbitrary and capricious. Bottom line, it is unfair. And what has been the response of the USDA? Not to accept the decision but to appeal. The Government should not be in the business of picking winners and losers in agriculture, but it is doing so in this case.

I hate to be arguing the dairy issue during the debate on a tobacco bill today, but I believe it supports my argument that: if we are to go about bailouts in a reasonable manner, we should address the Upper Midwest dairy farmers as well. Would anyone in this Senate vote to pay our dairy farmers $18,000 an acre? I doubt it.

Dairy farmers have endured inequities for decades. We in Minnesota in fact are losing an average of three dairy farms every single day. The irony is that milk is a health product. It is a product we encourage our children to consume. How can we possibly suggest that Minnesota's dairy industry does not deserve equal protection from this Congress?

Mr. President, I would also like to express my opposition to S. 1415 in its entirety.

I have listened to a number of my colleagues come to the floor and claim many things and cite many statistics. One of those statistics was that 75 percent of regular smokers could not quit if they wanted to. While I will not take issue with this figure, I do have a problem with the fact that proponents of this bill are so willing to take advantage of these smokers' inability to quit.

Let us forget about the figures and rhetoric for a moment and ask the more important question: Why are we persecuting these people because of their addiction?

If someone is addicted to alcohol, are we going to increase taxes on them? If someone is addicted to drugs, are we going to increase taxes on them? Of course not, because we give them all sorts of Government benefits amounting to thousands of dollars a year.

So if you are addicted to one type of drug, the Government is going to give you thousands of dollars a year in assistance, but if you are addicted to another type of drug—in this case nicotine—we are going to tax you more money every year.

Congress wants to tax you, in fact, at a rate of about $1,400 a year. And it simply does not make sense. It does not make sense for us to be discussing this legislation as if it were a tobacco settlement.

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, what is the parliamentary status at this point with respect to the bill?

The PRESIDING OFFICER. Currently, we are on the consideration of S. 1415, and there is a motion to recommit pending with amendments pending thereto.

Mr. KERRY. That is the pending business?

The PRESIDING OFFICER. As well as amendments pending to the underlying measure.

Mr. KERRY. Mr. President, at this point in time I believe I have the floor; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. KERRY. Mr. President, I ask my colleague from Minnesota how long it would be his intention to speak, if he did wish to continue to speak?

Mr. GRAMS. It would be for only about another 5 to 7 minutes—less than 10 minutes.

Mr. KERRY. Mr. President, I ask unanimous consent that the Senator from Minnesota be recognized to complete his comments without my losing the right to the floor at that point.

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

Mr. KERRY. I thank the Chair.

Mr. GRAMS. I thank the Senator for allowing me to finish this statement.

Just to finish, Mr. President, we are talking about the tobacco bill and addiction. And I just say, let us forget about the figures and rhetoric for a moment that is surrounding this bill and ask the more important question: Why are we persecuting these people because of an addiction?

Now again, if someone is addicted to alcohol, are we going to increase taxes on them? If someone is addicted to drugs, are we going to go out and increases taxes on them? Of course not, because we give them all sorts of Government benefits amounting to thousands of dollars a year if they are addicted to alcohol or other illegal drugs. But if you are addicted to nicotine, Congress wants to tax you as much as $1,400 a year. And I believe it simply does not make sense.

It also does not make sense for us to be discussing this legislation as if it were a tobacco settlement. This is not a tobacco settlement. It is a tax increase to pay for increased Government spending programs. Supporters of this tax increase assert that if you vote against this bill, you are for big tobacco—if you vote against this bill, you are for big tobacco—if you vote for it, you are compassionate and you are taking a stand for the health of our children. But this isn't really about our children, is it? It is about lining Washington's coffers with more taxpayer dollars.

Let us talk about the statistic that 3,000 kids start smoking every day. That statistic has been thrown around the floor of the Senate and the White House with complete disregard for the facts. In his editorial, entitled ''Child's Ploy,'' Jacob Sullum points out—and I quote—

> This estimate comes from an article published in the Journal of the American Medical Association in January of 1989. Based on data from a National Health Interview Survey, the authors estimated that one million ''young persons'' became regular smokers each year during the 1980s [again, that one million ''young persons'' became regular smokers each year during the 1980s], which amounts to about three thousand a day.

That figure refers to 20-year-olds. And since the study did not include data for anyone younger than that, somehow these now ''young persons'' have metamorphosed into kids. At least one commentator on CNBC referred to them as ''babies.''

It started out as people 20 years old, ''young persons,'' and somehow it got transformed into ''kids.'' And even one commentator referred to them as ''babies.'' I think this demonstrates how far the crusaders are willing to go to punish and tax adult smokers in order to fund Washington's wish list for more Government spending.

There was another point Mr. Sullum made which I think deserves to be voiced on the floor. He wrote:

> While it may be true that the young are especially attracted to smoking, it is probably also true that people who are especially attracted to smoking tend to start young.

Mr. President, I agree, we should be doing more to reduce and discourage our children from smoking. I do not believe the legislation before us is truly about reducing teen smoking or recovering the Government's cost of providing health care to smokers. It is about money.

When I ran for the Senate 4 years ago, I made a very simple promise during my campaign. I said I would never vote to increase taxes. The bill before us does just that—increases taxes on those who use tobacco products, who largely are the ones who can least afford a $1,400-a-year tax increase. The lion's share of the hundreds of billions of dollars collected under this bill will come from families and individuals who earn $30,000 a year or less. That is simply wrong.

During debate on this bill, there have been some who have questioned the sincerity of our concern for the well-being of America's working people. They go on and on to say, if we are so concerned about their well-being, we should vote for an increase in the minimum wage later this year. I guess that will be great for the teenagers who, by the way, hold most of the minimum wage jobs in America, because they then will be able to afford the cigarettes on which we are just about to hike the taxes.

It has been said by proponents that everyone and anyone who votes against this legislation has been bought off by big tobacco and we don't care about our children. Of course, nothing could be further from the truth. Frankly, I resent that type of accusation.

During the Budget Committee's consideration of the budget resolution, I voted for what I thought was the most appropriate use of any tobacco settlement funds—dedicate them to Medicare. After all, isn't that where most of the smoking-related illness costs are?

There was another important provision from the budget resolution as well. We increased funding for youth smoking cessation programs. The budget assumed $825 million would be spent on trying to prevent teens from smoking and helping those who are trying to quit. The States are increasing their efforts in this regard as well. This is a positive approach and addresses the underlying problems that we face.

It should be noted that our budget this year more than doubled the amount of money spent on preventing teen smoking than President Clinton had even requested in his budget, and he assumed at that time that there would be a tobacco tax. So we included twice as much in our budget, not assuming that.

This legislation before the Senate today is not about protecting kids from tobacco. It is not about punishing big tobacco. It is not about health care either. This is just one more way for Washington to take and spend more of the taxpayers' money.

Mr. President, if and when this legislation is fully phased in, Federal and State Governments will be profiting more by the sale of tobacco products than the manufacturer. Again, Mr. President, if this bill is phased in, State and Federal Governments will be profiting more by the sale of tobacco products than the manufacturer. Something is horribly wrong when tax rates reach that proportion.

Mr. President, in 1997, a man in Kentucky pleaded guilty to one of the largest cigarette smuggling cases in our Nation's history. Over the period of just 1 year, this individual made nearly $30 million—$30 million transporting contraband cigarettes.

I learned of this story from the National Association of Police Organizations, which sent me a letter also opposing S. 1415, again, because of the threat of increased black market activity, which is clearly already occurring. Those of us with border States know how prevalent and easy smuggling already is. Will we just shut down our borders, or will we search every person crossing them?

Other law enforcement organizations have weighed in, sharing basically the same concerns about a potential black market: The Fraternal Order of Police, the Federal Law Enforcement Officers Association, the International Union of the Police Associations, and the International Association of Chiefs of Police. All of these organizations, whose primary duty is to enforce the law of our Nation, recognize this legislation will be the catalyst for a huge black market in cigarettes. As a result, teen smoking will probably increase, not decrease.

Supporters of this legislation claim we need to increase taxes to get a shock value from it. I want to remind my colleagues of what four very bright teenagers had to say at a House Commerce Committee hearing on youth smoking when asked if price were really a factor in whether teens buy cigarettes. One of the teens said if money were a huge issue, then kids wouldn't be buying marijuana as much.

I believe this teen has it right and also brings up another important issue. When asked what they believed to be the most pressing problem for our Nation's high schools, all agreed that alcohol and marijuana were much more serious. If the same commitment this administration and this Congress have shown to fighting tobacco had been applied to the drug problem, I think we would be hearing a very different answer. Under this legislation, we will fund massive new Government programs for tobacco but we will remain silent about the drug problem in our Nation. I question whether this is the wisest course for us to take.

In closing, I cannot in good conscience support the Washington money grab, masquerading here as the National Tobacco Policy and Youth Smoking Act. If we were being honest with the American people, the bill would be entitled ''the National Tobacco Tax and Spend Act.'' It is not about public health or protecting our kids or cutting big tobacco down to size; it is all about taxes, taxes, taxes. This Senator is not going to be bullied into raising taxes on America's hard-working men and women.

I yield the floor.

Mr. KERRY. Mr. President, I ask unanimous consent, for the duration of the afternoon until the Senate either goes out of legislative session or adjourns, that we would be confined to debate only and to no parliamentary procedures with respect to the tobacco bill.

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

Mr. KERRY. Mr. President, I do want to make a few comments. I know my colleague from Texas wants to speak, and in keeping with the unanimous consent agreement that we have, I will not talk as long as I had intended to. I do want to try to make a few comments, if I may.

First of all, I will make a couple of comments about where we find ourselves now as we return to the tobacco legislation. Just prior to the Memorial Day recess, the Senate had dealt with two of the most difficult issues with respect to tobacco of perhaps the four or five issues that people assume are the difficult hurdles we need to get over. Those two, obviously, were: The question of price—whether it would be a price of $1.10 or $1.50; and the second issue of the liability, as it was called, the question of the cap or amount of payments that would be made in any 1 year.

The third of those difficult issues is now pending, the so-called look-back provisions, in the amendment by Senator DURBIN and Senator DEWINE, which seek to strengthen the ability to get individual companies to be able to take part in, to have an incentive to be part of, the process of trying to reduce teenage smoking.

Obviously, the LEAF program hangs out there as a very critical issue. There are a couple of others, depending on what shape the debate takes over the course of the next days. Then there will be, no doubt, a few individual amendments here and there, but I don't think they present the Senate with the kind of larger issues that we need to face, that have been presented in the context of those amendments I have just talked about. It is possible, with a considerable amount of effort over the course of the week, to dispose of the most difficult issues regarding this legislation, if there is a good-faith effort to try to move forward.

I will make a couple of comments about a few of the points that have been made both as we closed debate a week ago and also in the early hours of the debate, the comments that have been made today.

First of all, with respect to smuggling, the smuggling that has taken place so far with respect to American cigarettes has been a one-way smuggling out of the United States. Our brands, which are popular internationally and known to be among the best cigarettes, are those that have been smuggled into Europe, where the prices are higher than those that were smuggled temporarily, for a brief period of time, across the border into Canada. We currently don't foresee that kind of problem, according to most people within the law enforcement community who have been asked about it in a series of hearings where the Treasury Department, Customs, and others were also inquired of with respect to the difficulties regarding smuggling.

I underscore the testimony of Deputy Treasury Secretary Larry Summers, before the Senate Judiciary Committee on April 30, where he said: ''The Treasury Department believes that the creation of a sound regulatory system, one that will close the distribution chain for tobacco products, will ensure that the diversion and smuggling of tobacco can be effectively controlled and will not defeat the purposes of comprehensive tobacco legislation.'' And most people would agree with that because most people who smoke want to smoke the brands they are accustomed to and that they like and are known to be the best. So depending on whether you are smoking Newport, or Marlboro, or whatever among the most popular brands, those brands are going to be manufactured here, not elsewhere. They are going to be marked in a way and designated in such a way as to be exceedingly difficult to replicate or bring in. The bulk makes them difficult to replicate and bring in. It is far more profitable to continue to smoke even, as people do, heroin, cocaine and other illegal substances.

Most people in the law enforcement community who are tracking these kinds of things do not believe that raising our cost of a pack of cigarettes to the level of almost an equivalency to Europe will, in fact, increase smuggling. It will reduce smuggling because there will be less incentive for our cigarettes to be smuggled to these other countries since our prices will be commensurate with theirs.

There is another reason why that smuggling would be difficult. This is not a fee which is paid, or an assessment which is paid exclusively at the retail establishment so that you have a huge differential between the price of a carton of cigarettes at the manufacturing location, and then it rises very significantly at the retailer so that there is a huge grab in between. The assessment is a manufacturing assessment; it is a fee that is placed by the manufacturer. It is not unlike a value-added concept so that it is passed on, and as a consequence of that, there is no differential that creates an incentive between manufacturer and retailer. The result of that is you have a tracking system in place where the incentive is obviously for the manufacturer to recoup what the manufacturer already has paid out-of-pocket, and that recoupment comes by having a very strict system in place for the tracking.

So as the Treasury Department said, you need to have all entities in the distribution chain for tobacco products—the manufacturers, the wholesalers, the exporters, the importers, the distributors and the retailers, holding a license or permit. That is precisely what will be existing. The licensing will be done at the State level. Licensing can be revoked or suspended for any kind of specific violations, and those conducting business without it obviously would be subject to the same kind of penalties.

Secondly, there would be a marking, branding and identification of these

packages for domestic distribution and for export so that it is very difficult to divert. And the sales structure from the manufacturer to a specifically identifiable person for whom they are accountable also makes it exceedingly difficult for this kind of diversion to take place.

But I think the more important thing is to focus on the most critical issue here. We have heard a lot of talk about the cost of this bill. A number of opponents of the bill—people who seem to be out here prepared to allow the tobacco companies to continue to do what they are doing because they offer no alternative for what they are doing—are arguing that there is a regressive cost here to Americans, that this is somehow too costly. And suddenly, the same people who have proposed tax cut after tax cut after tax cut for the wealthiest Americans, at the expense, most often, of those who pay the most regressive taxes, are becoming the champions of the poor. I wonder if these crocodile tears that we are hearing for those people who smoke in the country—which I remind everybody is a voluntary act; no one is taxed who doesn't decide to go smoke. Nobody has to pay something who isn't actually smoking. Given the number of addicts that we have in the country and the amount that those addictions cost every American, the real regression here is the regression that falls onto the average American who is paying the health care costs of people who are addicted, the health care costs of people who get diseases for which they are either not covered or can't pay.

There are countless, countless costs associated with smoking. None of my colleagues on the other side want to come and talk about that. They don't want to talk about the billions of dollars that Americans are assessed because of the cost of a substance being sold that is addictive and is a killer substance. That is the bottom line here. Everybody says, oh, yes, we have to stop our teenagers from smoking. Yes, we have to have preventive programs. But then there is no talk about how you put them in place; there is no talk about what preventive programs are going to be put in place, or how are you going to fund them. No discussion whatsoever. It is just a generic, flat opposition to this particular piece of legislation which seeks to do something real about the problems of smoking.

The fact is that 98.5 million American households, families of smokers, and most importantly, nonsmokers, pay about $1,320 a year to cover the damage that smoking does to our society. Every single working family in America, including those who live on the minimum wage, and those struggling to send their kids to college, or to pay for parochial school, or just to make ends meet, are paying for America's deadly smoking habit today.

The reality is that the overall smoking cost to our society is about $130 billion a year, and that cost measures the medical costs of smoking—the cost of smoking during pregnancy, the cost of lost output from early death, and even the lost work days, lost productivity that we get as a consequence of this. This taxes every single American, and the question is whether we are going to reduce taxes on Americans by finally stepping up to tackle the problem of smoking.

A lot of people argue this is about family economics. They come to the floor and suggest that family economics dictate that in fairness we not somehow tax a person at the minimum wage who is going out and smoking. Well, they are right; it is about family economics. The problem is they are not on the side of families, because those of us who are fighting to pass this legislation are looking for a way to provide some kind of relief to working families by passing this legislation.

The fact is that if you are not willing to put in place a tough regimen for reducing teenage smoking, you are in fact augmenting the burden that American families are already paying. The fact is there is a $60 billion-a-year cost in medical costs alone related to smoking. Over 40 percent of those costs—fully $25 billion—are covered by Medicare and Medicaid. Medicare and Medicaid are paying for $25 billion a year of the cost. That is a tax. That is a tax on Americans of $25 billion a year that is paid by all Americans, even those who don't choose to smoke, even those who hate smoking, even those who make every effort possible to avoid secondary smoke in public places. They wind up paying the tax on the medical costs for those who choose to smoke, or those who are addicted and have little choice as a consequence of a habit they picked up as teenagers.

The important thing to remember here is this: For all those adults who are smoking today, 86 percent of them got hooked on smoking when they were teenagers. All of the analyses show if you can make it through your teenage years without getting hooked on the habit, without smoking, the likelihood of your having the development of character and a sort of health consciousness that would then keep you from smoking is significant. Most of these people who start smoking in their teenage years start at the ages of 13 and 14 years old. In fact, a very significant proportion are hooked by the time they are 14.

Now, we know to a certainty that price affects the availability of any commodity to anyone. Clearly, for young kids the amount of cash which they have in their pockets is going to be spent according to the cost and what particular benefit they deem they are getting for that cost. If you raise the price, it is clear there will be less availability.

But that is not all we are doing, Mr. President. This legislation doesn't just raise the price and say, OK, we have done the job, let's go home. This legislation sets up a whole set of efforts to reach out to young people, to increase the awareness regarding addiction, to increase prevention programs, to increase our research efforts within the NIH and the medical community in order to understand addiction better. It increases our capacity to learn whether we can reduce addiction among adults in significant ways.

There are a host of other benefits that come with this legislation that are critical. But equally as critical is what the Senator from Illinois is trying to do, Senator DURBIN, in the so-called look-back amendment. It doesn't do you a lot of good to simply pass a piece of legislation that somehow leaves the tobacco companies out there in a way that they are not going to be part of the solution of trying to reduce the access of kids to smoking. If the tobacco companies have a strong incentive to be part of that process, then we have a much better chance of reducing smoking and meeting our goals.

So the look-back provisions are a way of giving the tobacco companies a grace period in order to be able to make the adjustments in their advertising and their distribution process in order to help in the education of young people and, through that process, significantly reduce the desire of young people to smoke, because it somehow makes them look older and makes them look cool as a response to peer pressure and a whole lot of other reasons that young people do choose to smoke.

I might add that we have come to understand very well what those reasons are. Over the course of the last years, while the struggle has been going on between the tobacco industry and people who want kids to be able to lead healthier lives, during the course of that time there have been many, many, many analyses, many surveys, many focus groups, many discussions, many polls, all of which have indicated the degree to which young people smoke as a consequence of either peer pressure or a desire to kind of fit the role model that they may have seen in a movie, or somehow to be older, to look older, at a time in life when some of those choices are important.

We were at a tobacco forum in Boston, MA, about a month or two ago with Vice President GORE. We had testimony there from an adult who today has great difficulty breathing, who today is confined to a wheelchair, who testified personally to how the lung problems she has today and the diseases that she is now suffering from came directly from smoking, which came directly from her desire to look older. As she said to those kids who were assembled at this forum, ''Boy, I sure succeeded in my goal. I look a lot older now.''

Those kinds of testimonials are the most important kinds of ways in which we can, hopefully, reach our young before they fall prey to this addiction.

What we need to remember as we think about the ''cost'' of this bill is

that the cost of this bill is minimal compared to the cost to society of people whose lives are literally ruined as a consequence of the cancers, or liver disease, or heart disease, emphysema, that some members of their family suffer. There are kids in this country whose parents are unable to send them to college, or to buy them books, because of their $13,700-a-year habit to buy cigarettes. That is what you are talking about.

So if you want to talk about the real costs to America, the real costs to America are not contained in the first ever comprehensive effort to try to do something about our narcotic killer substance that is being sold across the counter to anyone who wants to buy it. The real costs to our society are costs as a consequence of that happening without the Senate of the United States or the Congress being willing to take action to respond to it. Again and again this week, Mr. President, I hope we are going to be reminded about those costs to the United States.

We have people who have been addicted to cigarettes in this country since they were kids. And, literally, there are cases where I have heard people say that they had to tell their kids that they couldn't do X, Y, or Z for their children because of their addiction. The cost of smoking in that regard is enormous.

Consider the cost of smoking while pregnant. The truth is that a pregnant woman who smokes daily and suffers complications will spend $8,000 more than a nonsmoker in trying to deliver a healthy baby. That is a cost you do not hear our colleagues on the other side of the aisle talking about. That is a cost that the tobacco companies don't offer up as one they ought to be responsible for. That is a cost to society and a long-term cost to the future of that child. Smoking while pregnant doubles the risk of having a low-birthweight baby. And that, as we all know, significantly complicates the postnatal period, raising the costs by thousands upon thousands of dollars in hospitals.

If that doesn't communicate how serious the problem is, look at the impact. Forty-eight thousand low-birthrate births are caused by smoking each year—48,000 children who may suffer medical problems their whole lives because of smoking that took place during pregnancy. These are 48,000 kids whose lives will be affected for the rest of their lives. I am not sure how you measure that financially.

So as our colleagues come to the floor lamenting the fact that we are asking that people who buy these as a matter of course, on their own decision, on a voluntary basis, would have to pay a little more for their substance that costs all of us a lot more, that is not too much to ask. It is certainly, when you balance it more appropriately, not to protect the tobacco companies; it is to protect the rest of America against those costs. That is the choice that I think most Americans see exist in this legislation.

The reality that has been lost in some of the debate about the costs of this legislation is the reason that the Senate is now presented with this vital legislation. It is my hope that over the course of the next days we will be able to move forward on it.

A quick word about the look-back provision, and then I will yield to my colleague.

The look-back provision is a provision that seeks to try to create a sensible balance in how you invite the cigarette companies to really act more responsibly. Unfortunately, there is a long, long track record of the cigarette companies acting irresponsibly. That is a smoking record in the final analysis. Everybody remembers the times that cigarette executives came up here and raised their hands and swore to tell the truth and nothing but the truth. The truth is, they did not tell the truth, and now all of America knows that.

Now, as a result of some courageous attorneys general around the United States taking suit against the cigarette companies, we have received documents that show the degree of the deception, the degree to which there was literally a predatory attack on the young people of our country. That is the choice the U.S. Senate faces here—whether we are going to just talk about protecting our kids from that kind of predatory attack, or whether we are going to actually do something about it. It is a choice that will be very clear to the American people who are going to watch what the Senate of the United States does here.

But the question is, How do we get the cigarette companies to take actions that do not try to subvert what we do here? How do we guarantee or at least provide the best structure that we can to invite them to become part of a solution? The way to do that, Mr. President, in my judgment, is to strengthen the look-back provision so that there will be a stronger incentive on the individual companies to participate. Currently, there is a $4 billion cap industry-wide that suggests that a company that decided, ''Well, we are going to just ride the wave of the industry, we will not take part that much, and if we don't happen to meet the goal, then this is not going to cost us as much because the rest of the industry is going to pick up the cost,'' there is a sense, even though there is a penalty of $1,000 per child per percentage point, that they don't meet the goal, which we feel may not be a sufficient goal.

So the Durbin-DeWine amendment seeks to shift the remainder of that so that there is less of a cap, less of a requirement on the industry-wide payment and more of an individualized, company-specific payment in order to provide a stronger incentive for that company to become part of the solution here.

I think above all the American people have reached a point where they understand that they want these cigarette companies to act responsibly. They want them to be part of the process of helping to protect their kids from exposure to this narcotic substance.

On that basis, Mr. President, that is where we find ourselves today. We will debate through the afternoon. And at some point tomorrow there will be some resolution—I guess late tomorrow—with respect to the parliamentary status that we are in.

The PRESIDING OFFICER (Ms. COLLINS). The Senator from Texas.

Mr. GRAMM. Madam President, I wish we could pass a resolution or a bill that would stop every child from starting to smoke and that would stop every adult from smoking.

I begin with a little personal experience. I have been alive for 55 years. I have spent much of that time trying to get my mother, who is now 85, to quit smoking, and I have had no success, nor do I believe that by raising the price of cigarettes we will achieve that result, either.

But the point I want to make, to begin with, is that if we could have a resolution that would, in fact, keep people from starting to smoke and stopping people from smoking, I can't imagine that anybody would vote against that resolution. Also, contrary to the rhetoric of much of this debate, I don't find any love anywhere for tobacco companies. I think if there is a problem in the debate, it is that we create the impression we are punishing tobacco companies with this bill, when this bill has, in fact, extraordinary provisions to guarantee that tobacco companies will not be punished. We talk about tax increases as if the tobacco companies were paying those tax increases, but in reality not only do they not pay them, but we have written into the bill provisions that make it illegal for them to not pass the tax through to the consumer and therefore the tobacco company is held harmless for the general increase in taxes on cigarettes.

The cold reality is that we have before us a bill that raises taxes by $700 billion—one of the largest tax increases in history. This tax is not randomly distributed among the population. Those who make less than $15,000 a year will pay 34 percent of these taxes, those who make less than $22,000 a year will pay 47 percent of these taxes, and those who make less than $30,000 a year will pay 59.1 percent of these taxes. The cigarette companies will pay none of these taxes.

Over the recess, I examined carefully data about cigarette smoking in my State. What I would like to do is talk a little bit about this data and the tax and describe what I am trying to do with an amendment that is now pending but that has other amendments piled on top of it in such a way as to prevent me from getting a vote on it. I want to talk about why that amendment is important. I want to say a little bit about the substitute that Senator DOMENICI and I will offer with Senator COVERDELL and others, and then I

want to talk about how we have lost control of this legislation.

I have spent the last 8 days back in Texas and I have listened to people all over my State and have thought about what we could do to fix this bill so that we could actually move ahead. I want to share those thoughts with my colleagues, not so much thinking that anybody might be swayed by those thoughts but at least to perhaps encourage others to think that, well, maybe other people are thinking about this problem the way I am and maybe we ought to try to get together and work out some of these things.

In my State, 23.7 percent of the adults smoke. That is 3,130,723 Texans. If I could snap my fingers or do anything other than using police powers, I would like to induce these people to stop smoking. But the first thing I have to be aware of is the fact that these are the victims. The whole logic of this tobacco bill is that the tobacco companies have conspired to get young people to smoke. To use the language of our colleague, the chief proponent of the bill, they have gotten people addicted to smoking, and so that is what I mean when I say that there are 3,130,723 Texans who smoke, who are the victims. These are the people who the tobacco companies, through advertising and through encouraging some of them when they were young to smoke, have gotten addicted or at least attached to the product to the extent that they continue to buy the product.

Now, here is one of the things that concerns me greatly about this bill. We all agree that the smokers are the victims. We all agree that the tobacco companies are the villains. And yet we have a bill that holds tobacco companies harmless, that requires by law that they pass the tax through, doesn't allow them to pay a penny of it in terms of the initial tax that is imposed. And yet if, in fact, as most people who are knowledgeable about the marketing of this product say, this bill will have the effect of raising the price of a pack of cigarettes by $2.78 a pack, it will mean that the annual cost of buying one pack of cigarettes a day for the people in my State who smoke will rise by $3,176,744,628 which means nothing, but let me give you a number that does mean something.

For every person in my State who is addicted to cigarettes, who has been victimized by a process that we are trying to fix in this bill, the people who are the sole purpose of this bill, we are imposing a tax on them of $1,015 a year in the process of helping them. As my 85-year-old mother said the other day, ''Why aren't you taxing the tobacco companies instead of taxing me? If I am the victim, why am I paying?''

Well, the point I want to make sure my colleagues understand is that while we may love pounding our chest and vilifying the tobacco companies, with good reason, we have before us a bill that is punitive not to the tobacco companies but to the people who are their victims. And the level of punishment is a level that is virtually without precedent as far as I am aware. In fact——

Mr. KERRY. Madam President, will the Senator yield so I can answer the question?

Mr. GRAMM. No. I let the Senator go on for some time. I would like to do the same. When we get through, I have to go back to the Medicare Commission meeting, but I will yield for a moment at that point.

So one of the concerns I have had in trying to see what we might do to fix this problem is that we are looking at the potential of 3,130,000 people in my State, if they smoke one pack of cigarettes a day, having a tax increase of $1,015 each year.

Now, I thought, looking at the figures that were put out by the Joint Committee on Taxation, that there must be something wrong with these figures, but when you look at that $1,015 Federal tax for a Texan or an American who smokes one pack of cigarettes a day, it makes the number believable that the Joint Tax Committee put out, and that number was, for Americans who make less than $10,000 a year—some smoke, some don't smoke—but for all Americans who make less than $10,000 a year, this bill will drive up their Federal taxes by 41.2 percent.

So one thing that has worried me from the very beginning, and one thing that I do not find to be trivial, is that we are talking about a massive, $700 billion tax increase that is being imposed not on the companies that have inspired teens and others to smoke but it is being imposed on the very people who are the victims, and in my State it has the potential of imposing a $1,015 new Federal tax on a blue-collar worker making less than $30,000 a year who is addicted to smoking. And if you have a blue-collar couple who may have two jobs, a lady who works in a restaurant, and a man who drives a semi, and they both smoke a pack of cigarettes a day, you are talking about imposing a $2,030 increase in Federal taxes on them.

It may be that this increase in taxes would induce some of them not to smoke. Over and over our colleagues who support this massive tax increase have said this is not about money, that they don't want the money, they want to get people not to smoke. So before we left on the recess—having listened to this debate and having heard over and over and over again that this was not about money, that they just wanted to drive up the price of cigarettes, that they weren't trying to decimate blue-collar workers financially, that they just wanted to get them not to smoke—I sent an amendment to the desk. My amendment said: If the purpose of this is to get people not to smoke by driving up the price of cigarettes, let's raise the price of cigarettes, but let's take that money and instead of giving it to the Government to spend, let's give at least some of it back to blue-collar workers by changing the Tax Code. And the proposal that I made was let's eliminate the so-called marriage penalty where two workers, both of whom work outside the home, fall in love, get married, and end up paying $1,400 more in taxes being married than if they stayed single.

I focused it on moderate-income Americans. The idea being, raise the price of cigarettes to discourage smoking, but because we are not raising the price of cigarettes to impoverish blue-collar workers, why not raise the price of cigarettes to discourage smoking, but return the money through new tax cuts to the same people? So you raise the price of smoking but so that people who are really addicted and who either can't or don't quit smoking—that we simply don't pound them into the ground economically.

I was somewhat taken aback that when I offered this amendment, it shut down the Senate, and that we clearly have Members of the Senate who do not want to vote on giving some of this money back to blue-collar workers. I am somewhat at a loss to explain that. If the tax is not about money, why wouldn't we want to give some of it back in tax cuts to the very blue-collar workers who have been victimized by the tobacco companies?

Also, I would have to say for those who want to talk about the health care cost of smoking, when Senator DOMENICI and I, in the budget, dedicated the money to Medicare, many of the same people who were for this bill opposed that amendment.

The point I am making is, first of all, I am going to get a vote on my amendment. I had to write my amendment as a motion to recommit with instructions. Some people have gotten confused in the media and believe that somehow my amendment delays the bill or kills the bill. It does not. My amendment simply directs that the bill notionally be taken back to committee and be brought back immediately with this tax cut attached to it. If it were adopted, it wouldn't delay the Senate for a second, nor would it pull the bill down.

I believe if this issue is about smoking instead of about money that the Senate will adopt my amendment, and hopefully another amendment which would give blue-collar workers the same tax treatment General Motors has in buying health insurance. But we will get an opportunity to vote on those issues.

Let me also say that in traveling around my State for 8 days and meeting with editorial boards, holding public meetings, and on several occasions raising the tobacco issue, I received not a question about the tobacco bill. We are debating this issue as if this is the all-consuming issue on the planet, and yet all over the State, in meeting after meeting, in editorial boards where I raised the issue, I don't recall a single question anyone asked me

about it. In fact, we have had two polls come out since we have been considering this bill. One, published in USA Today asked people, ''Do you believe higher cigarette taxes will reduce teen smoking?'' Seventy percent say ''no;'' 29.9 percent say ''yes.'' When you ask parents what they are most concerned about with their teenagers, 39 percent say using illegal drugs—something that has doubled since 1992, something that this bill doesn't deal with, something the substitute that Senators DOMENICI and COVERDELL and I will offer does deal with, with the toughest antismoking, antidrug program that will be considered in the Senate during this debate—16 percent say joining a gang, 9 percent say drinking alcohol, 7 percent say having sex, 7 percent say driving recklessly, and 3 percent say smoking or chewing tobacco.

I would like to explain what I believe has gone wrong on this bill and why it is going to be so hard for us to fix it. I have given this a lot of prayerful thought. Let me just share with you the results of this thought.

First of all, why are we dealing with this issue to begin with? Why is this issue on the floor of the Senate? We had settlements between tobacco companies and States. Why are we considering it? I will tell you why we are considering it. It is completely lost in this debate, but we are considering it because the attorneys general came to us and said, in essence, this whole thing has gotten out of control and the only way we can enforce these settlements is for the Federal Government to step in and impose some reason and responsibility on the process. In fact, presumably, the attorneys general recognized something—some people may be offended by the analogy but it is a good analogy—that a parasite can live only if the host animal does not die. What the attorneys general recognized was that the way this whole thing was going, the tobacco companies were all going broke and they weren't going to collect this money. They weren't going to be able to pay for Medicaid with it. As a result, they would have won a big victory in court, but it would not mean anything to their States, to their constituencies.

So they came to Congress and said look, this thing has gotten completely out of control. It is unlikely that the kind of money, in essence, that we are talking about can never be paid. What we want Congress to do is step in and set levels that will make it possible for us to actually collect these settlements.

What has happened in the process? Sadly, the settlements started out at roughly half the cost of the bill that is before us. Quite far from the objective of the attorneys general in asking us to get involved in this issue to begin with, we have roughly doubled the cost of the bill and every concern that drove this issue to the Congress has now been multiplied by a factor of two. How did it happen? How did the cost of this bill get so high? This is what I think is the most revealing part of this whole process. I could go through 100 examples, but I am only going to go through a couple.

One of the things that happened when the bill got to Congress was that, as normally happens in these situations, everybody wanted some of the money. So we start dozens of new agencies. We have programs for community action. Nobody knows what they are. We set up international programs. We have programs to buy out vending machine owners. We have programs to subsidize tobacco farmers.

But we don't just have programs, we have spending programs that are completely out of any realm of reason and responsibility. A perfect example of it is the tobacco program. It was perfectly reasonable that those who represent tobacco States, when we were getting ready to collect a lot of money from the tobacco companies, would want some of it. You would think in going about trying to get some of it that we would have ended up with a figure that would be somewhat similar to the transition payments we paid in the legislation we call freedom to farm.

Under the Freedom to Farm bill we, in essence, provide transition payments to wheat producers, corn producers, grain sorghum producers, barley producers, oat producers, upland cotton producers and rice producers within a 7-year period. You might have thought that what we would have done was set up a program for tobacco similar to those other programs. Such a proposal might not have been an unreasonable addition to this bill. But reason has nothing to do with this bill, because since we could, in essence, act as if the tobacco companies were paying these costs when, in fact, the consumer was paying the cost, the sky was the limit in terms of the amount of money spent.

Let me tell you what we have done in tobacco. We have two proposals now before us. We are going to be asked to choose between one of the two on the floor of the Senate. The Ford proposal costs $28.5 billion. The Lugar proposal costs $18 billion. The Ford proposal will pay tobacco producers $21,351.35 per acre. It will also continue the tobacco program. Nobody will have to stop growing tobacco. No one will have to give up their land, but we will give them a payment of $21,351.35 an acre.

The Lugar bill will make a similar payment while ending the tobacco program at $22,297 an acre.

Who knows what a billion dollars is, but let me put it in English. That is almost 20 times the amount we pay every other commodity combined to end their program. We have before us a bill that will pay tobacco brokers 20 times more than we paid, on a per-acre basis, wheat growers, corn growers, grain sorghum growers, barley growers, oat growers, upland cotton growers and rice growers combined—nearly 20 times as much per acre as we paid all those programs combined.

Let me explain a little bit about the program. In 1938, we set up this program. It was aimed to do one thing and that was to raise the income level of tobacco farmers. We set out a quota system where you can't grow tobacco unless you have a quota. What happened almost immediately is people with quotas in many cases quit growing tobacco and they rented their quota to other people so that now 63 percent of the people who own the quotas don't even grow tobacco. What we are going to do under these two proposals is pay them roughly $20,000 an acre, and allow them to continue to grow tobacco and keep the acreage.

Madam President, 1997 is the last figure I have, but in 1997, you could have bought the quota to grow an acre of tobacco for $3,564. I ask the following question, and it can't be answered: If I could go out today and buy a quota to produce an acre of tobacco for $3,564, why in the world would the Government want to pay me six times that amount in this tobacco bill, six times the amount that I just paid yesterday for the quota? They are going to pay me six times that amount of money, and I can go right on producing tobacco. How could such a provision possibly get into a bill about which Members of the Senate would not blush? How can we let a person go out today and buy a quota to produce an acre of tobacco and sell it to the Government next month for six times what they paid for it and still grow tobacco and not give up the land? Whoever heard of paying people $20,000 an acre because we are going to pass a tobacco bill, but they can go right on growing tobacco, or six times what you can buy the right to grow it for? How did it happen?

It happened because of the feeding frenzy of spending money that was coming from tobacco consumers, basically blue-collar workers—59.1 percent of them earning below $30,000 a year. By making it look like the tobacco companies were paying the bill, we could, in essence, pay people $20,000 an acre who are growing tobacco and let them keep on growing. There is no logic to that happening, except that this has become a giant piggy bank, or as a candidate for comptroller in my State has said about the tobacco settlement in Texas, ''We won the lottery.'' This is the kind of consumption people do when they win the lottery.

We have had an extensive debate on this subject, but those who have studied the settlement in Texas have concluded that lawyers in Texas will make about $100,000 an hour under that bill —$100,000 an hour. Why would we have a bill that allows that to happen? Can you imagine if we were appropriating the money to hire lawyers to do work for the Government, allowing a situation where attorneys' fees could range between $88,000 and $100,000 an hour? Can anybody imagine that happening? How did it happen in this bill? How could it have happened?

What happened is the attorneys general came to us and said, ''Look, we

have these settlements that have gotten out of control, and people aren't going to be able to collect money because the judgments cumulatively are going to be so big that they are going to drive the tobacco companies out of business, and we're not going to be able to collect our money. Congress needs to do something about it.''

So what did Congress do about it? Congress doubled the amount of money that we are taking and, in the process, set off a spending spree the likes of which we have not seen since Lyndon Johnson became President. There has been no period of time in American history since the first year of Lyndon Johnson's Presidency where we will have an explosion of new programs and new discretionary spending.

Many of these programs have absolutely nothing to do with smoking, and the list goes on and on from child care to international programs to you name it.

How did asbestos settlement get into this bill? How did we end up with billions of dollars going to asbestos settlements in this bill? Where did that come from? How did that happen?

My guess is that there was this lottery that we won, and so somebody said, ''Well, look, you have all this money, why don't we give some of it to people who have asbestos-induced health problems.'' And they then said, ''Well, many people were around asbestos in World War II. Since most people in World War II smoked, they were around asbestos, why don't we take money out of this and give it to them?''

Here is my point. How do we get back to something that would be reasonable and, quite frankly, try to figure out how we might put together something that would actually achieve what we want?

I wanted to share with my colleagues why I despair, why it is going to be very difficult to fix this bill. Let us say we decided we were going to go back to the tobacco farmers issue, and we said, ''OK, now look, we want to be generous. We'll pay tobacco farmers the cumulative amount that we paid every other farmer per acre combined.'' And that would be $1,496 per acre. We will give them that amount of money because they might be affected by this tobacco bill. We do not know they will be because we do not know for certain what else will happen, whether demand will go down or not. Other things being the same, it should.

So you might say, ''Well, look, why don't we offer them the amount we pay every other crop combined?'' Well, how can our colleagues from tobacco States—when they have been debating giving people $20,000 an acre or $21,000 an acre—how can they go back and say, ''We're actually only going to get one-twentieth of that amount''?

They can't go back, because once you let the feeding frenzy start, and once you get expectations built up—anyone who went to tobacco farmers a year ago and said, ''I, as your Senator, have arranged for you to get the amount of money equal to the per-acre payment of all the other seven major crops combined,'' you would have gotten a standing ovation. But today, when we are talking about paying 20 times that amount, you would get stoned. So we are not going to be able to break that impasse as long as people believe this bloated bill is at all possible.

How are you going to go back to people who have suffered from asbestos poisoning and say, ''We're not going to give you anything''? The bill never had anything to do with them, but nevertheless, now there is a big constituency there.

We contemplated in the bill that we would set some limits on attorneys' fees. We are going to have a vote on $1,000 an hour. That is not a minuscule amount. But even if we could be successful on that—and I am not sure we could—you have expectations so high that I do not know how you ultimately put this together.

Let me tell you what I think the final solution would look like if you could get there. You have to throw all of these add-on spending programs overboard. They never should have been here to begin with. This is an obscene feeding frenzy. All of these X, Y, Z bureaucracies, all of these community action programs, all of these international smoking alliances, all of these payments for other purposes—all that has to go.

Secondly, if we are going to raise prices, and we are not going to beat blue-collar workers into pulp economically, some of the money that comes in has to be given back to them in other taxes where we discourage them from smoking but we do not impoverish the people who are addicted to cigarettes and either will not be able to quit or at least will take an extended time to quit.

Senator DOMENICI and I fund in our bill, through Medicaid, Medicare, and through tax deductibility, smoking cessation programs. Those are the kinds of things it seems to me that we ought to be focusing on here. But a bill is going to have to be back within the range that we could ever hope to collect.

Secondly, we are going to have to be aware of the fact—and I heard my colleague talking about black markets, but, you know, the Canadians raised the price of cigarettes by about the price increase we are talking about. They have highly educated people. They have law enforcement. But what happened is, after their experiment had failed, the Health Minister, Diane Marleau, said the following: ''The government decision to cut taxes would actually reduce consumption among youngsters because it will end the smuggling trade and force children to rely on regular stores for cigarettes where they are forbidden to buy them until they are 19.''

Maybe we are so much smarter than the Canadians that we will be able to prevent black market activity. Smuggling among the Canadian provinces is still a problem. The British have 50 percent of their market for cigarettes now in the black market.

We have been independent of Britain for over 200 years and maybe we now are so smart that we can solve the problem. But I would just like to point out to my colleagues that maybe we are that smart but that our friends and our kin folks—if you go back a few generations in places like Britain and Spain and Italy, Eastern Europe—they are all plagued with the massive black marketing of cigarettes.

So if there is a solution to this problem, it seems to me that the solution lies in the following: That, No. 1, we have to throw all this feeding frenzy overboard. We have to cut back the reimbursement for tobacco farmers and to lawyers to reasonable levels; we have to throw out all of this extraneous material where we are spending hundreds of billions of dollars on programs that have nothing to do with smoking; we have to raise the price of tobacco and give the money basically to two things—smokers' cessation programs and attendant health-related matters, such as the health provisions that Senator DOMENICI and I have proposed where Medicaid and Medicare will be able to fund smokers' cessation programs and where taxpayers can get a tax credit if they participate in the programs designed to try to help people break their addiction.

Mr. KERRY. Will my colleague yield?

Mr. GRAMM. But beyond those modest programs, we have to give the money back if our purpose is not to impoverish people but in turn to get them to quit smoking.

It is not clear to me how we are going to get everybody—from lawyers to tobacco farmers to asbestos beneficiaries to whoever these thousands, hundreds of thousands of people who hope to man these agencies for massive community action, for these world organizations, and all the people who hope that this could be the winning of the lottery for everything from child care to you name it—how do we get everybody to back off those things so that we might really have a bill here to do something about reducing teen smoking?

We often, it seems to me, overstate our ability to really make people do things or get them to do things. But I simply despair at figuring out how we are going to get a bill that is focused on smoking, that discourages smoking but at the same time does not impoverish blue-collar workers, and that does not set off a massive wave of hundreds of billions of dollars of new spending. If we could do that, and combine it with an effort to do something about illegal drug use, along with illegal cigarette use by children, then I think we would have served the public well. But I am not sure how we do it.

There is a lot of dead weight in this bill that has to be gotten out. I hope

that as we go through the debate that reason and responsibility will prevail on everything from the tobacco farmers to the lawyers' fees to asbestos, to all of these X, Y, Z bureaucracies.

But today, in my State, the people that have any awareness of this issue basically have concluded two things: that, No. 1, we are probably not going to get children not to smoke by raising this tax and that, No. 2, the tax is about revenue to fund a whole bunch of new Government programs, that the tax is not about getting people not to smoke.

If we are going to convince people—I have always found that telling the truth does not always convince people, but it is easier when you tell them the truth. And if this is really not about money, then let us not create all these spending programs that are not directly related to smokers' cessation, let us take the money, the tax, and give it back to the workers by cutting their taxes, let us throw all this subsidiary stuff overboard and write a real bill. If we don't do that, I don't see how in the end we will convince people that raising taxes by $700 billion and creating literally dozens and dozens of new programs that have virtually nothing to do with smoking—I don't see how we convince people that we are doing anything other than the old-fashioned tax and spend.

But we have found a new wrinkle, and the new wrinkle is to find an industry that deserves vilification, vilify them, then tax their victims, and then tax and spend. If that is not our objective, then we are going to have to change this bill dramatically to actually achieve the goals we sought.

I have covered a lot of things here. I thought about this a lot over the recess, trying to figure out how we could get from where we are to having a real bill. I have concluded that it is going to be hard, very difficult, because when you have convinced all these special interest groups that we are going to give them $700 billion, and you start taking the money back—because, in reality, we can't impose a tax that big—people are going to be disappointed and you are going to have problems.

Now, the Senator from Massachusetts wanted me to yield. I know it has been a long time; that is part of the problem with our procedure. I am happy to yield for a minute. Then I have to go back over to the Medicare Commission.

Mr. KERRY. I thank the Senator from Texas. I just had a couple of questions, one that came up momentarily, that I wanted to understand.

The Senator suggested three ways we could solve the whole problem, and they were: ''Throwing the feeding frenzy overboard;'' throwing out the ''extraneous programs;'' and, third, to raise the price of tobacco.

I just wanted to ask the Senator, first of all, how he intends to raise the price of tobacco.

Mr. GRAMM. What I was saying was, if we believe that by raising the price of tobacco we can discourage consumption—and, being a person who used to be an economist, I believe that demand curves are downward sloping—and other things being the same, that we could produce some results there.

What I am saying is that I think we might put together a bill that raises the price of tobacco products either with a hidden excise tax or one out front. But where I disagree is, since almost 60 percent of the people paying the tax make less than $30,000 a year, rather than using this as a piggy bank to fund massive new programs, I think we need to raise the price of tobacco as part of a coordinated effort, and I would like to include an antidrug effort with it, but I would like to give most of the money we raise back to low-income people so that we don't end up punishing the victims, which is what I see happening.

Mr. KERRY. Let me come back to the Senator again. I understand where he wants to put the money, but he didn't answer my question. I ask him again to answer the question, How does he propose to raise the price of tobacco?

Mr. GRAMM. I just said it may well be that in some compromise I can support the method in your bill. It is not so much the tax that I object to; it is what we are doing with the money and what the tax is doing to moderate-income people.

If we take your revenue figure and we throw out all these spending programs and we give the bulk of the money back to moderate-income people, for example, by repealing the marriage penalty for moderate-income Americans, make health insurance tax deductible for moderate-income Americans and make that subject to the earned-income tax credit, so that we are raising the price of tobacco but we are not brutalizing moderate-income people, blue-collar people, economically, it may be that you can get more people to support that.

Mr. KERRY. Madam President, I ask the Senator further, having acknowledged, then, that to raise the price of tobacco you basically wind up essentially where we are in this legislation, or somewhere near it, because any time you raise the price of tobacco—and, being an economist, the Senator from Texas, I know, will agree—there is no way a tobacco company is simply going to absorb that price, they are going to pass it on. Ultimately, whatever raising of the price of tobacco takes place will be passed on to the tobacco consumer in one form or another. I know the Senator would agree with that.

Mr. GRAMM. If I could reclaim my time, I don't necessarily agree with that.

First of all, we could impose a windfall profits tax on tobacco companies. We could make tobacco companies pay part of the tax. But the important thing is that—I would like to just try speaking like an economist for just a minute—I am perfectly willing to raise the relative price of cigarettes; that is not what I object to. What I object to is that 3½ million people in my State, 60 percent of them making less than $30,000 a year, those who are really addicted, who are really the victims, are going to pay $1,015 a year in new Federal taxes. So if they are making $30,000 a year, you are taking a 30th of their income in this new tax.

All I am saying is, raise the tax to get them not to smoke, but take the money and cut other taxes they pay so you don't impoverish them. That is what I am saying.

Mr. KERRY. I hear the Senator from Texas, but if that were true, then he would come to the floor with an amendment that would somehow give the rebate to the actual smoker. By coming to the floor with a marriage penalty tax that costs some $52 billion, he is actually going to take all these people out there, whatever income level they may be at, who happen to pay this, into the upper-income levels. They will wind up getting the benefit for the marriage penalty, and you aren't solving the problem that he is here on the floor complaining about.

Mr. GRAMM. Reclaiming my time—and then I will yield the floor—my amendment is targeted to moderate-income families. No family making more than $50,000 would get a penny of benefits out of it. My amendment would eliminate the marriage penalty where moderate-income Americans who fall in love and get married wouldn't pay the Government $1,400 a year for the privilege. My wife is worth $1,400 a year, but I think she ought to get the money, and not the Government.

I am not apologizing for that proposal. I want to get a vote on it at some point. I would like to follow it with another one that would say moderate-income people get the same tax treatment when buying health insurance as General Motors does by being able to deduct the cost of their health insurance premiums from their taxable income.

What I am saying is, I could support a bill that gave the money back through these kinds of tax cuts and kept just enough money to fund our smoking cessation and whatever we did on drug prevention for teenagers. I could support a bill like that. But what I can't support is a $700 billion tax increase that pays tobacco farmers $21,000 an acre and allows them to go on growing tobacco; that gives money to people for problems that have nothing to do with smoking and that creates all kinds of new agencies.

I hear my colleague say over and over again, ''This is not about taxes. This is not about money. We don't want the money.'' But all I know is, I have an amendment that is pending that gives some of the money back to working families, the very people who smoke in the highest proportions, and yet I can't get a vote on it because my colleagues have covered it up with other amendments.

Now we will get a vote at some point, so I think really what I was trying to do today, for those who are for this bill and want to see something passed—and I will conclude on this—I was simply trying to point out how we might find a middle ground here. I don't object to making tobacco products more expensive. But I do object to impoverishing 3.5 million Texans. I do object to taking money we are taking from people, 60 percent of whom make less than $30,000 a year. I do object to taking that money and spending it on programs that make people millionaires many times over, that pay people $88,000 to $100,000 an hour for legal services, that pay tobacco farmers $21,000 a acre and they can keep right on growing tobacco and that create all of these Government programs and nobody knows what they do. Nobody knows what this big community action program does, other than put a lot of political activists on the payroll.

So if the goal is to stop people from smoking, and we can do it by raising tobacco prices, I would like us to be sure we don't start a big black market and have it so that some hood is running around saying to our children, ''Do you want to buy a cigarette, or some dope?'' or whatever. I don't want that to happen. Within those constraints, I could support higher prices for tobacco if you gave the money back to blue-collar workers in tax cuts and if you didn't spend it on all these other programs.

But in the end, I am fearful that we will not reach a general consensus, because I am afraid that along the way, with the best intentions, this bill has become a tax and spend bill. I don't know how we get away from it. I don't know how we now go to all of these groups that hope to get tens of billions of dollars from this bill and say, well, you know, it was in that original bill, but we could not get that bill passed, and we have had to throw it in the trash can where it belongs, and we have to start over, and now we are not going to have a big community action program, we are not going to have a big international program, we are not going to pay money to people who have asbestos poisoning, we are not going to pay for child care; we are going to focus on smoking, raising the relative price of tobacco, and then we are going to give the money back to the blue-collar workers who are going to bear the burden, because we are not taxing tobacco companies, we are taxing blue-collar workers who smoke.

That is what I hope we can do, but I am not optimistic that we are going to, because this thing has taken on a life of its own as the largest taxing and spending bill of my political career.

I am afraid that the only alternative we are going to have is to defeat this bill. Hopefully, if it is defeated, we can come back and try to do it right, and maybe at some point we can do that in the first place. But having spent the recess thinking about it, I wanted to simply come over and outline what I, as one Member, saw as a potential compromise—raise the price, keep a little of the money for smoking cessation, and spend some of the money on drug enforcement. As long as we are trying to keep the children from smoking, we should try to get them away from drugs. We can give the rest back in tax cuts, so nobody can say you are taxing and spending, you are just raising the price of tobacco. Maybe we can make that happen, but I don't see any motion in that direction.

I yield the floor.

Mr. KERRY. Madam President, I know the Senator from Texas needs to leave the floor. Not all my comments will be directed to him, but I ask him this. He asked a question at the outset of his comments. The question he asked was, sort of: I don't know why we are raising all this money; why is there a raising of the tax? Now he has come to a point where he has agreed he is willing to raise the tax. But there is one very simple, straightforward reason. It is not in order to raise the money. The money is raised because it is a consequence of taking an action that is deemed imperative by most people who have been involved in trying to get kids to reduce smoking. I simply say this to my friend from Texas. Let me read him a quote:

> It is clear that price has a pronounced effect on the smoking prevalence of teenagers and that the goals of reducing youth smoking and balancing the budget would both be served by increasing the Federal excise tax on cigarettes.

That is a Philip Morris document from 1981.

Mr. GRAMM. Will the Senator yield for one question, since I yielded to him four times?

Mr. KERRY. I will in a minute. A key finding is that:

> Younger adult males are highly sensitive to price. This suggests that the steep rise in prices expected in the coming months could threaten the long-term vitality of the industry by drying up the supply of new, younger adult smokers entering the market.

That is from an R.J. Reynolds document. The smoking industry—the tobacco sellers—are saying don't raise the price because it will reduce the young kids that we can get addicted to cigarettes. That is the reason we are here raising the price. The Senator can say he doesn't want to vote to stop young kids from smoking.

Mr. GRAMM. Now wait a minute. Will the Senator yield?

Mr. KERRY. I will yield for a question in a moment. I want to point out something else to the Senator. He spent a lot of time out here saying, ''I am willing to support a drug program and to support an opportunity for kids to be able to be part of smoker cessation programs.'' Well, that is precisely what this money goes to do, Madam President; that is precisely what it does. It goes to public health, it goes to research into addiction, it goes to State money, and the Senator ought to love this. We are giving the money back to the States and saying, ''You can do what you want with this amount of money in the following areas.'' And every single one of those areas is to prevent kids from smoking. There are safe and drug-free schools. There is a drug plan. There is a safe school plan. There is child care, child welfare, and children's health maternal block grants. There is the professional training of teachers to be able to help kids to understand why they should not smoke. Every single one of those is a cessation program; it is a drug program. It is precisely what the Senator from Texas is saying.

So the Senator from Texas can come here filled with all of the traditions of rhetoric and say this is ''tax and spend,'' et cetera, but the fundamental purpose is to raise the price, just as the tobacco companies feared and said, ''We know it will cut down on teenage smoking,'' and to take the money that comes from raising the price and put it into cessation programs, put it into programs for safe and drug-free schools.

That is the program. That is what is on the floor of the Senate. It is done in a responsible way that does not tie up the States in a host of Washington bureaucracy and Washington mandates. It allows the States to choose to do what they think works best.

Let me just share with my colleague a final thing, and then I will yield for a question. Here is a report that says that the California and Massachusetts programs, both large-scale community-based components, have been effective in reducing tobacco use. For example, 3 years after Massachusetts began its public education and tobacco control campaign, an independent evaluation found that tobacco consumption in Massachusetts declined at a rate three times that of the rate for the rest of the Nation. So we are talking about programs that work, that are demonstrable.

Experts—far more expert than the Senator from Texas or I —have all suggested that you have to raise the price of a pack of cigarettes and you have to put these programs in place. In fact, Dr. Koop and Dr. Kessler suggested that we raise the price $2. The Senate voted that it was unwilling to even raise the price $1.50. So we are stuck at $1.10. It seems to me what we are offering is precisely the kind of reasonableness the Senator articulated.

I will agree with the Senator that there is a fight here over the issue of the farmers and how that ought to be approached. The Senate, I am confident, in the next week has a chance to work its will intelligently and try to find a common ground there. But I think our colleagues on the other side of the aisle should stop coming here and condemning the bill as a whole. I suggest that we are really talking the same language fundamentally. Unless we are out here trying to find some way to stop it—I am against the marriage penalty. I would like to vote to

eliminate the marriage penalty. Most of my colleagues on this side want to eliminate the marriage penalty. Nobody feels, at this point in time, that the marriage penalty is sensible public policy. It is bad tax policy, bad social policy, bad moral policy. But the question is, Is this the place to do it? Is the formulation of the Senator from Texas the formulation that is going to fairly distribute the income that you take from raising money on cigarettes, which you ought to be putting into the cessation and drug programs the Senator has talked about?

So the fight here ought to be understood for what it is. If we are really going to try to get rid of the marriage penalty, there are a host of opportunities in the budgeting process to do that fairly. This is not the place to do it. I will vote to get rid of the marriage penalty in the right manner and in the right place. But I think the Senator may indeed have some other motive here than passing the tobacco bill, because this is not the place to take $52 billion of $60 billion and say we are still going to have meaningful cessation programs and meaningful research and meaningful efforts to reduce teenage smoking.

I yield for the question without yielding my right to the floor.

Mr. GRAMM. A point of information. My amendment, as it is now drafted and pending before the Senate, would take about half the money and give it back. So in terms of the numbers, those are the circumstances.

Here is where we differ. I would agree that we can have an impact on smoking by raising prices. But what I don't agree on is that we ought to take $700 billion, basically from Americans who make $30,000 or less, and set out on a massive spending spree. So I am saying if you want to raise the price of cigarettes, why don't you support an effort to give at least half of the money back to the people from the same income group, rather than setting out programs to pay tobacco farmers $21,000 an acre or plaintiff attorneys $100,000 an hour, or starting massive new programs that have virtually nothing to do with smoking. I think that is where we differ. I think until we come to an agreement there that we are not going to have a resolution.

Mr. KERRY. Madam President, again I will reclaim my right, and I will answer the Senator. He keeps coming back with this notion that what we are spending the money on again has nothing to do with the purpose of stopping kids from smoking, even after I have just particularly cited two States that are engaged in those very efforts. When you look at the legislation and read it, here is what they go to. They go to State and community-based prevention efforts. They go to counteradvertising, which is specifically targeted to stop kids from smoking. They go to cessation programs, specifically targeted to stop kids from smoking, and they go to research on youth smoking.

That is it. That is all. The Senator from Texas comes and says——

Mr. GRAMM. What about the tobacco farmers?

Mr. KERRY. The tobacco farmers are a component of the Federal expenditure.

But, Madam President, let me answer the Senator. The fact is that because a lot of tobacco farmers are going to be injured here, just as we have helped fishermen in New England, just as we have helped people in the Midwest in the wheat or other crops such as soybeans, just as we have helped people who have been impacted negatively by a decision beyond their control, the Government is coming in and saying what you have been doing for your livelihood for years we have discovered merits our taking action that is going to impact your livelihood. Maybe the Senator from Texas thinks it is OK to abandon a lot of farmers and let them go down the drain. I don't think that is the American way. I think most of us in the U.S. Senate believe if the Government is going to make some kind of decision that actively impacts people's lives as significantly as this could conceivably, then we have an obligation to try to help those people transition into a new livelihood, or into a place of safety and economic security. To do less than that would, indeed, be irresponsible.

If the Senator thinks that is a big spending program or some kind of bad giveaway, then let him vote that way. I think the majority of people in the U.S. Senate are going to vote for some kind of a responsible measure to assist the farmers. I think that is an appropriate thing to do for an appropriate period of time. The question is how much, and what is the appropriate period of time?

So there is a difference of opinion here. But let us not forget that for years the tobacco industry has been fighting this legislation. For years the tobacco industry fought anything anywhere. It took the attorneys general of this country from 44 States to be willing to go to court to put us in the position to be able to even contemplate some kind of comprehensive settlement. That is where we are, finally—contemplating it—because we have learned that even the tobacco companies 20 years ago or 18 years ago understood that raising the price of cigarettes would impact their sales. They were unwilling to do that. So they would fight it. They have fought every step of the way.

It is time for the U.S. Senate to come together to have the votes, cast the votes that are important, come to closure on this, and decide we are going to pass a bill. Let the majority will of the Senate work its way and move forward.

I will just add not just the tobacco companies are those who believe we should be raising this price. We ought to stop debating this issue of price. We really ought to stop debating it. The issue here is not whether or not we ought to be doing that, because there is no evidence to the contrary. The economist Senator from Texas has accepted the notion. ''I am willing to accept the price,'' he says. So the fight is over what we are going to do with it. That is a fight worth having.

I believe when we have that fight the Senate will resolve that it is important to keep our focus on what this bill is doing. If we are raising the price, we are doing it for one principal reason, because that will reduce kids from smoking. That is the purpose of this bill. We shouldn't be diverting that purpose to relieve the marriage penalty, worthy as that is, at least to the tune of almost half of the revenue that comes in. We ought to be guaranteeing that that revenue is adequately spent on the cessation programs, the counseling programs, the teaching development programs necessary to help teachers be able to teach the peer group and other kinds of things necessary to lead kids to make wise decisions.

We need to be able to guarantee that there is counteradvertising. We need to be able to guarantee that there is research into addiction in order to help us understand better how we are going to end this terrible scourge for a whole bunch of adults who are stuck smoking—40 to 50 million Americans who are addicted and who are going to go out and buy no matter what. We ought to be trying to help them, too.

The choice for the Senate is whether we are going to take this revenue that reduces smoking and help these folks to be able to make the choices that are a matter of good health and good public policy. That is what this debate is about.

I know there are other colleagues here who wish to speak. I yield the floor at this time.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Madam President, I thank my friend and colleague from Massachusetts for initiating these responses to our colleague and friend from Texas giving the strong emphasis in terms of the real make-up of this legislation, because he, like I, believes the single purpose of this legislation should be to halt the young people in this country from starting smoking, and then also to do it by the best means that are available to us from a public health point of view; that as a result of a good deal of practical study, we know there are some measures that are effective and will work. We have seen the inclusion of those measures in the legislation. Some, I believe, should be strengthened. But the Senate has made a judgment on this. That was in the earlier debate about the increase in price to bring it up to the recommendations which have been made by our friends and colleagues in the public health community that universally, based upon their experience, believe that we should raise the price to $1.50 a

pack and to do that in a more dramatic way than was included in the legislation that is before us; then also to have the effective programs in counter-advertising and the cessation programs; and strengthen the Food and Drug Administration with the help and assistance to programming in schools and local communities and many programs which have been touched on this afternoon included in the legislation.

One of the ways that we have is a very important opportunity to also strengthen the general thrust of this legislation and make it more relevant to the reduction of teenage smoking is to provide the disincentives to the major tobacco companies for advertising and targeting the children in this country.

I am always interested in listening to my friend and colleague from Texas crying crocodile tears for working families. We will have an opportunity to address those needs of working families as we have in the past in terms of their income, in terms of their health care, in terms of their safety on the job, and in a variety of terms for families with numbers of children, which he has always unfortunately voted in opposition to.

But nonetheless part of the whole tragedy that we as a nation have experienced has been the viciousness of the tobacco industry in targeting the children of working families and of the neediest families in this country and those have been primarily the children of the minorities and working families in this country.

All we have to do is look again at what has happened in the past years and see what the results of that targeting of more than $5 billion a year have been on the teenagers in this country. We find out the actual explosion in the use of tobacco by those who are black and non-Hispanic was some 80 percent over the period of the last 6 years, 34 percent by Hispanic, 28 percent by white and non-Hispanic, a general rise of some 32 percent. And that has been primarily the children of working families.

To suggest out on the floor of the Senate that somehow the primary concern of these workers is going to be the cost of the pack of cigarettes over the interest of having their children stop smoking I think is a real failure to understand what is happening out among working families in this country. To think that they are more concerned about the increase in the cost than they are about making sure that their children are not going to get cancer in the community or that they are going to be free from these absolutely devastating health impacts which, by starting smoking at an early age or any age, are going to occur I think really fails to consider what is happening out among working families in this country and also what this legislation is attempting to do.

I want to speak just briefly this afternoon on the Durbin-DeWine provision because I do think it has a very important impact in terms of discouraging the major tobacco companies from the targeting of children. Once again, we are primarily concerned with the targeting of children—the significant and dramatic increase in costs which discourage children, the preventive programs that are included in this legislation devised to discourage children, and to help and assist those children who develop the addiction to free themselves from that addiction, resources available to help communities to free themselves from this targeting of children. And now this very important and significant amendment that is before the Senate, which it will hopefully adopt, that reflects a bipartisan approach, I think is one of the major kinds of improvements and strengthening amendments that can be achieved.

Now, Madam President, the amendment which is before the Senate will assess increased sums for noncompliance with the youth reduction smoking targets. In addition, the emphasis will be shifted from the industry-wide assessments to the company-by-company assessments in order to more effectively deter the individual tobacco companies from marketing their products to children.

For years, big tobacco has appealed to children through its advertising and promotional campaigns. Before tobacco advertising was banned from television in 1970, cigarette advertising included cartoon characters Fred Flintstone and Barney Rubble promoting Winston cigarettes from their Bedrock neighborhood.

So the tobacco companies have been targeting kids as young as 12, because they know once the children are hooked on cigarettes, they become customers for life. Prior to the introduction of the Joe Camel advertising campaign, fewer than one-half of 1 percent of youth smokers chose Camel. After a few years of intensive Joe Camel advertising, the Camel share of the youth market rose to 33 percent.

The tobacco company pricing decisions also have a dramatic impact on the level of youth smoking. When Philip Morris made a decision to dramatically cut the prices of Marlboro Friday and other companies followed its lead, the industry precipitated a substantial increase in youth smoking. The historical record is irrefutable. The tobacco industry, through its marketing and pricing decisions, has an enormous impact on the level of youth smoking.

Madam President, we see in this chart exactly what happened with Marlboro Friday. This chart, as we have seen in the course of the debate, is so compelling, so convincing, so overwhelming in its conclusion that as the price of cigarettes goes up, teenage smoking has gone down. The dramatic increase in the price in the 1980s we demonstrated last week to show the sharp decline in youth smoking. And then we presented what we call Marlboro Friday, where we showed the significant reduction in the real price and then the dramatic spike up in the consumption of youth smoking that we have seen over the period of time.

The fact is that as they have maintained their price, this number of young people going up to 32, 33 percent a year is reflected with the dramatic increase in advertising. Take price and advertising, and you can tell the story in terms of teenage smoking. And so we know advertising is a key element in this whole debate as well. Price is a key element in this debate.

The Senate has gone on record now that it is holding at the $1.10 price. I still believe that a significant increase in price would have a much more dramatic effect. The public health community believes that as well. The Senate has made that decision on price. But we have now the opportunity to make a decision on another feature of youth smoking, and that is on the degree of advertising that the tobacco industry is going to involve itself in in order to continue to hook children in this country. And that is what this amendment is really all about. It is going to say to the tobacco industry: All right, we are passing this legislation. If you are going to continue to rifle-shot children, if you are going to continue to rifle-shot the children of working families, of minorities, and they are going to exceed a certain standard, you are going to end up paying an additional penalty for that. If you are going to make the effort, that you have stated that you will make, to try not to target children in this country, then you will not have the additional penalty.

That is really what this amendment is all about. What the amendment from Senator DURBIN and Senator DEWINE does is to make sure there is going to be compliance. I think all of us understand that a right around here is not very effective unless you are going to have an enforcement mechanism for that right.

What we are basically saying is, if the tobacco industry is going to live up to its commitment and not target children, all fine and well; but if they are not, they are going to find a penalty. It is as simple as that. If they are going to stand by their word, they have nothing to fear from this amendment.

Given what we have heard from our good friend from Texas, it is going to be interesting to see how he will vote on this amendment. I wish he had had an opportunity to address it a bit this afternoon and indicated support, because I think it would help to establish a good deal of credibility to the other aspects of his argument.

So, Madam President, as we have seen, in fact, 90 percent of current adult smokers began to smoke before they reached the age of 18. If young men and women reach that age without beginning to smoke, it is very unlikely they will ever take up the habit in later years. And so the industry has conducted its advertising accordingly. For at least a generation, big tobacco

has targeted children with billions of dollars in advertising and promotional giveaways that promise popularity, maturity, and success for those who begin this deadly habit.

In fact, the Centers for Disease Control and Prevention have found that the average 14-year-old is exposed to $20 billion in tobacco advertising—$20 billion—at the age of 6—beginning at the age of 6. We wonder why children as young as 12 years old, 14 years old, 16 years old—62 percent of those who have started by the time they are 16 years old have been subject to these billions of dollars of advertising, starting at the age of 6.

We are saying now, OK, if you are not going to target the children, you have nothing to worry about. But if you are and your brands are going to be accepted and taken and paid for, even with this increase, you are going to pay a price at the back end. That sounds pretty fair to me. It is just holding them at their word.

It is no coincidence that the three most heavily advertised brands are preferred by 80 percent of children: Marlboro, Camel and Newport—the three most heavily advertised, the three most heavily used. So, once again, we know what is going to happen, I believe, unless we have the Durbin-DeWine amendment.

A study published in the February 8, 1998, Journal of the American Medical Association also reported a correlation between the cigarette advertising and youth smoking. It analyzed tobacco advertising in 34 popular U.S. magazines and found that as youth readership increased, the likelihood of youth-targeted advertising increased as well. So these weekly—daily surveys that are taking place by the tobacco industry to find out what children are reading in magazines are then sent on back to the advertisers of the major tobacco industry. And, sure enough, up they come with that appealing kind of advertising to hook those children into addiction. That is happening.

That is the issue we are attempting to address in this legislation. We deal with it on some of the restrictions, in terms of advertising, that have been constitutionally upheld in the Baltimore decision, some of the protections that are there, provided under the FDA, but there is an opportunity for us to go far beyond that with this legislation, and that is what we are doing.

Two recently disclosed industry documents reveal that big tobacco has a deliberate strategy to market its products to youth. In a 1981 Philip Morris memo entitled ''Young Smokers—Prevalence, Implications, and Related Demographic Trends,'' the author wrote that:

> It is important to know as much as possible about teenage smoking patterns and attitudes. Today's teenager is tomorrow's regular customer, and the overwhelming majority of smokers first begin to smoke while still in their teens. . ..
>
> Because of our high share of the market among the youngest smokers, Philip Morris will suffer more than other companies from the decline in the number of teenage smokers.

There is the cigarette company looking at the teenager, not as a teenager but as part of the profit in the years ahead, over a lifetime—a shorter life, albeit—but over a lifetime of smoking.

A 1976 R.J. Reynolds Tobacco Company memorandum stated that:

> Young people will continue to become smokers at or above the present rates during the projection period. The brands which these beginning smokers accept and use will become the dominant brands in future years. Evidence is now available to indicate that the 14 to 18 year old group is an increasing segment of the smoking population. [RJR-T] must soon establish a successful new brand in this market if our position in the industry is to be maintained over the long-term.

We cannot have it any clearer—that this is the group that is being targeted. We know they have done so. We know that is how they have increased their market. They have indicated they will not do so in the future. We are saying: If you are not going to do so in the future, you have nothing to fear from this amendment. But we are going to recognize what your track record has been over the historic past, and how you have targeted youth, and we are going to say the least you are going to do is to pay an important penalty if you are going to violate your commitment. That is what this Durbin-DeWine amendment will accomplish. It will accomplish that goal much more effectively than the current look-back provisions in the managers' amendment. It will substantially increase the total amount of the surcharges which companies must pay if smoking levels do not decline in accordance with the reduction targets. It also shifts the payment obligations from a predominantly industry-wide system to a predominantly company-specific system. This will dramatically increase the deterrent influence of the look-back on company policy.

In this chart, you see what the relative effect would be with regard to the ''real incentives'' surcharge in the millions under the current McCain legislation and what would happen with regard to the Durbin-DeWine program. Here we find, with regard to the industry-specific, how much more effective this amendment would be in targeting those who really have abused the system most in the past, and to make sure that is not going to happen, to protect our children in the future.

The current McCain provisions provide for a maximum industry-wide penalty of $4 billion, or about 20 cents a pack. The company-specific portion is extremely small, amounting to only a few pennies per pack. The Durbin-DeWine amendment provides for substantial company-specific penalties which, in the aggregate, could reach $5 billion per year if the companies continue to flout the law and blatantly target children. The amendment also provides for an industry-wide surcharge of up to $2 billion a year.

Through this important amendment we are speaking to the tobacco companies in the only language they understand—money. If they are going to continue to target children, these companies will pay a financial price far in excess of the profits raised from addicting children.

But, if they are willing to cooperate in efforts to prevent teenage smoking, the companies may never have to pay a dollar in look-back surcharges. A strong company-specific look-back, such as the one we are proposing, will give the tobacco companies a powerful financial incentive to use their skill in market manipulation to further rather than undermine the public interest in reducing youth smoking. Each tobacco company must be held accountable for its actions on teenage smoking. The stakes involved are nothing less than the health of the Nation's children. For each percentage point that the tobacco industry misses the target, 55,000 children will begin to smoke. One-third of these children will die prematurely from smoking-induced diseases. We are talking about the difference of hundreds of thousands of children between the two approaches that are before the Senate now—one under the proposed legislation and one under the Durbin-DeWine proposal. This, I believe, is just absolutely an essential amendment that will really strengthen the legislation to carry forward its very sound and important public health provisions to protect America's children.

Finally, I did want to also mention briefly the very substantial provisions, as my friend and colleague, Senator Kerry, pointed out before, with regard to the preventive aspects of this legislation, the very important smoking cessation programs, the prevention programs in school and the prevention programs in communities. We have a number of teenage volunteers in our State, down in New Bedford, MA, and in classrooms around our Commonwealth now, who are going out to various shopping malls to get the owners of the various shopping malls and the various shops to make these shopping malls smoke free. These are young people. These are teenagers who we are asking to participate, to make a difference in their communities, and they are prepared to do so.

Counteradvertising—we have seen, even in a State like our own State of Massachusetts, where the tobacco industry was spending 10 times as much as counteradvertising, still, the counteradvertising, talking about the importance of the health implications and the dangers of smoking, had a very important and significant impact in reducing the incidence of addiction—very, very important.

The medical research into addiction prevention and cure—as someone who sits on the Health Committee, I know the work that is being done, in terms of addiction and substance abuse and also in nicotine. We know—we have been listening—about how we ought to

be concerned about the problems of substance abuse as well. We are concerned about the problems of substance abuse.

There are two gateway drugs and smoking is No. 1. The second one is drinking beer. This is a gateway drug. When I listen to our friends who have indicated opposition to this legislation say this isn't the problem that we ought to be dealing with, substance abuse, if you talk to anyone who has seriously worked on the problems of addiction and substance abuse, they will tell you that nicotine is right out there with any of the other kind of addictions that are afflicting the young children in this country, and we can do something about it.

The various medical research into the tobacco-related diseases, and there are many—emphysema and the whole complexities in terms of the lungs—there are many, we have resources to try and deal with those issues as well.

Madam President, I see my friend and colleague from Ohio on the floor. I pay tribute to him for his leadership on this amendment. I commend him for his work in this area. He has been an important leader in protecting the interests of children in our country and society on many different matters. It is just a pleasure to join with him, and I urge the Senate to accept his wisdom and judgment about public policy on this issue.

Mr. DEWINE addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. DEWINE. I thank the Chair.

Madam President, first, I thank my colleague from Massachusetts for his very kind comments. I think the charts of the Senator from Massachusetts tell a great story, actually a sad story, but it is a very effective story and really illustrates the need for this bill.

I also thank my other colleague from Massachusetts for his kind words about this amendment a few moments ago.

The amendment that Senator DURBIN and I have offered really will make a few, but very necessary, improvements to the so-called look-back provision of the underlying McCain bill. Let me start my remarks this afternoon by talking a little bit about the look-back concept, and then the specific look-back provisions in the McCain bill, because I think an understanding of the broad concept of look-back is essential to understanding what the McCain bill tries to do in this area, and is also essential to understanding what Senator DURBIN and I are trying to do with our amendment.

Conceptually, the purpose of look-back—whether in the original tobacco settlement, the McCain bill, or in the Durbin-DeWine amendment—is to change the incentives for tobacco companies. Until now, tobacco companies have always had an incentive—potential profits—to convince children to use their products. The look-back approach simply flips this incentive—it turns it around by giving tobacco companies incentives to help reduce the number of minors using their products. This incentive structure, through which tobacco companies will work with us rather than against us in our goal to reduce youth tobacco use, is created by imposing assessments on tobacco companies if they do not meet targets reducing youth tobacco use.

It is simple: If the targets are not met, the companies will have to pay. If the targets are not met to reduce teenage smoking—and these are targets that the tobacco companies all said they could do, all made a commitment to do in the settlement they reached with the attorneys general—if those targets are not made and are not met, then the tobacco companies will have to pay.

Before I get into the specifics of the McCain look-back provision and our amendment, I would like to reiterate what I have said several times on the floor of the Senate before, and that is that the Chairman of the Commerce Committee, Senator MCCAIN, has done a great job in bringing this tobacco bill to the Senate floor against some very, very difficult odds. This is a comprehensive bill. Something like this, frankly, has never been tried before, so I commend my colleague from Arizona for his great work.

This bill includes many different parts, each of which is important if we are really going to reduce youth use of tobacco. The look-back provision that our amendment deals with is an important and integral part of this campaign to reduce youth use, but is only one of several things the bill does, all of which are important, to have a real impact on youth smoking. Again, I congratulate Senator MCCAIN, as well as his colleagues on the Commerce Committee, for facing this difficult issue and meeting it head on with a very sound piece of legislation.

I will now turn to a quick overview of the Durbin-DeWine amendment. Madam President, the Durbin-DeWine amendment will make two changes to the look-back provision in the underlying McCain bill.

First, our amendment will shift the emphasis from an industry-wide look-back to a company-specific look-back. Let me make it very clear, both the McCain bill and the Durbin-DeWine amendment blend the company look-back with the industry-wide look-back. Both are blends. The difference is the Durbin-DeWine amendment puts more emphasis on the responsibility of the individual tobacco company. We follow what I consider to be, frankly, a more conservative point of view, and that is accountability, that the tobacco companies should have to live with the consequences of their actions or even their inactions. That is the conservative way to look at it, but more important than that, it is the right way to look at it.

The second provision of the Durbin-DeWine amendment provides for increasing the McCain bill's targets for the reduction of youth tobacco use. Yes, by setting a higher target of reduction, the goal is to have fewer kids smoking. But having said that, let me emphasize that our provision effectively takes us back to what the cigarette companies agreed to over a year ago when the cigarette companies and the attorneys general reached this agreement. Our provision takes us back to what the tobacco companies said they could do in June of last year.

I'll repeat that: We are simply increasing these reduction targets to levels the tobacco industry and companies agreed was achievable just last year in the attorneys general agreement.

Let me discuss in more detail these two specific changes in the look-back provision that we are providing in the Durbin-DeWine amendment. I will first start with the company-specific emphasis and how we would require more accountability from the individual tobacco companies.

The first important change that I mentioned our amendment makes is that it shifts the emphasis from an industry-wide look-back to a company-specific look-back. What does this really mean? Let me explain by using an example and by talking about my early concern of last year's settlement which only contained an industry-wide look-back and had no company-specific piece in it.

Under a pure industry-wide look-back, the industry is measured and judged as a whole on how well it does in reducing youth tobacco use. What this does, in effect, is dilute the incentive for each company to do everything it can to make sure children are not using its products.

Why do I say that? Simply because the effects of whatever that company does—positive or negative—is spread across the entire industry. In a sense, this is a form of socialism. Whatever they do, however well they do it, they only get a portion of the credit, and they only get a portion of the blame. The intent is to share—everybody is in this together. You can have one company that does everything it can to reduce teenage smoking, and you can have another company that completely ignores everything and goes about its business to continue to try to hook kids. It doesn't matter; each one is treated equally under a pure industry system. I think that is wrong.

Let me raise a specific case that I brought up a few weeks ago when I talked about this issue on the floor—a case that involves the Philip Morris company, the maker of Marlboro. This company, Philip Morris, through the use of the Marlboro Man and other marketing campaigns, has been extremely successful in selling cigarettes to our young people.

They know what they are doing. They are very, very good at marketing their product. They did such a good job that by 1993—if you can believe this—60 percent of all teen smokers in this country used Marlboro—60 percent. But

in the overall market of all cigarettes sold, the legal market, Marlboro only had 23.5 percent of the market. So 60 percent in illegal sales—60 percent to kids—and only 23.5 percent to legal, adult market. The Marlboro Man and other advertising did a fantastic job, tragically, in hooking young kids.

How would an industry-wide look-back approach affect Philip Morris, the maker of Marlboro? After all, Philip Morris is responsible for a majority of youth smoking, meaning this is the main company the look-back incentives should be aimed at.

Madam President, the industry-wide look-backs in the original settlement and in the McCain bill would allocate the industry-wide assessments to each company based on its adult market share—not its share of the youth market. So if the cigarette industry as a whole misses its reduction targets, under the original settlement reached last year, Philip Morris would only be responsible for 23 percent of the total industry-wide look-back assessment, even though Philip Morris is responsible for 60 percent of all the youth smoking in the country.

So once again, let me ask the question that I have asked previously: What do we think Philip Morris will do under this industry-wide look-back if we had a pure industry-wide look-back provision? Will the look-back succeed in getting Philip Morris to try to reduce the number of children who use its products? I do not think so. For the industry-wide look-back, it is pretty clear to me that the answer is no. Philip Morris will probably not try to reduce youth use of its products at all. Why? Well, it's simple: the incentive is not there. The industry-wide look-back forces other companies to pay for the sins of Philip Morris. Philip Morris is simply smarter to simply ignore the look-back.

So an industry-wide look-back in this case would fail to do what it is supposed to do. In the case of Philip Morris, it would fail to give the proper incentive to the very company with the most responsibility for stopping kids from using its products.

So, Madam President, what can we do to make sure the look-back provision is effective and really gives tobacco companies the right incentives? The answer is simple. We need to hold each company responsible individually for meeting the youth reduction targets, and allow each company to reap the rewards or face the consequences of its own behavior.

Madam President, it is the American way. It is the right way. Let us hold them responsible. Let us hold them accountable. Let us measure their success or their failure.

Right now about 3 million children, it is estimated, smoke Marlboro cigarettes which are made, as I mentioned, by Philip Morris. Instead of focusing a look-back provision on what the industry as a whole does, it is so much more powerful to simply say to Philip Morris—this is what we ought to say to them—''You have 3 million children who use Marlboro cigarettes—3 million in this country. You need to do everything you can to help us reduce that number. That's your responsibility.''

That is what the look-back provision should hold them to. That is what the Durbin-DeWine amendment says. By focusing on a company-specific rather than industry-wide look-back, we are simply telling each tobacco company that it is responsible for its own behavior. In this way we create a more powerful incentive for each company to help us achieve the ultimate goal of this legislation. Let us never forget that ultimate goal; that is, to reduce youth smoking in this country.

Let me talk, if I could, Madam President, about the second part of our look-back change that we make in the Durbin-DeWine amendment. Part of our amendment, as I mentioned, was to set higher reduction targets for youth smoking than those set in the McCain bill. What this means is that tobacco companies are given an incentive to try to get even more children to stop smoking.

Using the current level of youth smoking as the baseline, the Durbin-DeWine amendment would aim for a 67-percent reduction in youth smoking in ten years. This compares to the 60-percent goal contained in the McCain bill. But this, I think, is the important thing: in real terms what this means is that 450,000 fewer children will smoke if the companies meet the reduction targets in our amendment. Since we know that one-third of smokers die young as a result of their habit, this means that 150,000 fewer children will die early as a result of smoking.

These are real kids. These are real children that we are talking about, and they are quite possibly real deaths. So let me say it again. If tobacco companies meet their reduction targets in our amendment, it will mean 450,000 fewer youth smokers and 150,000 fewer early deaths due to smoking.

What we need to remember is that the reduction targets in our amendment in real terms are actually equal to the targets from last year's settlement. Our amendment has the same targets to which the industry agreed to last year.

To me, Madam President, this is an easy issue and it is an easy decision. In effect, the industry has already agreed that it is possible to prevent almost half a million more kids from smoking than the underlying bill calls for. Let us pass this amendment which stops these kids from ever becoming smokers at all.

Again, I emphasize our amendment merely takes us back in real terms to what the industry, the tobacco companies and the attorneys general, agreed to last June. The 67 percent in our amendment is really equal to the 60 percent they agreed to last June because of the change in the baseline. The raw numbers are the same.

Madam President, I would like to respond for a moment to some of the criticism that we have heard about this amendment. And let me just comment about a few things.

Some Members have come to the floor and have argued that this might be too punitive. Some have said that the potential assessments under this amendment are just too high.

First, I would like to say that my sincere hope is that we never see any assessments under a look-back, because this would mean we will have met our reduction goals for youth smoking. Once again, since the industry, the tobacco industry, has agreed that these reduction goals are achievable, I think it is likely we will never see any assessment under the look-back, at least that is what our goal is.

But this will only be true if we create a strong incentive for each company to meet the reduction targets. This is what our amendment, the Durbin-DeWine amendment does. The company-specific payments in the Durbin-DeWine amendment are higher than the McCain bill. However, the industry-wide payments are lower. When you add the two types of look-backs, company-wide and industry-wide together, you really will not find a huge difference between our amendment and the McCain bill. We have a different blend. We change the emphasis, but overall there isn't a great deal of difference.

Let us take an example. Let us suppose that each and every company misses the reduction target in a given year by 10 percent. If this happens, the combination of industry-wide and company-specific payments in the McCain bill would add up to a total of $1.8 billion. In the Durbin-DeWine amendment, under those same set of facts, it would add up to $2.4 billion. There is a difference, but the difference is really not huge.

Madam President, the real difference between our amendment and the McCain bill is not the size of payments, but rather the emphasis. The company-specific focus of the Durbin-DeWine amendment places more incentive on each tobacco company individually to change its behavior and to stop children from using its products.

Madam President, others have argued to address another issue that has been raised, that company-specific look-backs are unfair because the company cannot really control whether kids use its products. Well, we know from experience and seeing what these tobacco companies have done in the past that that simply is not true. There are many things that tobacco companies can do to prevent kids from using their cigarettes. There have been many things that the tobacco companies have done to get kids to use their cigarettes. We know there are many things they can do to stop them as well or reduce it. Those who make that argument aren't giving the tobacco companies enough credit. The most basic

thing tobacco companies can do is make sure its advertising is not appealing to kids.

Now, some of this is already taken care of and addressed in the McCain bill. We do this by placing marketing restrictions on tobacco companies, such as prohibiting the use of cartoon characters or human images. That is in the bill. But advertising is a subtle thing. The tobacco industry has proven a real expert at dealing with this. There is simply no way Congress can specifically prohibit every type of advertising that might appeal to children. We are not that good. We can't write legislation that specific.

The advantage of a company-specific look-back provision is that each company is given the incentive to think about other ways its advertising may be attracting children and then to stop it. But even beyond the issue of advertising, companies can still have an impact on how many kids use their products. For example, they can initiate their own antismoking advertising campaigns or their own education programs that would build on efforts called for elsewhere in this bill. They could do it if they wanted to do it. Again, the buck stops with them under our provision.

A company could also work with retailers to find ways to be absolutely sure that none of its products were being sold to minors. The relationship between retailers and tobacco companies is a very close one. They have used it over the years to build sales. They can certainly use it in the next few years to reduce illegal sales to minors.

So I think those who say that, gee, the tobacco companies can't be held for liability on this, this is all beyond their control, I think that argument is absolutely absurd.

As we can see, companies have any number of ways or tools to make it harder or less likely for children to use their products. We need to make sure they have a strong incentive to put that great genius to work. The only way to place a strong incentive on each company separately is with a strong company-specific look-back penalty like that contained in the Durbin-DeWine amendment.

The choice before the Senate is simple. We have the opportunity when this amendment comes for a vote, the Durbin-DeWine amendment, to vote on an amendment that will prove the basic purpose of this legislation, and that is to reduce youth smoking by holding individual tobacco companies more accountable for failing to reduce youth smoking, and by restoring the original target set by the tobacco companies themselves and agreed to themselves. The Durbin-DeWine amendment will make a real difference in young lives. I, once again, urge my colleagues to join us on behalf of our young people and support the Durbin-DeWine look-back amendment.

Some of my colleagues and friends have come to the floor, and I have heard legitimate talk about the problem of the illegal use of drugs. That is a major problem. It is a major problem in our country today. It is a major problem with our young people. If we had to tick off two of the major problems we have with our general population, but particularly with our young people, we certainly would include cigarettes and we certainly would include the illegal use of drugs.

As I have listened to some of those debates, and I agree with what they have said and I do not disagree in any way—in fact, I am struck by the similarity between the two issues—cigarettes and drugs. I think as we approach, really for the first time in this Congress, the issue of trying to comprehensively deal with tobacco use, and as we for the first time try to structure a comprehensive program to reduce the number of young people who start smoking cigarettes, who start to use tobacco, that the lessons we have learned as a society over the last few decades in regard to the illegal use of drugs and how we deal with that and how we try to reduce that, I think are very apt. I think we ought to look at that effort in that war.

What have we learned? We have had some success in the war against drugs and we have had an awful lot of failures, as well. We have seen the use go up and we have seen the use go down. There are times in our history where we have driven the use down and at times we have driven the use back up, particularly among our young people. I think we have learned a great deal.

What have we learned that might be applicable to what we are trying to do in regard to cigarettes? A couple of things. One, price. Why do we spend so much time, effort, and money to try to keep drugs from coming into this country? Why do we go to the source countries? Why do we try to help Colombia? Why do we have Coast Guard cutters today off the coast of Haiti to try to interdict drugs? Why are we working in the Bahamas? Why are we working in Mexico? Why are we doing everything we can to try to stop drugs from coming into this country?

The answer is not only do we want to keep drugs out of the hands of anybody who might buy them in this country, but at the same time we are trying to drive up the price of drugs. We know there is a direct relationship between the cost of drugs on the streets of Cleveland, OH, Los Angeles, Cincinnati and the cost on the drug traffickers to get them there; and we know there is an inverse relationship between the price of those drugs and the use of those drugs. So if it is true with illicit drugs, and I think it is true for just about any product, it certainly is true and the statistics have shown us that it can in many cases be true in regard to tobacco, as well.

Now, I happen to think, and I have argued on this floor, that price alone is not enough, driving up the price of tobacco is in and of itself not enough. We have seen that the studies have been conflicting in regard to the price issue. But I am convinced that price is an important factor.

What else have we learned about a war on drugs in general? We have learned that when we have come forward with very effective antidrug advertising campaigns that are focused in the media, that are focused on radio and television—we know when the genius of Madison Avenue is utilized, we know they can be effective, and they are effective. We know when we focus public attention on the issue that we can make a difference. Advertising does work. Counteradvertising works, as well. Again, another lesson from our war on drugs. We know what works and we know what doesn't.

The same is true with education. We know that when you combine the increase in cost, the price on the street of a drug, you combine that with counteradvertising, you combine that with education sustained year after year after year in school, that it will make a difference. Part of the problem with our anti-education programs that are anti-illicit drugs, we only do them for 1 or 2 years. We might have a 5th or 6th grade DARE program, and then a young person might not get another dose of that until 11th or 12th grade in health class. We know that is a problem. Every study has shown the only way education is effective is starting in kindergarten, preferably before that, and start K through 12, every single year.

This is not rocket science. This is not difficult. It is the same way with tobacco. The lessons we have learned, sometimes the hard way, in regard to how you deal with illicit drugs in this country—sometimes we act like we haven't learned those lessons, but those lessons can be applied in regard to stopping young people from smoking cigarettes.

What we are trying to do in this bill is to take the knowledge that we have and come up with a comprehensive package that will in the long run save tens of thousands of our young children's lives. That is what we are about. So as we debate this bill and we talk about different provisions, whether it is the look-back provision or other provisions, let us keep our eye on the ball. Let us keep our eye on what are the bare facts and what the goal is. The goal is to reduce teenage smoking.

The only way that we can do that is to come up with a comprehensive approach that combines education, antismoking advertising, reduction in advertising aimed at children, good law enforcement, and an increase in price. When you put all of those things together you have a good, good, fighting chance to dramatically reduce teenage smoking in this country, which is what our goal is. That is why I continue to support this legislation and continue to urge my colleagues, no matter what their position is on individual amendments as they come up, to keep our eye

on the ball and keep pushing this bill forward. It is essential that we get it passed. We have a great responsibility to get that job done. I hope we will continue to do it.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. CHAFEE. Madam President, I would like to address the question of the National Tobacco Policy and Youth Smoking Reduction Act, S. 1415, this afternoon, which the Senate is resuming consideration of today. This is a very important bill, and I know the occupant of the Chair shares my concerns with this legislation and a concern that it be passed. This seeks to address a serious problem—tobacco use among our young people.

Both conservatives and liberals fault this legislation. Some say it is not strong enough; some say it goes too far. I think it strikes an appropriate balance and merits our support. It is not a perfect bill, but I don't think we should let perfection be the enemy of the good. By striving constantly for what each of us wants in the perfect bill, we won't end up with anything. I am concerned about that.

Madam President, if one counts the Mondays and Fridays as part of each working week, there are only 68 legislative days remaining in this congressional session before we adjourn for the midterm elections in the fall. Sixty-eight days is not very long. Time is of the essence if we are going to enact a comprehensive tobacco bill this year. I certainly believe Congress should enact such legislation. Thus, I am hopeful that, following a vigorous and healthy debate, the Senate will pass the McCain bill and send it along to the House.

Given all the disinformation circulating about this legislation—most of it, I might say, initiated by the tobacco industry—I would like to take a few moments of the Senate's time to review the bidding as to why we are considering national tobacco legislation at this time.

The opponents of S. 1415, the so-called McCain bill, would have us believe that this legislation is a case of tax and spend liberalism gone wild, that this bill is an excessive response to a relatively minor social problem—that of tobacco use among the young people—and that an antitobacco media campaign is all we need, that is an adequate response. Well, for years the tobacco industry sought to discredit studies which linked smoking to cancer and other diseases. Then the industry told us that nicotine was not addictive. Now the industry says it doesn't target kids with any advertising or marketing programs and that this legislation is just another opportunity—the McCain legislation—for Washington to increase taxes on the U.S. public.

Let's look at the facts. There is indisputable consensus within the public health community that tobacco use constitutes the single most preventable cause of death in this country. In other words, of all the possibilities of reducing deaths in our country, including better exercise, reduction in fat consumption, conducting what we might call a healthful life, all of those things put together aren't as effective in improving the health of the United States of America as giving up smoking would be. In other words, it is the single most preventable cause of death. Who says that? Is it I, Senator CHAFEE from Rhode Island? Not at all. It is the Centers for Disease Control.

Here is a chart. This chart says tobacco kills more Americans than alcohol, car accidents, suicides, AIDS, homicides, illegal drugs, and fires combined. In other words, all the effort we go to in this country to lecture people to use seat belts in order to reduce automobile accidents or fatalities and injuries from automobile accidents, and all we do about counseling in connection with suicides, and the money we pour into AIDS prevention and attempted cures, and homicides, and the battle against illegal drugs and fires, and all we do to prevent fires from occurring in households, and the lectures on alcohol—if you put all of those together, tobacco kills more Americans than alcohol, car accidents, suicides, AIDS, homicides, illegal drugs, and fires combined.

So if we are serious about doing something about improving the health of Americans, we should try to make every effort to entice Americans not to take up smoking and, if they are smokers, to cease smoking.

Here are the figures: Tobacco kills 418,000 Americans every year by tobacco-related diseases; alcohol is 105,000; about one-fourth of the deaths result from tobacco and fires, 4,300; illegal drugs, 9,000; and so forth. So you add them all together, and they don't amount to the figures that are causing the deaths resulting from tobacco-related diseases.

Where is the problem? The problem lies in that every day it is estimated in the United States of America 3,000 children and young people start smoking in schoolyards, or wherever it might be, in our country. Every day, 3,000 youngsters take up smoking, and one-third of these will die prematurely as a result of that habit. In other words, if they smoke, the chances are that about 33 percent will die prematurely because of the habit of smoking. Each year, 1 million additional children—3,000 a day times 365 gets you very close to 1 million—1 million additional children become smokers. What we are aiming for in this legislation is to prevent that and reduce the number of children who take up smoking.

There are those who say, ''Oh, well, tobacco use is a matter of personal choice.'' But is this true when you are talking about young people, impressionable children, 14, 15, 16, 17, in their teens? Ninety percent of those who take up smoking do so before the age of 18. In other words, if you can get someone by the age of 18 without having taken up smoking, the chances are excellent that individual will not become a smoker. Ninety percent of smokers have taken it up before the age of 18.

Children obviously don't possess the same level of maturity as adults. They can't be expected to make the most thoughtful decisions on this life-and-death matter of smoking. Sometimes it is the ''cool'' thing to do, apparently.

But the tobacco industry itself, in its own words—here is the internal document from R.J. Reynolds. ''If a man''—or woman—''has never smoked by the age of 18, the odds are three-to-one he never will.'' If you haven't smoked by 18, the chances are pretty good that you won't smoke ever—''three-to-one.'' By the age of 24, if you can hold off and not smoke at the age of 24, the odds ''are 20-to-one'' that that individual you will not take up smoking.

That is where we want to concentrate our efforts—on these young people in their early teens—and carry it up through the age of 24 when the chances are very, very good that an individual will not take up smoking. But the key group is 18 or younger.

Is there an epidemic of smoking amongst young people? You bet your life there is. In my home State, where I never thought there was a particular abundance of smoking—it is not going like going to China, where everybody seems to be smoking. That doesn't seem to be true in my State. Yet the Centers for Disease Control say that 37 percent of high school children—I am not talking about high school seniors; I am talking about high school children; that would be the 12th, 11th, and 10th, and in some instances the 9th grade—smoke. That is more than 70,000 teen smokers in our State. We have 1 million people in our State, and 70,000 teen smokers, one-third of these high school students, will lose their lives prematurely because of this unhealthy habit.

Here is a graph that shows the increase in the rates of smoking among high school seniors. Now we are talking seniors. It is remarkable. It went along pretty steadily at about 30 percent. Then in 1982 it even dipped down to about 27 percent.] Then it shot up starting at about 1991, up until the middle 30s nationally.

What has caused all of this? One of the things, obviously, that has caused it is the action of advertising to these young people, whether it is the Marlboro man, or Joe Camel, or whatever it is. All the advertising from the tobacco companies has been oriented toward inducing the young people to take up smoking. It is the ''in thing.'' They want to make it the ''in thing.'' The tobacco companies clearly do.

One of the ironies of the opposition of the tobacco companies to the McCain

bill is the suggestion that this bill was somehow dreamed up by a bunch of Washington bureaucrats. The fact of the matter is that most of the provisions in this bill have their origins in the global settlement the industry entered into with the 40 States' attorneys general last June. In other words, about a year ago the tobacco industry entered into a deal with 40 of the attorneys general from our 50 States. In that, they made a whole series of concessions. It had nothing to do with Washington, DC, or Washington bureaucrats, or tax-and-spend liberals in the U.S. Congress. It was all initiated and agreed to by the tobacco companies and the attorneys general.

Let's tackle some of the things that came up in that agreement.

What about the idea of a per-pack tax on cigarettes to discourage teenagers from smoking? In other words, what is the idea of increasing the tax, or fee, if you will, on each package of cigarettes that is sold in order to discourage teenagers from taking up smoking? Tobacco companies signed on to a 65-cents-per-pack increase during the settlement negotiations. Sixty-five cents they agreed to. That had nothing to do with Washington, DC. That was out in the hinterlands, out in the States, working with the tobacco companies and the attorneys general.

What about financial penalties on the tobacco companies for failure to meet the annual youth smoking reduction target? This is the so-called look-back provision. If there isn't a reduction of *x* percent—this is written out in the contract, in the deal—if those reductions aren't achieved by 40 percent or 50 percent, whatever it might be, by such and such number of years, then the tobacco companies will have to pay an additional penalty. That is the so-called look-back provision at the end. At the end of 5 years of this deal, you look back and see if there has been this percentage reduction in teenage smoking.

Where did that come from? Out of the bureaucrats in Washington? Not at all. The tobacco companies agreed to this during the settlement with the attorneys general.

What about advertising and marketing restrictions? The industry signed off on that.

What about receipts from those new taxes to fund public health programs such as counteradvertising, cessation of smoking efforts, community-based antismoking programs, and all of these things that we are now thinking are wise to reduce smoking in the United States—not just to get people to not take it up in the beginning, to help those who are smoking cease that very dangerous habit? Where did that come from? Did that come from Washington bureaucrats? Not at all. The industry agreed to it in their dealings with the attorneys general.

The fact is, the McCain legislation is based largely on the negotiations which produced the so-called global settlement, comprehensive settlement, last June.

Given the American public's distaste for new taxes, it is not surprising that the tobacco industry has seized upon the $1.10 increase in the price for a pack of cigarettes and has used this as a rallying cry of opposition.

Let's understand this. Who is going to pay this tax? Only people who smoke. If they give up smoking, they won't pay the tax. Anybody who says they don't like the tax, quit smoking and they won't have to pay a nickel of it.

Obviously, smokers are free to go on smoking. But I think we all ought to understand that all of us are paying when there are smokers in our society. Why are they paying? Because one-third of those smokers are going to suffer very severe sickness and illness as a result of their smoking. And the direct health care costs—in other words, whether Medicaid, Medicare, or other forms of assistance to those who smoke, or are suffering from smoking-related illnesses—are paid for by all of us in society. It costs $60 billion a year to care for those individuals. And when you take the lost productivity and the disability payments, it is estimated that smoking-related illnesses are causing American taxpayers over $100 billion a year. Now, even for somebody from Washington, $100 billion is a lot of money. That is what these tobacco-caused illnesses are costing the taxpayers in the United States.

Madam President, I urge Members of this body and the public also to look closely at the facts I have enunciated here and not to be dissuaded from doing the right thing, not to be dissuaded by this blitz from the tobacco industry and the lobbying that is taking place. S. 1415, the McCain bill, is a comprehensive bill, it is a good bill and addresses a very serious problem in our country. The time for action on it is now, and I hope my colleagues will support efforts to pass the legislation.

Madam President, seeing no one else wishing to speak, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. HUTCHISON). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business Friday, May 29, 1998, the federal debt stood at $5,506,355,797,435.19 (Five trillion, five hundred six billion, three hundred fifty-five million, seven hundred ninety-seven thousand, four hundred thirty-five dollars and nineteen cents).

One year ago, May 29, 1997, the federal debt stood at $5,346,270,000,000 (Five trillion, three hundred forty-six billion, two hundred seventy million).

Twenty-five years ago, May 29, 1973, the federal debt stood at $455,297,000,000 (Four hundred fifty-five billion, two hundred ninety-seven million) which reflects a debt increase of more than $5 trillion—$5,051,058,797,435.19 (Five trillion, fifty-one billion, fifty-eight million, seven hundred ninety-seven thousand, four hundred thirty-five dollars and nineteen cents) during the past 25 years.

ELIZABETH GIANETTI—PRESIDENT OF MASSACHUSETTS FRATERNAL ORDER OF POLICE

Mr. KENNEDY. Mr. President, it is a privilege to take this opportunity to recognize the extraordinary leadership of the President of the Fraternal Order of Police in Massachusetts, Officer Elizabeth Gianetti.

Officer Gianetti has achieved many ''firsts'' in her outstanding career. She is the first person to hold this position. She was instrumental in its creation in 1993, when the 4,000 law enforcement officers of Massachusetts decided that they needed a statewide organization to represent their concerns. And once the Massachusetts State F.O.P was established, Officer Gianetti was overwhelmingly elected its first president by the local F.O.P. lodges across the state.

She is also the first woman in the 83-year history of the national Fraternal Order of Police to head a state F.O.P. chapter.

Officer Gianetti comes to this position with an impressive record of achievements in law enforcement and service to the community.

She has been a Boston School Police Officer for more than 10 years. In that capacity she has been actively involved in the community, and especially active in working with children through such programs as Boston Medical Center's Children With AIDS Foundation. She has brought her enthusiasm for working with children to her position as state F.O.P. president. This summer, for example, she will coordinate a safety day with the goal of educating children and parents about keeping children safe, including the distribution of bicycle helmets to help prevent accidents and injuries.

Elizabeth Gianetti's initiatives with the state Fraternal Order of Police and her work for the people of Massachusetts are truly remarkable. We are proud of her accomplishments, and I know that all Senators join me in commending her fine record of public service.

MESSAGES FROM THE HOUSE RECEIVED DURING ADJOURNMENT ENROLLED BILL SIGNED

Under the authority of the order of the Senate of January 7, 1997, the Secretary of the Senate, on May 26, 1998, during the adjournment of the Senate, received a message from the House of Representatives announcing that the

Speaker has signed the following enrolled bill:

H.R. 2400. An Act to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes.

The enrolled bill was previously signed by the President pro tempore (Mr. THURMOND) on May 21, 1998.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate on May 20, 1998, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–4897. A communication from the Attorney General, transmitting, pursuant to law, the report of orders and extensions of orders approving electronic surveillance or physical search under the Foreign Intelligence Surveillance Act for calendar year 1997; to the Committee on Judiciary.

EC–4898. A communication from the Assistant Attorney General, Office of Justice Programs, Department of Justice, transmitting, the annual report of the Office of Justice Programs for fiscal year 1997; to the Committee on the Judiciary.

EC–4899. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the annual report on the Refugee Resettlement Program for fiscal year 1996; to the Committee on the Judiciary.

EC–4900. A communication from the Chairman of the Tennessee Valley Authority, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1997; to the Committee on the Judiciary.

EC–4901. A communication from the Secretary of Education, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1997; to the Committee on the Judiciary.

EC–4902. A communication from the Executive Director of Government Affairs, Non Commissioned Officers Association of the United States of America, transmitting, pursuant to law, the annual report of financial statements as of December 31, 1997 and 1996; to the Committee on the Judiciary.

EC–4903. A communication from the Acting Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting, a draft of proposed legislation to designate El Camino Real de Tierra Adentro as a National Historic Trail; to the Committee on Energy and Natural Resources.

EC–4904. A communication from the Director of the Office of Surface Mining Reclamation and Enforcement, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Maryland Regulatory Program (Bonding)'' received on May 11, 1998; to the Committee on Energy and Natural Resources.

EC–4905. A communication from the Secretary of Energy, transmitting, pursuant to law, notification that the Department of Energy will open the Waste Isolation Pilot Plant for disposal operations; to the Committee on Energy and Natural Resources.

EC–4906. A communication from the Deputy Associate Director for Royalty Management, Department of the Interior, transmitting, pursuant to law, notification of proposed refunds of offshore lease revenues authorized under the Outer Continental Shelf Lands Act; to the Committee on Energy and Natural Resources.

EC–4907. A communication from the Director of the Office of Rulemaking Coordination, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Acquisition Regulation: Limitation on Allowability of Compensation for Certain Contractor Personnel'' (RIN1991–AB43) received on May 13, 1998; to the Committee on Energy and Natural Resources.

EC–4908. A communication from the Director of the Office of Rulemaking Coordination, Department of Energy, transmitting, pursuant to law, the report of an administrative directive entitled ''Nuclear Explosive and Weapon Surety Program'' received on May 13, 1998; to the Committee on Energy and Natural Resources.

EC–4909. A communication from the Director of the Office of Rulemaking Coordination, Department of Energy, transmitting, pursuant to law, the report of an administrative directive entitled ''Radiological Protection for DOE Activities'' received on May 13, 1998; to the Committee on Energy and Natural Resources.

EC–4910. A communication from the Director of the Office of Rulemaking Coordination, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Acquisition Regulation: Acquisition Streamlining'' (RIN1991–AB35) received on May 13, 1998; to the Committee on Energy and Natural Resources.

EC–4911. A communication from the Director of the Office of Regulations Management, Department of Veterans' Affairs, transmitting, pursuant to law, the report of a rule entitled ''Veterans' Training: Time Limit for Submitting Certifications under the Service Members Occupational Conversion and Training Act'' (RIN2900–AI85) received on May 13, 1998; to the Committee on Veterans' Affairs.

EC–4912. A communication from the Acting Secretary of Veterans' Affairs, transmitting, pursuant to law, a report of cases in which the Secretary of Veterans' Affairs granted equitable relief in 1997; to the Committee on Veterans' Affairs.

EC–4913. A communication from the Acting Secretary of Veterans' Affairs, transmitting, a draft of proposed legislation regarding VA health care and medical facilities; to the Committee on Veterans' Affairs.

EC–4914. A communication from the Secretary of Labor, transmitting, pursuant to law, a report describing employment and training programs for veterans during program year 1994 and fiscal year 1995; to the Committee on Veterans' Affairs.

EC–4915. A communication from the Secretary of Labor, transmitting, pursuant to law, a report describing employment and training programs for veterans during program year 1995 and fiscal year 1996; to the Committee on Veterans' Affairs.

EC–4916. A communication from the Chairman of the Federal Maritime Commission, transmitting, pursuant to law, the report under the Inspector General Act for the period October 1, 1997 through March 31, 1998; to the Committee on Governmental Affairs.

EC–4917. A communication from the Chairman and Chief Executive Officer of the Farm Credit Administration, transmitting, pursuant to law, the report of the Office of the Inspector General for the period October 1, 1997 through March 31, 1998; to the Committee on Governmental Affairs.

EC–4918. A communication from the President of the Federal Financing Bank, transmitting, pursuant to law, the fiscal year 1997 management report; to the Committee on Governmental Affairs.

EC–4919. A communication from the Chief Financial Officer of the Export-Import Bank, transmitting, pursuant to law, the management report for the fiscal year ended September 30, 1997; to the Committee on Governmental Affairs.

EC–4920. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled ''Reduction In Force and Mandatory Exceptions'' (RIN3206–AH64) received on May 13, 1998; to the Committee on Governmental Affairs.

EC–4921. A communication from the Chairman of the Census Monitoring Board, transmitting, a report regarding the year 2000 Census; to the Committee on Governmental Affairs.

EC–4922. A communication from the Executive Director of the Committee For Purchase From People Who are Blind Or Severely Disabled, transmitting, pursuant to law, notice of additions and deletions from the procurement list received on May 7, 1998; to the Committee on Governmental Affairs.

EC–4923. A communication from the Chairman of the Federal Housing Finance Board, transmitting, pursuant to law, the semiannual report under the Inspector General Act for the period October 1, 1997 through March 31, 1998; to the Committee on Governmental Affairs.

EC–4924. A communication from the Assistant Secretary for Import Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule concerning Antidumping and Countervailing Duty Proceedings: Procedures for Imposing Sanctions for Violation of a Protective Order (RIN0625–AA43) received on May 4, 1998; to the Committee on Finance.

EC–4925. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, a report seeking confirmation of a list of documents transmitted to Congress; to the Committee on Finance.

EC–4926. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of 3 rules regarding fuel from a nonconventional source, farm real property, and last-in, first out inventories (Notice 98–28, 98–22, 98–26) received on May 13, 1998; to the Committee on Finance.

EC–4927. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report on initial estimates of Medicare payment increases; to the Committee on Finance.

EC–4928. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Solvency Standards and Waiver Requirements for Provider-Sponsored Organizations'' (RIN0938–AI83) received on May 11, 1998; to the Committee on Finance.

EC–4929. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare Program; Prospective Payment System and Consolidated Billing for Skilled Nursing Facilities'' (RIN0938–AI47) received on May 11, 1998; to the Committee on Finance.

EC–4930. A communication from the Chairman of the Nuclear Regulatory Commission, transmitting, pursuant to law, a report on the nondisclosure of safeguards information for the period January 1, 1998 through March 31, 1998; to the Committee on Environment and Public Works.

EC–4931. A communication from the Director of the Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule to list the Preble's Meadow Jumping Mouse as a Threatened Species (RIN1018–AE06) received on May 13, 1998; to the Committee on Environment and Public Works.

EC–4932. A communication from the Acting Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting, pursuant to law, the report of a rule to

list Bigleaf Mahogany under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (RIN1018–AE94) received on May 11, 1998; to the Committee on Environment and Public Works.

EC–4933. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of five rules regarding the Georgia State Implementation Plan, substituted phenol, pesticide tolerances, Oklahoma State hazardous waste management, and hazardous air pollutants (FRL6004–8, FRL5782–5, FRL5781–8, FRL6003–4, FRL6003–7) received on April 27, 1998; to the Committee on Environment and Public Works.

EC–4934. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of State Plans for Designated Facilities and Pollutants: Georgia'' (FRL6003–8) received on May 13, 1998; to the Committee on Environment and Public Works.

EC–4935. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule regarding the Phoenix Carbon Monoxide Nonattainment Area (FRL6010–3) received on May 13, 1998; to the Committee on Environment and Public Works.

EC–4936. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of four rules regarding the Maryland Air Quality Implementation Plans, bromoxynil pesticide tolerance, diflubenzuron pesticide tolerance, and tebufenzide pesticide (FRL6012–5, FRL5790–8, FRL5790–5, FRL5748–7) received on May 11, 1998; to the Committee on Environment and Public Works.

EC–4937. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of six rules regarding pesticide tolerance correction, organic hazardous air pollutants, imidacloprid pesticide tolerance, myclobutanil pesticide tolerance, azoxystrobin pesticide tolerance, and land disposal restrictions (FRL5787–6, FRL6011–6, FRL5785–4, FRL5787–7, FRL5787–8, FRL6010–5) received on May 11, 1998; to the Committee on Environment and Public Works.

EC–4938. A communication from the Chief Counsel, Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Cuban Assets Control Regulations: Fully-Hosted or Fully-Sponsored Travel and Restrictions on Travel Transactions'' received on May 13, 1998; to the Committee on Foreign Relations.

EC–4939. A communication from the Chief Counsel, Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Cuban Assets Control Regulations: Family Remittances; Travel Remittances; Carrier Service Providers; Currency Carried by Travelers'' received on May 13, 1998; to the Committee on Foreign Relations.

EC–4940. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, a draft of proposed legislation to allow the United States to more effectively provide humanitarian assistance, law enforcement training and excess defense articles to other nations; to the Committee on Foreign Relations.

EC–4941. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, the report of the certification of a proposed manufacturing license agreement with Turkey (DTC–18–98); to the Committee on Foreign Relations.

EC–4942, A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, the report of the certification of a proposed license for the export of defense articles to Japan (DTC–22–98); to the Committee on Foreign Relations.

EC–4943. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, the report of the certification of a proposed license for the export of defense articles to Brunei (DTC–4–98); to the Committee on Foreign Relations.

EC–4944. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, a report entitled ''Efforts Made by the United Nations and Other International Organizations in 1997 to Employ Americans''; to the Committee on Foreign Relations.

EC–4945. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, the report of the certification of a proposed amendment to a manufacturing license agreement with Turkey (DTC–52–98); to the Committee on Foreign Relations.

EC–4946. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, the report of the certification of a proposed license for the export of major defense equipment to Singapore (DTC–64–98); to the Committee on Foreign Relations.

EC–4947. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, the report of the certification of a proposed license for the export of defense articles to Greece (DTC–45–98); to the Committee on Foreign Relations.

EC–4948. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, the report of the certification of a proposed license for the export of major defense equipment to Singapore (DTC–65–98); to the Committee on Foreign Relations.

EC–4949. A communication for the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, the report of the certification of a proposed manufacturing license agreement with Japan (DTC–55–98); to the Committee on Foreign Relations.

EC–4950. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, the report of the certification of a proposed technical assistance agreement for the export of defense services to Japan (DTC–67–98); to the Committee on Foreign Relations.

EC–4951. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, the report entitled ''Determination and Certification Under Section 40A of the Arms Export Control Act''; to the Committee on Foreign Relations.

EC–4952. A communication from the Secretary of the Senate, transmitting, pursuant to law, a statement of receipts and expenditures of the Senate, showing in detail the expense under proper appropriations, the aggregate thereof, and exhibiting the exact condition of all public moneys received, paid out, and remaining in his possesssion from October 1, 1997 through March 31, 1998; which was ordered to lie on the table.

EC–4953. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, the report of certification made by the Department of State; to the Committee on Appropriations.

The following communications were laid before the Senate on June 1, 1998, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–5129. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Special Local Regulations; River Race Augusta, Augusta, GA'' (RIN2115–AE46 1998–0014) received on May 18, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5130. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 747 and 767 Series Airplanes'' (RIN2120–AA64) received on May 18, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5131. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments'' (Docket 29214) received on May 18, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5132. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments'' (Docket 29215) received on May 18, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5133. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Eurocopter France Model SA–365N1, AS–365N2, and SA–366G1 Helicopters'' (Docket 97–SW–AD) received on May 18, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5134. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; McDonnell Douglas Model DC–9–10, –20m, –30, –40, and –50 Series Airplanes, and C–9 (military) Airplanes'' (Docket 97–NM–40–AD) received on May 18, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5135. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Prohibition Against Certain Flights Within the Territory and Airspace of Afghanistan'' (Docket 27744) received on May 18, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5136. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Burkhart Grob Luft-und Raumfahrt Models G115C, G115C2, G115D, and G115D2 Airplanes'' (Docket 98–CE–24–AD) received on May 18, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5137. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''airworthiness Directives; Bell Helicopter Textron (Bell) Model 204B, 205A, and 205A–1 Helicopters'' (Docket 97–SW–32–AD) received on May 18, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5138. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Construcciones Aeronauticas, S.A. (CASA) Model C–212 Series Airplanes'' (Docket 97–NM–297–AD) received on May 18, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5139. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule regarding airworthiness directives on Bell and Southwest Florida Aviation helicopters'' (Docket 97–SW–35) received on May 18, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5140. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Alexander Schleicher Segelfugzeubau Model ASK 21 Sailplanes'' (Docket 97–CE–103–AD) received on May 18, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5141. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Aviation Charter Rules'' (Docket OST–97–2356) received on May 18, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5142. A communication from the Acting Deputy Director of the National Institute of Standards and Technology, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Procedures for the Evaluation of Energy-Related Inventions; Removal of Regulations'' (Docket 970822201–7202–00) received on May 18, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5143. A communication from the Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule regarding Pacific Coast Groundfish Fishery (Docket 971229312–7312–01) received on May 18, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5144. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule regarding a distinct segment of Atlantic Salmon (Salmo salar) (RIN1018–AD12) received on May 18, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5145. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, transmitting, pursuant to law; the report of a rule entitled ''Magnuson-Stevens Act Provisions; National Standard Guidelines'' (RIN0648–AJ58) received on May 18, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5146. A communication from the Assistant Administrator of the National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule regarding the Sea Grand Industry Fellows Program (RIN0648–ZA41) received on May 18, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5147. A communication from the Assistant Administrator for Ocean Services and Coastal Zone Management, National Ocean Service, Department of Commerce, transmitting, pursuant to law the report of a rule entitled ''National Estuarine Research Reserve System Regulations'' (RIN0694–AL16) received on May 20, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5148. A communication from the Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule regarding measures to ensure the adequacy and safety of fishing vessels that carry observers (RIN0648–AJ76) received on May 20, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5149. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, the report of the certification of a proposed manufacturing license agreement with Japan (DTC–68–98) received on May 13, 1998; to the Committee on Foreign Relations.

EC–5150. A communication from the Secretary of Health and Human Services, transmitting, a draft of proposed legislation entitled ''Medicare Administrative Improvement Amendments of 1998''; to the Committee on Finance.

EC–5151. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Federal Motor Carrier Regulations; Authority Corrections'' (RIN2125–AE41) received on May 22, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5152. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 737–100 and –200 Series Airplanes'' (Docket 96–NM–264–AD) received on May 22, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5153. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 727 Series Airplanes'' (Docket 96–NM–263–AD) received on May 22, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5154. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class E Airspace; Kimball, NE'' (Docket 98–ACE–10) received on May 22, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5155. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; AlliedSignal Inc. Model TFE731–4OR–200G Turbofan Engines'' (Docket 980–ANE–30–AD) received on May 22, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5156. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Bombardier Model CL–600–2B16 Series Airplanes'' (Docket 98–NM–21–AD) received on May 22, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5157. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Pilatus Aircraft Ltd. Models PC–12 and PC–12/45 Airplanes'' (Docket 98–CE–40–AD) received on May 22, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5158. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Fokker Model F28 Mark 0070 and Mark 0100 Series Airplanes'' (Docket 98–NM–153–AD) received on May 22, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5159. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''IFR Altitudes; Miscellaneous Amendments'' (Docket 29221) received on May 22, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5160. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class E Airspace; Mason City, IA'' (Docket 98–ACE–31) received on May 22, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5161. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule relative to Springfield-Branson Regional Airport; MO (Docket 95–AWA–10) received on May 22, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5162. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class E Airspace; Ainsworth, NE'' (Docket 98–ACE–16) received on May 22, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5163. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class E Airspace; Livingston, MT, and Butte, MT, and Removal of Class E Airspace; Coppertown, MT'' (Docket 97–AMM–20) received on May 22, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5164. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class E Airspace; Gordon, NE'' (Docket 98–ACE–9) received on May 22, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5165. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class D and Class E Airspace; Fort Leonard Wood, MO'' (Docket 98–ACE–17) received on May 22, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5166. A communication from the ADM-Performance Evaluation and Records Management, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Table of Allotments, FM Broadcast Stations (Macon, Mississippi)'' (Docket 97–188) received on May 22, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5167. A communication from the ADM-Performance Evaluation and Records Management, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Table of Allotments, FM Broadcast Stations (Shelly and Island Park, Idaho)'' (Docket 97–194) received on May 22, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5168. A communication from the ADM-Performance Evaluation and Records Management, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Table of Allotments, FM Broadcast Stations (McFarland and Coalinga, California)'' (Docket 97–204) received on May 22, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5169. A communication from the ADM-Performance Evaluation and Records Management, Federal Communications Commission, transmitting, pursuant to law, the report of a rule regarding telephone number portability (Docket 96–116) received on May 22, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5170. A communication from the Director of the Office of Regulatory Management,

Environmental Protection Agency, transmitting, pursuant to law, the report of two rules regarding emission standards in Washoe County, Nevada and the State of Florida's State Implementation Plan (FRL6014–5, FRL6015–4) received on May 22, 1998; to the Committee on Environment and Public Works.

EC–5171. A communication from the Director of the Office of Regulatory Management, Environmental Protection Agency, transmitting, pursuant to law, the report of two rules regarding tolerance processing fees and the Phoenix, Arizona Ozone Nonattainment Area (FRL5775–4, FRL6101–9) received on May 22, 1998; to the Committee on Environment and Public Works.

EC–5172. A communication from the General Counsel of the Department of the Treasury, transmitting, a draft of proposed legislation entitled ''The United States Mint Performance-Based Organization Act''; to the Committee on Governmental Affairs.

EC–5173. A communication from the Chief of the Regulations Unit, International Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule regarding the magnetic media/electronic filing program for form 1040NR (Rev. Proc. 98–36) received on May 22, 1998; to the Committee on Finance.

EC–5174. A communication from the Secretary of Health and Human Services, transmitting, a draft of proposed legislation entitled ''The Children's Health Outreach and Eligibility Amendments of 1998''; to the Committee on Finance.

EC–5175. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report on a rule entitled ''Changes to the Hospital Inpatient Prospective Payment Systems and Fiscal Year 1998 Rates—Final Rule'' (RIN0938–AH55) received on May 22, 1998; to the Committee on Finance.

EC–5176. A communication from the President and Chairman of the Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to a transaction involving the export of passenger aircraft to the People's Republic of China; to the Committee on Banking, Housing, and Urban Affairs.

EC–5177. A communication from the Office of the Comptroller of the Currency, Administrator of National Banks, transmitting, pursuant to law, the report of a rule entitled ''Municipal Securities Dealers'' (RIN1557–AB62) received on May 22, 1998; to the Committee on Banking, Housing, and Urban Affairs.

EC–5178. A communication from the Secretary of the Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendments to Rules On Shareholder Proposals'' (RIN3235–AH20) received on May 22, 1998; to the Committee on Banking, Housing, and Urban Affairs.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM—441. A resolution adopted by the Board of Directors of the Pacific Service Federal Credit Union relative to credit unions; to the Committee on Banking, Housing, and Urban Affairs.

POM–442. A concurrent resolution adopted by the Legislature of the State of Oklahoma relative to swine and poultry growers; to the Committee on Agriculture, Nutrition, and Forestry.

POM–443. A resolution adopted by the House of the Legislature of the State of Michigan; to the Committee on Commerce, Science, and Transportation.

''HOUSE RESOLUTION NO. 143

''Whereas, In an amazingly short time, the Internet has become a key means of communicating in this country. It is already a prominent vehicle for doing business through selling goods and services and providing information leading to commercial transactions. The business value of selling access to the Internet is in itself a multi-billion dollar enterprise. The growth projections for the Internet and for its impact on commerce are very high; and

''Whereas, As with any new aspect of commerce, there are numerous tax implications associated with the Internet. The new technology and capabilities can be used to avoid local taxes. Numerous transactions involve automatic transfers of money for goods and services. Borders and jurisdictions have become far less significant in this new marketplace; and

''Whereas, With the rise of the Internet, state and local policymakers have suggested various ways to tax this activity. Some states have explored telecommunications taxes and taxes on Internet service providers. Industry observers are concerned that implementing a ''modem tax'' could disrupt the development of a new tool for commerce and economic development; and

''Whereas, With the complexity of issues involved and the constant changes in this new technology as it takes shape, imposing taxes specific to the Internet would likely be harmful. Any possible gains in revenues would be more than offset by long-term changes in the evolution of the Internet. Greed should not drive policy or taxation decisions; now, therefore, be it

''*Resolved by the House of Representatives,* That we memorialize the Congress of the United States to enact legislation to create a moratorium on new national, state, and local taxes on the Internet; and be it further

''*Resolved,* That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.''

POM–444. A concurrent resolution adopted by the Legislature of the State of Michigan; to the Committee on the Judiciary.

''SENATE CONCURRENT RESOLUTION NO. 278

''Whereas, In a five-to-four decision on April 18, 1990, the United States Supreme Court extended the power of the judicial branch of government beyond any defensible bounds. In *Missouri* v. *Jenkins* (495 U.S.33, 110 S.Ct. 1691 (1990)), the court held that a federal court had the power to order an increase in state and local taxes; and

''Whereas, The unprecedented decision by the court in *Missouri* v. *Jenkins* violated a fundamental tenet of the separation of power. No members of the federal judiciary, who serve for life and are answerable to no one, should have control over the power of the purse; and

''Whereas, Section 8 of Article I of the Constitution of the United States vests with the legislative branch of government alone the extraordinary power to ''. . . lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defense and general Welfare of the United States''; and

''Whereas, The court's actions are an intrusion into a legitimate political debate over state spending priorities and not a response to a constitutional directive. Justice Kennedy observed in his dissent in *Missouri* v. *Jenkins* that ''This assertion of judicial power in one of the most sensitive of policy areas, that involving taxation, begins a process that over time could threaten fundamental alteration of the form of government our Constitution embodies''; and

''Whereas, It is a well-established maxim that whosoever controls the purse strings ultimately controls power, the ability of government to function, and the direction it shall go; and

''Whereas, Since 1990, when the Supreme Court declared in *Missouri* v. *Jenkins* that the federal courts have the authority and power to levy and increase taxes, Congress has chosen not to intercede on behalf of the people to protect the democratic process that has been corrupted by the unconstitutional authority and power to tax which the federal courts have exercised; and

''Whereas, The time has come for the people of this great nation and their duly elected representatives in state government to reaffirm, in no uncertain terms, that the authority to tax under the Constitution of the United States is retained by the people who, by their consent alone, do delegate such power to tax explicitly to those duly elected representatives in the legislative branch of government who they choose, such representatives being directly responsible and accountable to those who have elected them; now, therefore be it

''*Resolved by the Senate (the House of Representatives concurring),* That pursuant to Article V of the United States Constitution, we memorialize the Congress of the United States to pass and submit to the states for ratification an amendment to the constitution of the United States to read substantially as follows:

''Neither the Supreme Court nor any inferior court of the United States shall have the power to instruct or order a state or political subdivision thereof, or an official of such state or political subdivision, to levy or increase taxes; and be it further

''*Resolved,* That this legislative body requests the legislatures of the other states comprising the union to make similar applications to Congress for the purpose of proposing such an amendment to the United States Constitution; and be it further

''*Resolved,* That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, each house of the legislatures of the other states comprising the union, and members of the Michigan congressional delegation.''

POM–445. A concurrent resolution adopted by the Legislature of the State of Iowa; to the Committee on Labor and Human Resources.

''SENATE CONCURRENT RESOLUTION NO. 115

''Whereas, a Concurrent Resolution has been introduced in the United States House of Representatives to encourage the United States Railroad Retirement Board to modify the guaranteed minimum benefit for widows and widowers to provide adequate annuities; and

''Whereas, for years, many in the railroad industry have argued that annuities paid to widows and widowers under the federal Railroad Retirement Act of 1974 are inadequate; and

''Whereas, during the lifetime of a railroad employee and the employee's spouse, the employee receives a full annuity and so does the spouse; and

''Whereas, however, after the employee's death, only a widow's or widower's annuity is payable, which under current law is no less than that widow or widower received as a spouse in the month before the employee's death; and

''Whereas, the widow's or widower's annuity is often found inadequate and leaves the survivor with less than the amount of income needed to meet ordinary and necessary living expenses; and

''Whereas, no outside contributions from taxpayers are needed, and any changes will be paid for from within the railroad industry itself, including a full share by active employees; now therefore,

Be it resolved by the Senate, the House of Representatives, concurring, That the General Assembly urges the United States Congress to support U.S. House of Representatives Concurrent Resolution 52 that calls for the Congress of the United States to recognize the concern of many in the railroad industry that the spousal annuity under the current system is inadequate and often leaves the survivor with less than the amount of income needed to meet ordinary and necessary living expenses and that a process of dialogue must take place among all parties of the railroad community, including rail labor, management, and retiree organizations, before railroad annuity legislation can be enacted; and

''*Be it further resolved,* That the General Assembly supports adoption of the federal Congressional resolution which urges and exhorts all parties of the railroad community, including rail labor, management, and retiree organizations, to find a suitable way to fund an amendment that would improve the survivor benefits component to the Railroad Retirement Act of 1974; and

''*Be it further resolved,* That copies of this Resolution be sent by the Secretary of the Senate to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, all members of the Iowa Congressional delegation, and the members of the United States Railroad Retirement Board.''

POM–446. A joint resolution adopted by the Legislature of the State of Colorado; to the Committee on Environment and Public Works.

HOUSE JOINT RESOLUTION 98–1017

Whereas, a safe and efficient highway system is essential to the nation's international competitiveness, key to domestic productivity, and vital to our quality of life; and

Whereas, Colorado has critical highway investment needs that cannot be addressed with current financial resources as exhibited by the fact that the Federal Highway Administration rates forty-six percent of nine thousand six hundred twenty-five miles of Colorado's most important roads in either poor or mediocre condition and considers twenty-one percent of Colorado's bridges to be deficient; and

Whereas, the current level of federal funding for the nation's highway system is inadequate to meet rehabilitation needs, maintain the safety of the traveling public, begin solving congestion and rural access problems, conduct adequate transportation research, and keep the United States competitive in a global economy; and

Whereas, the federal highway program is financed by dedicated user fees that are collected from motorists to improve the highway system and deposited in the federal highway trust fund; and

Whereas, the federal ''Taxpayer Relief Act of 1997'' transferred all federal motor fuel taxes into the federal highway trust fund but provided no mechanism to ensure that such funds are spent; and

Whereas, the 1998 congressional budget would constrain federal highway spending well below the level of tax receipts credited to the federal highway trust fund, allowing the trust fund's cash balance to grow from just over twenty-two billion dollars to more than seventy billion dollars by the year 2003; and

Whereas, Colorado and other states will be prohibited from obligating any federal highway funds after April 30, 1998, unless the United States Congress and the President enact new highway legislation by that date; and

Whereas, without federal highway funds, many states will be forced to delay life-saving safety improvements, congestion relief projects, and other road and bridge improvements; now, therefore,

Be it resolved by the House of Representatives of the Sixty-first General Assembly of the State of Colorado, the Senate concurring herein:

That the United States Congress should enact legislation reauthorizing the federal highway program by May 1, 1998.

Be it further resolved, That the reauthorization legislation should fund the federal highway program at the highest level that the revenues in the user-financed federal highway trust fund will support.

Be it further resolved, That copies of this Joint Resolution be sent to the United States House of Representatives, the United States Senate, the President of the United States, and to each member of the Colorado Congressional Delegation.

POM–447. A joint resolution adopted by the Legislature of the State of Wisconsin; to the Committee on Energy and Natural Resources.

1997 SENATE JOINT RESOLUTION 11

Whereas, under the Nuclear Waste Policy Act of 1982 [42 USC 10222(a)(5)], the federal government entered into contracts with electric utilities, including electric utilities in Wisconsin, that provide that following the commencement of operation of a permanent federal repository for the disposal of high-level radioactive waste and spent nuclear fuel, the U.S. Secretary of Energy shall take title to spent nuclear fuel from civilian nuclear power reactors as expeditiously as practicable upon request of the fuel's owner and, beginning no later than January 31, 1998, will dispose of the spent nuclear fuel in return for payment of fees to the nuclear waste fund; and

Whereas, electric utilities owning nuclear power plants in Wisconsin have collected over $240,000,000 to date from Wisconsin ratepayers for the required payment of fees to the nuclear waste fund; and

Whereas, the federal department of energy has repeatedly delayed the projected opening date for the federal nuclear waste repository and is now projecting that the date will be after the year 2010 under the most optimistic assumptions; and

Whereas, delays in the development of the federal repository have necessitated that one Wisconsin utility spend over $10,000,000 for additional, temporary on-site storage of its spent nuclear fuel and the utilities owning the other nuclear power plant in Wisconsin are facing similar prospects, and these costs would not be necessary if the federal government had upheld its commitment to develop in a timely manner, a single government-owned and government-operated permanent nuclear waste repository; now, therefore, be it

Resolved by the senate, the assembly concurring, That the members of the legislature of the state of Wisconsin urge President Clinton and the U.S. Congress to uphold the federal government's commitment to accept and take title to civilian spent nuclear fuel on January 31, 1998, through enactment of appropriate funding resolutions and legislation that authorize and fund the development of a federal centralized, temporary storage facility for spent nuclear fuel that will accept spent nuclear fuel between January 31, 1998, and the beginning of commercial operation of the permanent federal nuclear waste repository; to use funds in the nuclear waste fund to provide adequate funding for the expedient development of the permanent federal nuclear waste repository; and to not increase the fee for the nuclear waste fund; and, be it further

Resolved, That the senate chief clerk shall provide a copy of this joint resolution to the President of the United States, to the president of the U.S. Senate, to the speaker of the U.S. House of Representatives and to each member of the U.S. Congressional delegation from this state.

POM–448. A joint resolution adopted by the Legislature of the State of Wisconsin; to the Committee on Foreign Relations.

1997 SENATE JOINT RESOLUTION 33

Whereas, the Republic of Poland is a free, democratic and independent nation with a long and proud history; and

Whereas, the North Atlantic Treaty Organization (NATO) is dedicated to the preservation of the freedom and security of its member nations; and

Whereas, the Republic of Poland desires to share in both the benefits and obligations of NATO in pursuing the development, growth and promotion of democratic institutions and ensuring free market economic development; and

Whereas, Poland recognizes its responsibilities as a democratic nation and wishes to exercise those responsibilities in concert with members of NATO; and

Whereas, the Republic of Poland desires to become part of NATO's effort to prevent the extremes of nationalism; and

Whereas, the security of the United States is dependent upon the stability of central Europe; now, therefore, be it

Resolved by the senate, the assembly concurring, That the members of the legislature of the state of Wisconsin respectfully urge the United States Senate to support the Republic of Poland's petition for admission to the North Atlantic Treaty Organization; and, be it further

Resolved, That the members of the legislature of the state of Wisconsin respectfully urge the United States Senate to support the establishment of a timetable for the admission of the Republic of Poland to the North Atlantic Treaty Organization; and, be it further

Resolved, That the senate chief clerk shall provide copies of this joint resolution to be forwarded to the president of the United States, the president of the U.S. Senate, this state's senators and the ambassador of the Republic of Poland.

REPORTS OF COMMITTEES SUBMITTED DURING ADJOURNMENT

Under the authority of the order of the Senate of May 22, 1998, the following reports of committees were submitted on May 27, 1998:

By Mr. HELMS, from the Committee on Foreign Relations, with an amendment in the nature of a substitute.

H.R. 2232: A bill to provide for increased international broadcasting activities to China.

By Mr. HELMS, from the Committee on Foreign Relations, without amendment.

S. 2126: An original bill to amend section 502B of the Foreign Assistance Act of 1961 to require information on foreign government officials responsible for egregious offenses

against human rights in the annual reports on the human rights practices of countries receiving United States security assistance.

REPORTS OF COMMITTEES

The following reports of committees were submitted on June 1, 1998:

By Mr. HATCH, from the Committee on the Judiciary: Report to accompany the bill (S. 1360) to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to clarify and improve the requirements for the development of an automated entry-exit control system, to enhance land border control and enforcement, and for other purposes (Rept. No. 105–197).

By Mr. CHAFEE, from the Committee on Environment and Public Works, without amendment.

S. 1531: A bill to deauthorize certain portions of the project for navigation, Bass Harbor, Maine.

S. 1532: A bill to amend the Water Resources Development Act of 1996 to deauthorize the remainder of the project at East Boothbay, Harbor, Maine.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. WELLSTONE (for himself, Mr. DURBIN, and Mr. LEAHY):

S. Res. 238. A resolution expressing the sense of the Senate regarding human rights conditions in China and Tibet; to the Committee on Foreign Relations.

By Mr. LOTT (for himself and Mr. DASCHLE):

S. Res. 239. A resolution to authorize testimony and document production and representation of Senate employees in Pointe Properties, Inc., et al. v. Michael J. Bevenour, et al; considered and agreed to.

ADDITIONAL COSPONSORS

S. 507

At the request of Mr. HATCH, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 507, a bill to establish the United States Patent and Trademark Organization as a Government corporation, to amend the provisions of title 35, United States Code, relating to procedures for patent applications, commercial use of patents, reexamination reform, and for other purposes.

S. 831

At the request of Mr. SHELBY, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 831, a bill to amend chapter 8 of title 5, United States Code, to provide for congressional review of any rule promulgated by the Internal Revenue Service that increases Federal revenue, and for other purposes.

S. 980

At the request of Mr. DURBIN, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 980, a bill to require the Secretary of the Army to close the United States Army School of the Americas.

S. 1021

At the request of Mr. HAGEL, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 1021, a bill to amend title 5, United States Code, to provide that consideration may not be denied to preference eligibles applying for certain positions in the competitive service, and for other purposes.

S. 1081

At the request of Mr. LEAHY, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 1081, a bill to enhance the rights and protections for victims of crime.

S. 1422

At the request of Mr. MCCAIN, the name of the Senator from New Hampshire (Mr. SMITH) was added as a cosponsor of S. 1422, a bill to amend the Communications Act of 1934 to promote competition in the market for delivery of multichannel video programming and for other purposes.

S. 1645

At the request of Mr. ABRAHAM, the name of the Senator from New Hampshire (Mr. SMITH) was added as a cosponsor of S. 1645, a bill to amend title 18, United States Code, to prohibit taking minors across State lines to avoid laws requiring the involvement of parents in abortion decisions.

S. 1717

At the request of Mr. KENNEDY, the names of the Senator from Illinois (Ms. MOSELEY-BRAUN), and the Senator from Maryland (Mr. SARBANES) were added as cosponsors of S. 1717, a bill to amend the Immigration and Nationality Act to strengthen the naturalization process.

S. 1868

At the request of Mr. NICKLES, the name of the Senator from New Hampshire (Mr. SMITH) was added as a cosponsor of S. 1868, a bill to express United States foreign policy with respect to, and to strengthen United States advocacy on behalf of, individuals persecuted for their faith worldwide; to authorize United States actions in response to religious persecution worldwide; to establish an Ambassador at Large on International Religious Freedom within the Department of State, a Commission on International Religious Persecution, and a Special Adviser on International Religious Freedom within the National Security Council; and for other purposes.

S. 1970

At the request of Mr. ABRAHAM, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 1970, a bill to require the Secretary of the Interior to establish a program to provide assistance in the conservation of neotropical migratory birds.

S. 1993

At the request of Ms. COLLINS, the name of the Senator from New Hampshire (Mr. SMITH) was added as a cosponsor of S. 1993, a bill to amend title XVIII of the Social Security Act to adjust the formula used to determine costs limits for home health agencies under medicare program, and for other purposes.

S. 2007

At the request of Mr. COCHRAN, the name of the Senator from Kentucky (Mr. MCCONNELL) was added as a cosponsor of S. 2007, a bill to amend the false claims provisions of chapter 37 of title 31, United States Code.

S. 2073

At the request of Mr. HATCH, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 2073, a bill to authorize appropriations for the National Center for Missing and Exploited Children.

S. 2091

At the request of Mr. GRAMS, the name of the Senator from Florida (Mr. GRAHAM) was added as a cosponsor of S. 2091, a bill to amend title XVIII of the Social Security Act to ensure medicare reimbursement for certain ambulance services, and to improve the efficiency of the emergency medical system, and for other purposes.

S. 2095

At the request of Mr. CHAFEE, the names of the Senator from New Hampshire (Mr. GREGG), and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. 2095, a bill to reauthorize and amend the National Fish and Wildlife Foundation Establishment Act.

SENATE CONCURRENT RESOLUTION 94

At the request of Mr. ABRAHAM, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of Senate Concurrent Resolution 94, A concurrent resolution supporting the religious tolerance toward Muslims.

SENATE RESOLUTION 176

At the request of Mr. DOMENICI, the names of the Senator from North Dakota (Mr. CONRAD), and the Senator from Hawaii (Mr. AKAKA) were added as cosponsors of Senate Resolution 176, A resolution proclaiming the week of October 18 through October 24, 1998, as ''National Character Counts Week''.

SENATE RESOLUTION 193

At the request of Mr. REID, the names of the Senator from Illinois (Ms. MOSELEY-BRAUN), the Senator from California (Mrs. FEINSTEIN), and the Senator from Georgia (Mr. CLELAND) were added as cosponsors of Senate Resolution 193, A resolution designating December 13, 1998, as ''National Children's Memorial Day''.

SENATE RESOLUTION 238—EXPRESSING THE SENSE OF THE SENATE REGARDING HUMAN RIGHTS CONDITIONS IN CHINA AND TIBET

Mr. WELLSTONE (for himself, Mr. DURBIN and Mr. LEAHY) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 238

Whereas President Clinton will be the first United States head of state to visit China

since the 1989 crackdown on the pro-democracy movement at Tiananmen Square;

Whereas according to the State Department's China Country Report on Human Rights Practices for 1996, ''The Government continues to commit widespread and well documented human rights abuses, in violation of internationally-accepted norms, stemming from the authorities' intolerance of dissent, fear of unrest, and the absence or inadequacy of laws protecting basic freedoms.'';

Whereas the symbolism of the official arrival ceremony which will take place in Tiananmen Square could be interpreted as a message to the Chinese people that will override anything the President might say about human rights and the rule of law;

Whereas specific human rights preconditions should have been set forth before setting the date for the President's visit; and

Whereas the President can still make important human rights points during his visit to Beijing: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) at the upcoming United States-China summit the President should—

(A) secure from China's leaders a pledge to remove by a certain date the names on an official reentry blacklist, which now contains the names of more than fifty Chinese citizens living in the United States who cannot return to China because of their peaceful advocacy of greater rights and freedom; and

(B) visit family members of victims of the 1989 massacre, many of whom still suffer from political harassment, discrimination or persecution; and

(2) in the context of the upcoming United States-China summit, the President should urge the Chinese leaders to—

(A) engage in a meaningful dialogue with the Dalai Lama with the aim of establishing genuine cultural and religious autonomy in Tibet;

(B) revise China's vague, draconian security laws, including the provisions on ''endangering state security'' added to the criminal code in March 1997;

(C) release unconditionally all imprisoned political, religious, and labor activists detained for their peaceful, nonviolent involvement in public protests;

(D) review the sentences of more than 2,000 convicted so-called ''counterrevolutionaries'' with a view towards granting full amnesty and releasing those convicted solely for exercising their internationally recognized rights of free speech and association, especially since the crime of ''counterrevolution'' has itself been abolished;

(E) encourage greater cooperation by the Chinese government with the United Nation's human rights mechanisms and greater transparency in China's legal and detention system;

(F) ease religious repression by abolishing the requirement that all religious sites register with the official Religious Affairs Bureau and implementing the 1994 recommendations of the United Nations Special Rapporteur on Religious Intolerance;

(G) lift government mandated quotas on the number of monks and nuns in monasteries and nunneries, end the government's current ''reeducation'' campaign, and immediately reinstate all monks and nuns expelled from their monasteries and nunneries for failing to denounce the Dalai Lama;

(H) allow access by credible, independent human rights or humanitarian organizations to the nine-year-old boy recognized by the Dalai Lama in 1995 as the reincarnation of the Panchen Lama; and

(I) allow regular, unmonitored access to Tibet and Xinjiiang province of China by independent human rights monitors.

Mr. WELLSTONE. Mr. President, I am going to introduce a resolution today that I will send to the desk. This will be on behalf of—I will do it after my remarks—myself and Senators DURBIN and LEAHY.

This is a resolution calling upon the President to make human rights a major priority in his June visit to China. Probably later on we will introduce this resolution in the form of a sense-of-the-Senate amendment to the Department of Defense bill.

Mr. President, I rise today to submit a resolution calling upon the President to make human rights a major priority in his June visit to China. Thus far, the Administration has not articulated any concrete goals or objectives for the upcoming summit, other than to demonstrate a friendly relationship between the U.S. and China. Preliminary negotiations with the Chinese leadership on the summit agenda indicate that Beijing is unlikely to make any major policy concessions when it comes to human rights.

I am not opposed—I think I need to say that again—to high-level discussions with the Chinese leadership. In fact, I think they can be very useful. But I am worried about the symbolism of a Presidential visit, and I think it may backfire if the President does not continue to speak out about our strong concerns when it comes to China's human rights record. The summit could be interpreted by many as legitimizing policies of the Chinese regime which, despite some legal reforms, continue to repress religious freedom and political freedom as well as political dissent.

The Chinese have avidly sought a Presidential visit because it signals to all at home and abroad that the U.S. has muffled its opposition to, and endorses cooperation with the Beijing government, the same government that continues to deny its citizens basic human rights and freedoms. By agreeing to a Presidential visit, without significant human rights preconditions—not merely token gestures—I fear that the Administration may be squandering a tremendous source of leverage with the Chinese government.

Since the May 1994 decision to delink trade and human rights, the Administration has not yet developed an effective bilateral or multilateral strategy for promoting meaningful improvements in human rights conditions in China and Tibet. I was deeply disappointed this year that despite a 95 to 5 vote in support here in the Senate, the Administration did not sponsor a resolution on China's human rights record at the U.N. Human Rights Commission in Geneva, which is exactly the place you would bring such a resolution forward. We didn't do so. Mr. Wei, China's best known political dissident, has pointed out that the Chinese people view the commission's work as ''barometer'' to the human rights commission which met in Geneva by which to judge whether there is any international backing for their democracy movement in their country of China.

Our current policy may send a message to those brave men and women who risk their lives to campaign for democracy and freedom that the United States is not behind them.

By the way, I apply the standard to human rights or violations of human rights in all kinds of countries, be they left or be they right; it makes no difference.

In a speech that Mr. Wei presented at the Commission in Geneva, he recalled, ''Last year, when the Commission failed to adopt a resolution on China, my prison guards laughed at me and said: 'Look at your so-called friends. They betrayed you,''' He went on to say, ''This is precisely the time when support from our friends is most needed. And this is precisely the time that Western democracies have chosen to withdraw their support.''

The Administration claims that China has made progress in the area of human rights. In my view, this is simply not true. The recent steps taken by the Chinese government are merely token, cosmetic gestures—diplomatic bargaining tactics that do not amount to a more open, free society. The overall pattern of human rights violations remains fundamentally unchanged.

While I wholeheartedly welcome China's announcement to sign the International Covenant on civil and Political Rights, until it is actually signed and ratified, it is not fully binding. Two months after their pledge to sign, the Chinese have still not specified when they will sign or ratify this treaty. Even more importantly, once ratified, the Chinese must implement this treaty, which will require major changes in domestic laws and policies. So, it will be a long process before this covenant translates into concrete change or greater freedom for the Chinese people. A mere non-binding verbal agreement to sign should not be trumpeted as a huge victory and certainly did not warrant dropping the Geneva resolution.

That is what happened. Our Government, the administration, said to me that we are not going to go forward because the Chinese have agreed to sign this international convenant on civil and political rights. Several months have gone by. They haven't signed it. Even if they sign it, there is no evidence that they are necessarily going to implement a nonbinding international agreement, and it should not be a reason for having brought a resolution protesting their violation of human rights before the Geneva commission on civil rights. As my colleague Senator BIDEN said, ''I don't agree with Senator WELLSTONE and others.'' The presiding Chair might not as well, when it comes to linking human rights with trade policy. That is too blunt an instrument. But if there was ever a place to bring this up, it should have been at the human rights gathering; it should have been in Geneva.

I am very happy that both my dear friend Wei Jingsheing and Wang Dan are in good health, safe and out of prison. However, we must be clear. These men were not released. They were forced into exile. Should either of them return to their homeland, they would be thrown into prison upon arrival. The Chinese government maintains a re-entry blacklist which contains the names of more than fifty Chinese citizens living in the U.S. Just last month two Chinese American democracy advocates were detained and deported upon their arrival in China. The forced exile of Wei and Wang does not represent systematic change. In early 1995 Wang wrote, ''A society still needs idealists—people who are willing to sacrifice themselves to uphold the basic ideals of freedom and democracy.''

I have to tell you that I don't know how they do it in these countries. I don't know how they do it. Maybe if it were I, myself, and I lived in a repressive country, I would speak out. Maybe I would have the courage to do it—maybe. But if I thought that my children, or my spouse, my loved ones, could also be rounded up, that they could be imprisoned, that they could be tortured, that they could be murdered—which is too often the case in too many countries; there are at least 70 countries that systematically practice torture in our world today—I don't know whether I could ever speak up. I think I would be afraid to, given what could happen to my loved ones.

It is cruel irony that these brave men's exiles are being used as evidence of China's progress.

Human rights advocates in China and around the world fear that the release of high profile dissidents could be used to justify a reduction in international pressure for systematic change in China, where according to the government's own count, some 2,000 people remain imprisoned for the crime of ''counterrevolution,'' now called ''endangering state security.'' Thousands more—political, labor, and religious dissidents—are serving terms of up to three years of ''re-education through labor'' without trial. The releases of Wei and Wang are clearly political calculations by the Chinese leadership, who have become adept at trading well-known prisoners in pre-summit diplomatic bargaining. Engaging the Chinese in this game of saving face and trading diplomatic favors sends out a message that we are not serious about human rights.

For years before the world ever saw the televised massacre at Tiananmen Square, peaceful demonstrations in Lhasa have been crushed by the PLA. Once imprisoned Tibetans, particularly monks and nuns, face unimaginable torture at the hands of prison officials. Furthermore, the Chinese government's policy of forced migration of Han Chinese into Tibet has rendered Tibetans a minority in cities such as Lhasa, where they are marginalized and alienated. As the Chinese presence grows stronger, Tibet's unique culture faces the threat of extinction.

The Tibetan people have remained steadfast in their commitment to the path of non-violence. However, some Tibetan exiles are growing impatient, as indicated by one man's recent death through self-immolation. In a desperate attempt to draw the attention of the international community to the worsening situation in Tibet, Thubten Ngodup, a 50-year-old Tibetan exile in Delhi, India, set himself on fire.

In a recent meeting with President Jiang Zemin, Secretary Albright brought up the subject of Tibet and the American desire for a dialogue between Dalai Lama and the Chinese leadership. The Chinese sharply dismissed the Dali Lama and flat out refused to enter into negotiations in order to bring about a peaceful settlement to the Tibetan issue.

The resolution I am submitting outlines concrete steps that would indicate a serious commitment to human rights concerns. In the context of the upcoming summit, we call upon the administration, at the highest level, to urge the Chinese leadership to revise their vague, draconian security laws, including provisions on ''endangering state security'' added to the criminal code in March 1997; to release unconditionally large numbers of imprisoned political, religious, and labor activists; and to review the sentences of more than 2,000 prisoners sentenced for ''counterrevolutionary'' activities, a crime that itself has been abolished.

With regards to religious freedom, the Administration should encourage the Chinese leadership to abolish the requirement that all religious sites register with the official Religious Affairs Bureau; to lift government mandated quotas on the number of monks and nuns in monasteries and nunneries; and to immediately reinstate all monks and nuns expelled from their monasteries and nunneries for failing to denounce the Dalai Lama.

This resolution also calls upon the administration to encourage the Chinese leadership to engage in a meaningful dialogue with the Dalai Lama with the aim of establishing genuine cultural and religious autonomy in Tibet.

Another concern is the symbolic significance of the President's official arrival ceremony which will take place in Tiananmen Square. We ask the President to make time in his schedule to meet with family members of at least one of the victims of the 1989 massacre, many of whom still suffer from political harassment, discrimination or persecution. We also ask the President to secure from the Chinese a pledge to get rid of the re-entry blacklist, which contains the names of more than fifty Chinese citizens living in the U.S. who cannot return to China. Allowing pro-democracy activists, journalists or labor organizers to return to China would be a significant gesture by the Chinese authority. Finally, until the Chinese leadership takes serious, concrete action on the concerns outlined above, we would strongly oppose lifting the trade sanctions imposed after the 1989 crackdown on demonstrators at Tiananmen Square.

Some say that we cannot influence what happens in China, that the country is too proud, too large, and that changes take too long. I disagree. For years we have pressured the Chinese on human rights, and to let up now is tantamount to defeat for the cause of human justice. Dissidents who have been freed and come to the United States have thanked advocates for keeping them alive, by keeping the pressure on, and focusing attention on their plight. It is our duty and in the interest to make the extra effort required to promote freedom and democracy in China, and to bring it into compliance with international standards on human rights.

Let me just make one other point. For years, before the world ever saw the televised massacre of Tiananmen Square, Peaceful demonstrations in Tibet have been crushed. Once imprisoned, Tibetans, particularly monks and nuns, face unimaginable torture at the hands of prison officials. Furthermore, the Chinese Government's forced migration of Han Chinese into Tibet has rendered the Tibetans a minority in their own country, and as the Chinese presence grows stronger an stronger, Tibet's unique culture basically faces extinction. So let me just be crystal clear. Whether it is in China or Tibet as well, we ought to be speaking up for human rights.

Jiang Zemin, in a recent meeting with Secretary Albright, made it crystal clear when the subject of Tibet was brought up that the Chinese are not interested in sitting down in any negotiations with the Dalai Lama and are unwilling to bring about any kind of peaceful settlement to the Tibetan issue.

So in this resolution, this is what we call upon the administration to do at the highest level: to urge the Chinese leadership to revise their vague, draconian security laws, including provisions on ''endangering state security,'' added to the Criminal Code in March of 1997; to urge the Chinese to release unconditionally a large number of imprisoned political, religious, and labor activists, and to review the sentences of more than 2,000 prisoners sentenced for ''counterrevolutionary activities,'' a crime that has been abolished.

With regard to religious freedom, the administration should encourage the Chinese leadership to abolish the requirement that all religious sites be registered with the official Religious Affairs Bureau, to lift Government mandated quotas on the number of monks and nuns in monasteries and nunneries, and to immediately reinstate monks and nuns failing to denounce the Dalai Lama.

This resolution also calls upon the administration to encourage the Chinese leadership to engage in meaningful dialog with the Dalai Lama with the aim of establishing genuine cultural and religious and political freedom and autonomy in Tibet.

Another concern is the symbolic significance of the President's official arrival ceremony, which will take place in Tiananmen Square. We ask the President to make time in this schedule to meet with family members of at least one of the victims of the 1989 massacre, many of whom still suffer from political harassment, discrimination, and persecution.

We also ask the President to secure from the Chinese a pledge to get rid of the reentry blacklist which contains the names of more than 50 Chinese citizens living in the United States who cannot return to China. Allowing pro-democracy journalists or labor organizers to return to China would be a significant gesture by the Chinese authority. Finally, until the Chinese leadership takes serious, concrete action on the concerns outlined above, we would strongly oppose lifting the trade sanctions imposed after the 1989 crackdown on demonstrators at Tiananmen Square.

As a U.S. Senator, I cannot forget the courage of those students, cannot forget the murder of those students, and cannot forget their struggle then and their struggle now for democracy in their country. It took us a little time, but that is why I am really pleased that I believe our Government has really come out on the side of the students in Indonesia, and I think we are making a difference.

Mr. President, some say that we cannot influence what happens in China; the country is too proud, too large, and the changes take too long. I disagree. For years, we pressured the Chinese on human rights, and to let up now is tantamount to defeat for the cause of human justice. Dissidents who have been freed and have come to the United States have thanked advocates for keeping them alive by keeping the pressure on, by focusing on their plight. It is our duty and it is in our interests to make the extra effort required to promote freedom and democracy in China and to bring it into compliance with international standards on human rights.

Mr. President, there will be a great deal of activity this week that will be focusing on the President's upcoming visit, and I really hope that when Senator DURBIN and Senator LEAHY and I bring this resolution to the floor as a sense-of-the-Senate amendment, we will get a very strong vote.

I really do believe, whether it is in China or whether it is in Indonesia or whether it is in North Korea or whether it is in a whole lot of countries, the former Burma, you name them, there simply has to be a way that we, as a nation, lead the way. There has to be a way that the United States of America can be there to support people. We cannot do everything. We don't directly intervene in all of these countries. But it saddens me that all too often we just simply turn our gaze away from people who are willing to almost stand alone to challenge repressive governments. We ought to be more on their side. We ought to be speaking out more about human rights. We ought to be speaking out more about the importance of democracy in other countries.

I really believe that the President's visit to China will be a test case. If the President of the United States of America is going to go to Tiananmen Square—I wish he wouldn't. I wish he would not do so, but if he is going to visit, then he needs to visit with the families of those who gave their lives for freedom in that country. He needs to speak out about human rights. He needs to use the leverage of our country and the leadership of the United States of America to make a difference. We just can't say, well, markets, markets, markets; there will be all sorts of markets; we will make all kinds of money; it will be great for the business community.

Great. I come from a State that is an export State. The Presiding Officer comes from a State where agriculture is very important. Agriculture is very important in Minnesota. I am really proud of agriculture. I am proud of the business sector in our State. But these are not mutually exclusive goals. I am not arguing that we are not interested in trade. I am not arguing that we don't look to future markets. But what I am saying is that it just makes me uneasy as an American citizen and it makes me uneasy as a Senator that we focus exclusively on commercial ties, exclusively on markets, exclusively on money to be made, all of which is fine up to the point where we just turn our gaze away from human rights violations, countries that systematically round up and imprison people because they speak out. That is wrong. That is wrong. That is not what our country is about.

Since I have time to speak about human rights today, I will finish this way. All of us, I think, develop our viewpoints based upon our own life experience. I was a teacher for 20 years before having the opportunity to become a Senator, before the people of Minnesota gave me this chance, and I used to ask students to write on the same essay question at the end of every take-home paper, and the question was: Why do you think about what you think about politics? I never graded it. I just wanted them to think about what shaped their viewpoint—why do they care about some things and not others? Why do they consider themselves a liberal or conservative, whatever label you use? Was it their religion? Was it their family, mother or father? Was it some kind of powerful, crystallized experience where maybe—I remember one student wrote an essay and he talked about how his brother was born with disabilities, developmental disabilities, and that just completely changed his life and his family's life. Their whole view about whether or not maybe some people needed help, their whole view about health care policy changed on the basis of what he saw with his brother and his struggle and the struggles of his family.

Well, for me, I don't come to the floor to try to make life difficult for our President. I don't come to the floor to criticize for the sake of criticizing. But my father, who is no longer alive, fled persecution in Russia, and the one thing that he talked about more than anything else was the importance of freedom and how much he loved our country.

Well, I come from a background of an immigrant who fled persecution. I come from a background of an immigrant who fled persecution from Russia whose family was probably murdered by Stalin, who at age 17 left Russia and never saw his family again.

I don't even know why I am talking about this on the floor of the Senate, but I think it applies somehow. At the very end of my dad's life he had Parkinson's disease, and we would spend the night with him. Sheila and I would rotate spending the night with him. Here he lived in the United States of America for 60 years and spoke perfect English, but all of his dreaming was in Russian. But it was not good dreams. It was shouting, it was torment, it was agony. As a son, I just cried. I didn't know what he was saying. I don't know the language. But I knew that this was anguish.

What I always believed, and what I believe as I speak on the floor of the U.S. Senate today, is that this is what happens when you can never go back to your country, when you never can see your family again. Americans, thank God, don't have that experience too often. What does it mean when you can never go back and see your family again? What does it mean when you probably know, because you work for the U.S. Government, and my dad worked for the Voice of America, that your mother and father and sister were probably murdered?

We should support human rights in other countries. We should be supporting human rights in China.

Mr. President, I ask unanimous consent a ''Dear Colleague'' from myself and Senator DURBIN, and a letter, dated May 29, 1998, that I sent to President Clinton, be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, May 29, 1998.

DEAR COLLEAGUE: As you know, President Clinton will be the first U.S. head of state to visit China since the 1989 crackdown on the pro-democracy movement at Tiananmen Square. We intend to introduce a resolution next week urging the President to use the opportunity of the upcoming U.S.-China summit to press for significant, concrete

human rights progress in China and Tibet. We are also sending a letter to President Clinton, expressing our concerns. Copies of both are enclosed.

Some specific steps which would indicate a true commitment to greater openness and freedom on the part of the Chinese leadership include the unconditional release of imprisoned political, labor, and religious activists; an end to the formal process of requiring all religious groups to register with the authorities and submit to state control; the initiation of a meaningful dialogue with the Dalai Lama and steps to ease repression in Tibet; and a revision of China's vague, draconian security laws, including the provisions on ''endangering state security'' added to the criminal code in March 1997.

Given the importance of a Presidential visit to the Chinese leadership, this summit provides an excellent opportunity for President Clinton to act and speak out strongly on behalf of internationally-recognized human rights. Please join us in signing the enclosed letter and cosponsoring the resolution. If you have questions or would like to cosponsor the resolution and sign the letter, please let us know or have your staff contact Debra Ladner at 224–5641.

Sincerely,

PAUL WELLSTONE,
U.S. Senator.
RICHARD DURBIN,
U.S. Senator.

U.S. SENATE,
Washington, DC, May 29, 1998.

President WILLIAM JEFFERSON CLINTON,
The White House, Pennsylvania Avenue, NW., Washington, DC.

DEAR MR. PRESIDENT: During the summit meeting in Washington last October with Chinese President Jiang Zemin, you spoke out clearly to condemn the brutal 1989 crackdown on the pro-democracy movement, declaring that China's leaders were ''on the wrong side of history.'' As you prepare to visit China—the first U.S. chief executive to go to China since 1989—we are writing to urge you to act and speak out just as strongly on behalf of internationally-recognized human rights.

For China to become a fully reliable member of the global trading community, its leadership must demonstrate greater respect for fundamental rights and the rule of law. In the crucial weeks leading to your visit, we hope the Administration will press for significant, concrete human rights progress in China and Tibet. This is a time of enormous opportunity, given the importance of your visit both to the Chinese leadership and to U.S.-Sino relations.

Specifically, we urge you to:

Reconsider your decision to visit Tiananmen Square, as we feel it is inappropriate. However, if you do choose to visit, as reports indicate, visit family members of the victims of the 1989 massacre, many of whom still suffer from political harassment, discrimination or persecution;

Call for the unconditional release and amnesty of political, religious and labor activists, imprisoned solely for non-violent, peaceful protests, including some 150 Beijing residents still imprisoned since the 1989 crackdown;

Press for revisions in China's state security laws to bring them into conformity with international standards, and steps to abolish arbitrary administrative punishments, particularly the use of ''re-education through labor;''

Urge steps to protect freedom of association for Chinese workers, including the right to form free trade unions as guaranteed in the International Covenant on Economic, Social and Cultural Rights, which China signed in October 1997;

Promote religious freedom in China by calling for an end to the current process of formally requiring all religious groups to register with the authorities and submit to state control;

Encourage a meaningful dialogue with the Dalai Lama and steps by Chinese officials to ease repression in Tibet, such as the release of imprisoned Buddhist monks, nuns and other Tibetans; an end to the ''re-education'' campaign by Chinese authorities resulting in the expulsion of thousands of monks and nuns who refuse to denounce the Dalai Lama; and regular access to Tibet by international human rights monitors.

We hope your visit will lead to meaningful progress on these critical human rights issues of such urgent concern to members of Congress and the American people.

Sincerely,

PAUL WELLSTONE,
U.S. Senator.

SENATE RESOLUTION 239—AUTHORIZING TESTIMONY, DOCUMENT PRODUCTION, AND REPRESENTATION OF SENATE EMPLOYEES

Mr. LOTT (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

S. RES. 239

Whereas, in the case of Pointe Properties, Inc., et al. v. Michael J. Bevenour, et al., No. 96–CA–009720, pending in the Superior Court for the District of Columbia, testimony has been requested from Mike Morrill, an employee on the staff of Senator Barbara A. Mikulski;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. 288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena, order, or request for testimony or the production of documents relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate: Now, therefore, be it

Resolved That Mike Morrill, and any other employee from whom testimony or document production may be required, are authorized to testify and produce documents in the case of Pointe Properties, Inc., et al. v. Michael J. Bevenour, et al., except concerning matters for which a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent Mike Morrill, and any other employee from whom testimony or document production may be required, in connection with Pointe Properties, Inc., et al. v. Michael J. Bevenour, et al.

NOTICE OF HEARING

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Senate Committee on Indian Affairs will meet in open session of the Senate on Wednesday, June 3, 1998 beginning at 9:30 a.m. to conduct an oversight hearing on Tribal Justice Programs. Focus on joint Department (DOJ/DOI) Indian Country Law Enforcement Initiative and other related tribal justice issues. The hearing will be held in room G–50 of the Dirksen Senate Office Building. Those wishing additional information should contact the Committee on Indian Affairs at 202/224–2251.

ADDITIONAL STATEMENTS

MEDICAL INNOVATION TAX CREDIT ACT OF 1998

• Mr. ROCKEFELLER. Mr. President, I wish to draw attention to legislation I have cosponsored that will create the Medical Innovation Tax Credit. This bill will facilitate the development of lifesaving medical treatments at medical schools and teaching hospitals. I am pleased to join my colleagues, Senators D'AMATO, FEINSTEIN, BOXER, and HUTCHISON, in this initiative.

In my own State of West Virginia, and throughout this country, academic medical centers are feeling the changes in the health care marketplace. With limited reimbursement under managed care and cuts in Medicare payments, these medical institutions are under increasing financial pressures.

To compound these stressors, academic medical centers also support certain services, such as burn units or trauma centers, which are vital to the community but financially draining to a hospital's budget. West Virginia University's Ruby Memorial Hospital, for example, operates a trauma unit which serves as a lifeline to victims of serious injuries. Our legislation would help these academic medical centers to avoid choosing between research and the day-to-day activities associated with the running of a hospital.

Under the Medical Innovation Tax Credit, pharmaceutical or biotechnology companies would receive a tax credit equal to 20 percent of the funds spent for medical research expenses conducted at eligible sites. This incentive will make them a more attractive site for clinical trials. Given the important role played by academic medical centers, I believe this support is warranted.

Mr. President, our bill will add a freestanding section to the Internal Revenue Code to create this research incentive. It is intended to complement the existing research-targeted tax credits—the Research and Experimental Tax Credit and the Orphan Drug Tax Credit, both of which have been credited with stimulating billions of dollars in research. Initial clinical studies are just the beginning, however. Additional studies are frequently needed to determine combinations for administering drugs and for providing the most appropriate therapies to patients. The Medical Innovation Tax Credit is

geared toward promoting this type of research.

Aside from medical schools and teaching hospitals, National Cancer Institute-designated centers will also be eligible sites. Peer-reviewed clinical trials are credited with providing cancer patients the best available care. Our legislation will indirectly promote these opportunities for care.

Department of Veterans Affairs hospitals affiliated with teaching hospitals will also be eligible under the legislation. VA research is not only supported by an appropriation, but by private donations largely from pharmaceutical companies in support of clinical drugs trials. Clinical research conducted in VA medical centers has a significant and lasting impact on the care provided to veterans.

Mr. President, if America is to continue leading in the field of biomedical research, we must do all we can to assure that valuable research programs at medical schools and teaching hospitals do not suffer because of financial pressures and changing market conditions. Research is just too important.

I look forward to discussing this issue and pursuing the goal of this legislation in the coming months with my colleagues on the Finance Committee as we look at a variety of ways to improve and strengthen our valuable research program.●

ISTEA PROMOTES TRIBAL INFRASTRUCTURE, ECONOMIC DEVELOPMENT

● Mr. CAMPBELL. Mr. President, today I am very pleased to note the inclusion in the Inter-modal Surface Transportation Efficiency Act of 1998 (ISTEA) of key provisions to provide increased funding for Indian roads, highways, and bridges; to provide for the allocation of scarce ISTEA dollars for Indian tribes pursuant to a flexible negotiated rule-making procedure; and to ensure that all ISTEA funds will be made available to tribes that choose to enter contracts under the Indian Self-Determination and Education Assistance Act of 1975, P.L. 93–638.

These provisions are critical because they recognize the high level of unfunded infrastructure needs in Indian country, and respect Indian tribal authority and capacity to administer ISTEA dollars in ways that are tailored to unique local conditions and needs. These provisions will assist tribes in attracting and retaining investment and job-creating activities to Indian reservations. There are many reasons why it is imperative that Indian tribes foster vigorous economies. In 1996, Congress enacted a reform of the welfare system that requires able-bodied Americans to be industrious and look first to themselves, not the government, for help and hope. That law is now being implemented across the country.

Most reservation economies are heavily reliant on federal transfer payments. Most Americans have read about the grinding poverty most Indian people face: high unemployment, lack of decent housing, and poor health, alcoholism, diabetes, cancer, and a staggering suicide rate.

The success of the welfare reform law depends on the availability of jobs that can take the place of transfer payments and government assistance. In Indian country, with a national unemployment rate of 52%, job opportunities are scarce. There is a role for the federal government in helping Indian communities make the transition from dependence to self-reliance. Employment training, removing barriers to lending, and increasing Indian entrepreneurship are essential if tribes are to be successful in creating jobs. By far the most important is in fostering relationships with the private sector, which requires a solid physical infrastructure which can support business needs.

In an economy increasingly reliant on global opportunities, tribes must be competitive. There are many investment opportunities, and other things being equal, tribal economies without basic infrastructure are not as attractive as those that can provide the amenities necessary for successful ventures. I am very pleased to have supported these provisions and am committed to building a solid private sector in Indian country, creating job opportunities for Indian people, and lessening dependence on the federal government.

Mr. President, I would like to acknowledge the testimony of the Honorable Bobby Whitefeather, Chairman of the Red Lake Band of Chippewa Indians, and Mr. John Sunchild, Executive Director of the National Tribal Development Association, regarding reservation infrastructure needs and economic development which was submitted to the Committee on Indian Affairs as providing key insights into the infrastructure problem in Indian country.●

TRIBUTE TO GUYANESE INDEPENDENCE

● Mr. LAUTENBERG. Mr. President, I rise to commemorate the May 26, 1997 thirty-second anniversary of the independence of the Republic of Guyana. To the people indigenous to the region, the word ''Guyana'' means land of many waters. But Guyana is also a land of many peoples—Guyanese count East Indians, Africans, Chinese, Amer-Indians, and Europeans counted among their ancestors. Now there is also a growing community of Guyanese-Americans, many of whom make their home in New Jersey.

My colleagues may be aware that Guyana achieved independence and observed its first free and fair election in 1992, after more than three centuries of British, French, and Dutch colonialism. Guyana's first Constitution bore the influence of British legal traditions, and former President Jimmy Carter supervised the team of international observers to guarantee the fairness of the 1992 elections.

Guyana's three decades of unpopular and repressive rule slowed progress in the nation, but Guyanese are working to overcome these hurdles. I hope that they will succeed. Guyanese-Americans have much to be proud of. Their history is rich, and I hope the future of Guyana will be bright.●

TRIBUTE TO LINDA POTTER AND BILL KIRK

● Mr. BROWNBACK. Mr. President, I rise today to recognize two outstanding educators from Kansas. Linda Potter and Bill Kirk were selected to receive Time Warner's distinguished Crystal Apple Award, which is given to 15 educators selected from around the nation.

Linda and Bill were selected from a pool of more than two million teachers from around the nation on the basis of their exceptional work as educators. It is hard to overestimate the importance of caring and dedicated teachers such as Linda and Bill. Teachers invest their time, talent and knowledge into our nation's students, thereby shaping the minds of our future leaders.

It gives me great pleasure to acknowledge Linda's and Bill's extraordinary work in education. I congratulate Linda and Bill and wish them continued success.●

UNDERSTANDING CONSTITUTIONAL PRINCIPLES

● Mr. SMITH of Oregon. Mr. President, I rise today to congratulate a class of students from Lincoln High School in Portland, Oregon which, as a direct result of months of study and several well-earned victories, won an honorable mention as one of the top ten finalists in the We the People . . . the Citizen and the Constitution national finals, a competition on the U.S. Constitution and Bill of Rights. After working diligently to win competitions in their home state, these outstanding young Oregonians participated in a three day national competition to demonstrate their remarkable understanding of Constitutional principles, and their relevance to contemporary issues.

Administered by the Center for Civic Education, the We the People program has provided curricular materials at elementary, middle, and high school levels for more than 75,000 teachers and 24 million students nationwide. While demonstrating the importance of cooperative and collaborative work, the program teaches students a practical meaning of Democracy and fosters the development of informed, responsible participation in civic life. In addition, this valuable curriculum gives young people the resources necessary to generate their own political interests, beliefs, and values essential to becoming effective participants in a democratic government.

I commend the hard work and accomplishments of this award-winning class of students from Lincoln High School: Alyssa Anne Aaby, Rebecca Mae Allen, Milo Twohy Dochow, Ian James Dunlap, Joshua Josef Hansen, Andrea Marina Hart, Thomas Hugh Hendrickson, Misha Andrew David Isaak, Laura Elizabeth Kanter, Aaron Matthew Lande, Andrew Benjamin Lauck, Dugan Alan Lawrence, Marcus Page Lindbloom, Brenna Rose McMahon, Maren Christine Olson, Galway Peter O'Mahoney, Nicholas Albert Peters, Emma Rachel Pollack-Pelzvner, Jennifer Lewis Rosenbaum, Jay Boss Rubin, Karen Deborah Rutzick, Margaret Suzanne Schouten, Kennon Harris Scott, Andrew Paterson Sheets, Maghan Marie Simmons, Kristin Kiele Sunamoto, and Evan Miles Wiener. These outstanding young people represent the vast potential of the youth in our country, and the promise and opportunity for our nation's future.●

TRIBUTE TO ROBERT R. HOLMES

● Mr. JEFFORDS. Mr. President, I rise today to pay tribute to Robert R. Holmes who is retiring as the Chief of Police of Rutland, Vermont. Chief Holmes has had a long and distinguished career in law enforcement, and has served his community with dedication and honor.

Chief Holmes began his career, which has spanned four decades, as a rookie patrol officer in Phoenix, Arizona in 1958. He later moved to Littleton, Colorado and within three years had attained the rank of Lieutenant.

Chief Holmes served his country for 3 years in Vietnam as an international police adviser under the Agency for International Development. He returned to police work in Colorado in 1972, and became Chief of the Englewood Police Department in 1975, where he served in that capacity until his initial retirement in 1989.

The same year he decided to accept the position of Rutland City's Chief of Police, and he and his wife relocated to Vermont. Since 1989, Chief Holmes has earned the respect and trust of his fellow law officers, as well as civic leaders and Rutland area citizens. He has provided sound leadership and has worked hard to bring about positive change in the department and the entire community.

In January of 1997, the FBI honored Chief Holmes with the Agency's Community Leadership Award for his outstanding efforts to educate the public about the potential impact of the influx of gangs into Vermont. He is quick to share the credit for these successes with all of the officers involved, and is proud of their many accomplishments.

Chief Holmes has served his country and several communities with distinction throughout his career, and will no doubt continue to make contributions in any endeavor he undertakes. I congratulate him on this special occasion and wish him and his family every future happiness.●

100TH ANNIVERSARY OF THE MUTUAL OF ENUMCLAW INSURANCE COMPANY

● Mr. GORTON. Mr. President, I speak today in recognition of the 100th Anniversary of the Mutual of Enumclaw Insurance Company. On June 12, 1998, Mutual of Enumclaw will celebrate its 100th Anniversary and a century of successful service in the insurance industry. The company originated in 1898 as the Farmers Mutual Insurance Company at a time when the town of Enumclaw, Washington found its economic base primarily in the railroad, dairy, and lumber industries. The company was established to ''insure farm and village buildings and personal property against loss by fire and lightening.''

This goal remained the focus of the company until 1945, when it expanded to insure non-farm property. Five years later it expanded its area of service to include Oregon and Idaho. In 1963, the company began writing commercial property and casualty insurance and three years later officially changed its name to Mutual of Enumclaw Insurance Company. The company sustained admirable growth throughout the following decades, as reflected by the A+ rating it has consistently received from the A.M. Best Company, a publisher of insurance information and company ratings.

Mutual of Enumclaw employs approximately 500 people and helps to provide a sound economic base for the Enumclaw community. As Mutual of Enumclaw Insurance Company celebrates its first hundred years, it looks to the future and to the challenge of continuing to learn and grow in order to meet the evolving needs of its customers.●

TRIBUTE TO BETTY HOOD

● Mr. BROWNBACK. Mr. President, it is a great honor for me to recognize today a young Kansan who has been nationally recognized for her quick thinking and valor. Betty Hood, of Wichita, Kansas, has been awarded the Young American Medal for Bravery for 1996 from the U.S. Department of Justice, for her heroic efforts to save her younger brothers and sister from their burning apartment.

Then ten-year-old Betty awoke in the early morning of May 17, 1996, to discover that her bed had caught on fire from a lamp that had been left too close to the sheets and blankets. Realizing the danger she and her siblings, who were in the room with her, were in, Betty carried her brother, James and sister, Hallie, to safety. She returned to help her remaining brother Clifford, but was unable to assist him as the fire had spread to the area where he was sleeping.

Betty Hood's award for bravery is well deserved. She did not escape unharmed, as both Betty and her mother were treated for burns, nor will she ever forget her six-year-old brother, Clifford, who perished in the fire.

Today, I join the Department of Justice in recognizing and paying tribute to this extraordinary young American. Betty Hood is a true hero, and I ask my colleagues to join me in saluting this young woman for her bravery and quick thinking that saved her brother and sister.●

SET A GOOD EXAMPLE

● Mr. LUGAR. Mr. President, I rise before you today to commend the first place award winners of the American Set a Good Example Competition.

Each year this contest recognizes three schools who have set themselves apart as leaders in the fight against crime and violence in our nation's schools. In this, the 12th year of the contest sponsored by the Concerned Businessmen's Association of America, Arsenal Technical High School of Indianapolis, Indiana, has been recognized as one of these very special schools.

While we have seen the war against drugs and violence fought on every battlefield from the streets to our homes to the workplace, there is no more important battlefield than our children's schools. In an attempt to emphasize this message, the Concerned Businessman's Association of America (CCBA), began this unique contest in 1985 in order to encourage our nation's teenagers to become involved in the war on drugs and violence.

This year the CBAA deemed the efforts of the students at Arsenal Technical High School, in conjunction with the guidance of teacher Mary Allen, principal Gerald McLeish, and the funding of Dr. Chris Kasle, worthy of this prestigious award.

For their project, Arsenal Technical students selected the precept of ''Do Not Murder'' taken from the ''Way to Happiness'' by L. Ron Hubbard. First, the students discussed murders which have affected them, their families and communities. Next, students put themselves in the position of Mayor and formulated ways in which they would solve the problem of violence. Each student wrote essays about their plans.

Arsenal continued this project by planning a ''Set A Good Example Week.'' When a teacher saw a student set a good example or perform an act of kindness, the student received a coupon redeemable for a small pack of candy at lunch.

Students received the pack of candy from a booth promoting a talent show dubbed ''Stop the Hate in 98,'' an event promoting non-violence.

The student-planned talent show included an art and rap contest and generated 100% student involvement.

I extend my congratulations to the students and faculty at Arsenal Technical High School for this outstanding achievement and the excellent example they have set for our nation's youth. I

urge each student to build upon the successes of this program and continue to set a good example every day.●

IN HONOR OF BOB DOLE

● Mr. WARNER. Mr. President, It was two years ago, in this chamber, that we recognized Senator Bob Dole for his tremendous contribution to the nation. I and many others stood and paid tribute to this great American for his outstanding career of Public Service, a career that spanned over fifty years. I rise today, to once again pay tribute to this great American.

As I said two years ago, Senator Bob Dole's destiny was and is leadership. From the battlefields of World War II to the floor of the United States Senate, Bob Dole was worked tirelessly for a strong national defense. That hard work was recognized recently in a ceremony held at Fort Meyer, Virginia. The Secretary of Defense, joined by the Vice Chairman of the Joint Chiefs of Staff, presented Senator Dole with the Department of Defense's highest civilian honor, the Medal for Distinguished Public Service.

Senator Bob Dole, a man whom I am humbled to call my friend, is most deserving of the Medal for Distinguished Public Service and I wish to join our former colleague Secretary Cohen, in honoring Senator Dole. Mr. President, I send to the desk, copies of the fine remarks delivered by Secretary Cohen and Senator Dole at the April 29th award ceremony and ask that they be printed in today's RECORD of the body he loved—The United States Senate.

The remarks follow:

REMARKS OF SECRETARY OF DEFENSE WILLIAM S. COHEN—PRESENTATION OF DISTINGUISHED PUBLIC SERVICE AWARD TO BOB DOLE

Welcome all, and thank you for joining Janet and me and the entire Department of Defense in paying tribute to a dear friend and a true American hero—Bob Dole.

Justice Oliver Wendell Holmes, Jr., who served his country both as a soldier and a public servant, once spoke to his fellow veterans in words that reflect the soldier and public servant we honor today. Holmes said: ''As I look into your eyes, I feel that a great trial in your youth made you different. It made you a citizen of the world and not of a little town. Best of all, it made you believe in something else besides doing the best for yourself. You learned a lesson early which has given a different feeling to life, which put a kind of fire into your heart.''

Today we express our gratitude to Bob Dole, a man from the little town of Russell, Kansas for whom the lessons of life came early. With the Dustbowl came the lesson of hard work. With the Depression came the lesson of hardship. With World War II came the lesson of service and sacrifice in a way most of us will never know.

Throughout his distinguished career, we have called Bob Dole by many titles—Congressman Dole, Senator Dole, Chairman Dole and Candidate Dole. Our ceremony today honors all those roles, but also honors a time when he was known as Second Lieutenant Robert Dole, who led the Second Battalion of the 85th Infantry Mountain Regiment of the U.S. Army's 10th Mountain Division.

As the war in Europe was winding down, a spring offensive was scheduled for April 12, 1945 to bring about the surrender of German forces in Italy. On the same day, as it happens, President Roosevelt died. But it was not the President's death but a heavy fog that delayed the offensive until April 14 at oh-six hundred. After the intensive assault against fortified German positions by heavy bombers, fighter-bombers and artillery, the 10th Mountain Division began to move across a ravine to a clearing to take for the Allies what was known as Hill 913.

But even after the shelling and bombing, there was still significant German resistance. The snipers were dug in. The 10th Mountain Division would take more casualties on April 14, 1945 than all the other Allied forces in Italy. Second Lieutenant Robert Dole was hit and gravely wounded by a mortar blast and waited in a shell hole for nine hours until the medics could reach him.

The war in Europe ended just a few weeks later on May 8, 1945. Second Lieutenant Dole came back to a Topeka hospital and eventually back to Russell. When he went to Europe, he weighed a muscular 200 pounds and was a football, basketball and track star at the State University of Kansas. When he came home after the war, he was on a stretcher and weighed 120 pounds. At one point, his temperature reached 108.7 degrees.

Faced with this terrible situation and the unanimously gloomy opinion of his doctors, many people, even most people, would have become disheartened and simply given up. But Bob Dole persevered, through more than three years of arduous recovery and through a lifetime of difficulty and hardship which he handled with his customary humor and grace. No one ever worked harder, complained less or laughed more than Bob Dole. And no one ever loved his country more or had a better appreciation of the honor and sacrifice of military service.

From the terrible trauma of his injuries, Bob Dole fought back and won elective office as country attorney, US Congressman, US Senator and Senate Majority Leader. He has been his party's nominee for Vice President and President. He even makes a pretty good VISA commercial! (Although his credit is not very good in that financial mega center—Russell.)

Also, no hero does it alone, and Janet and I also want to pay tribute to a lady of grace, charm and accomplishment who is Bob's partner, friend and wife—Elizabeth Dole. Elizabeth, thank your for your service to America.

I had the privilege of serving with Bob Dole in the legislative trenches of the U.S. Senate for 18 years. And I can tell you he remained a warrior eager to take on a new battle every day. He is and always will be an American Hero of the highest order.

Thanks to people like Bob Dole who have worked for a strong national defense, we are privileged to live in largely peaceful times where the sons of Bangor, Maine, or Russell, Kansas are not being sent to fight and die on distant battlefields. The privilege of these peaceful times is made possible by the sacrifice of many thousands who have given their bodies and their lives in the cause of liberty.

We do not pause often enough to give tribute to the silent white gravestones which dot the hills of Arlington National Cemetery or give thanks to the heroes who are still among us. Today, as Secretary of Defense, it makes me extremely proud for our Department and our nation to pay tribute to a modest man of immodest talent—a person who has defined heroism and courage for millions of Americans.

The great American writer John Steinbeck once wrote that the best measure of one's time on this earth is the contribution each of us makes to the world around us. ''There is,'' Steinbeck wrote, ''no other story. A man, after he has brushed off the dust and chips of his life, will have left only the hard clean questions: Was it good or was it evil? Have I done well—or ill?''

For Second Lieutenant Bob Dole—Army Serial #17179287—Steinbeck's question is not a hard one. He has done well—he has served his nation with the highest distinction—he has remained a man with fire in his heart. And it is my highest privilege to award our highest civilian honor, the Department of Defense Medal for Distinguished Public Service, to Bob Dole.

SENATOR BOB DOLE—REMARKS PREPARED FOR DELIVERY

If given the choice between receiving an award from a Secretary of Defense or appointing a Secretary of Defense, I would have picked the latter.

Seriously, I am humbled and honored by this award, and it means all the more to me because it was presented by a man I have long been privileged to call my friend. Thank you, Mr. Secretary, for this ceremony, for this award, and for reminding us that when it comes to our national defense, we should not define ourselves as Democrats or Republican, but rather, simply as Americans.

I am also pleased to be joined today by the president of the American Red Cross. Throughout this century, wherever you have found American service men and women—whether on the battlefield, on the base, or in the hospital—you knew that close by you would also find the American Red Cross.

And on behalf of all the past and present members of the Armed Forces here, I thank Elizabeth for the difference the Red Cross has made in our lives. And while I may not be proof of the old saying that here in America, any boy can grow up to be President, I take heart in the fact that I am proof that any boy can grow up and be married to the president * * * of the American Red Cross, that is.

During my life I have been privileged to be called by many titles—including Congressman, Senator, and majority leader. But the two titles of which I am most proud have nothing to do with elective office. The first is ''Kansan,'' and the second is ''veteran.''

I have often wondered why the Army assigned a kid from the plains of Kansas to serve in the 10th mountain division, but I've never wondered about the courage and heroism of those who served with me, and those who have defended our country in the half century that has followed. And I can't help but recall today the words of General George Marshall, who was asked soon after America's entrance into World War II, whether we had a secret weapon that would ensure victory.

Marshall said, ''Yes, our secret weapon is the best darned kids in the world.''

Marshall was right, America ensured the survival of freedom in World War II precisely because we had the best darned kids in the world—kids who were willing to fight and die for their country and for the cause of freedom.

What was true in World War II, has continued to be true in the decades that have followed, as more of those best darned kids have fought and died in places with names like Inchon, Porkchop Hill, the Persian Gulf, and countless other locations around the globe.

I traveled to Bosnia just this past weekend, and can report to you, Mr. Secretary, that our armed services can still boast the best darned kids in the world.

Throughout my years in the battlefields of Capitol Hill, I always tried to remember and stand up for those who were serving or who had served. And I always tried to remember

that the only way to ensure that future generations of those kids would not be buried on foreign land was to continue to provide for a strong defense and American leadership whenever and wherever it was needed.

And any success I achieved in this regard was achieved because so many others stood with me. And although this old soldier has retired from elective office, I don't intend to fade away. Rather, I will continue to stand up and speak out on matters of importance to the United States, and I will always regard this day and this award not as recognition for any achievements of the past, but as a reminder of our responsibilities to future generations of Americans.

And so, Mr. Secretary, Lieutenant Robert J. Dole is reporting for duty today, ready for a mission that must be shared by all Americans; a mission perhaps best defined by the author Herman Wouk, who said:

''(Our duty is to) reassure (our men and women in uniform) that their hard, long training is needed, that love of country is noble, that self-sacrifice is rewarding and that to be ready to fight for freedom fills one with a sense of worth like nothing else * * * for if America is still the great beacon in dense gloom, the promise to hundreds of millions of the oppressed that liberty exists, that it is the shining future, that they can throw off their tyrants, and learn freedom and cease learning war, then we still need heroes to stand guard in the night.''

Thank you, Mr. Secretary for this day, and thanks to all those heroes here today and the countless thousands who serve with you who make the world a safer place by standing guard in the night.●

TRIBUTE TO BARRY GOLDWATER

Mr. LOTT. Mr. President, I know I speak for the entire Senate in expressing to the family of Senator Barry Goldwater our sympathy for their loss and for our country's loss as well. On Wednesday, many of us in the Senate will attend his funeral in his beloved Arizona. The Senate Sergeant at Arms is making arrangements for those who wish to join in this last tribute to our former colleague. All Senate offices will be informed about those details soon. In fact, I believe that information has gone out and we do expect a large number of Senators to join in going to the funeral services in Arizona.

The Senate will not be in session on Wednesday in honor of this great Senator and leader from Arizona.

If Barry were here with us today, I think he would tell us in his characteristically blunt manner not to be too solemn about this occasion. After all, he was an extremely fortunate man and he felt that way and said so himself many times. He was blessed with length of days and devotion of family and friends. In fact, as I looked over the details of the services, I noted that he will be carried by his grandsons as poll bearers. I know that would have been really special to him. He loved his work. He loved the people he represented. He spoke his mind. In many ways, he owed nobody, but he loved everybody. He was a winner, not just in the sense of winning elections—with one rather major exception—but in the most important sense of having his ideas vindicated by the course of history.

In his one losing election, the Presidential race of 1964, he was subject to more falsehoods, in my opinion, than any candidate should ever have to bear.

In losing with honor, he did more than encourage others to stand up for their beliefs. I was one of those young people that was fresh out of college and working for my alma mater, the University of Mississippi, and casting my first vote ever in a Presidential election for Barry Goldwater in my hometown of Pascagoula, MS, and watching the election returns that night from Pensacola, FL. I remember how I had been inspired by what he had to say. I think that was the moment I decided I would spend a good portion of my life involved in trying to be a representative of the people in Government.

Along with then-Governor Ronald Reagan, Barry Goldwater energized the grassroots of American politics, fostered the growth of modern conservatism, and thereby transformed the Republican Party and the Nation.

His statement of political faith—a slight book called ''The Conscience of a Conservative''—continues to challenge and inspire readers. I have my little paperback version of ''The Conscience of a Conservative'' that I keep in a small library in my hometown. There are many Members of Congress today who treasure their well-worn copies of that volume, as well they might, for it remains an eloquent manifesto of the cause of liberty.

The conservative movement has had many heroes, but Barry Goldwater remains preeminent, even though he came to disagree with conservatives on some issue. That disagreement has belatedly won him some new admirers, even some liberals who fail to see the difference between his reasoning and theirs.

The difference is that they tend to downplay personal responsibility. Senator Barry Goldwater, on the other hand, demanded it. He expected individuals to live with the consequences of their decisions. It was his sense of responsibility that brought Barry Goldwater into Government and empowered his fight against big Government.

It was personal responsibility that he preached to his fellow Americans. In 1964 many were unwilling to listen. Today, three decades later, his message is heard and echoed from think tanks to pulpits, from classrooms to the Congress.

He gave so much to the country he loved so much. So many years of service in government, so strong a voice for national security against the threat of communism, and so passionate a confidence in the ability of average men and women to do extraordinary things.

But surely his greatest gift was preparing the way for a rebirth of the conservative ideas and values which make freedom possible.

That long ago won him an honored place in the hearts of his fellow believers, and it now ensures for him an honored place in the history of America.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nomination on the Executive Calendar: Number 600.

I further ask unanimous consent that the nomination be confirmed, the motion to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER (Mr. ALLARD). Without objection, it is so ordered.

The nomination was considered and confirmed as follows:

THE JUDICIARY

Chester J. Straub, of New York, to be United States Circuit Judge for the Second Circuit.

Mr. LOTT. For the information of all Senators, that was the confirmation of Mr. Chester J. Straub, of New York, to be U.S. Circuit Judge for the Second Circuit.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR NO. 622

Mr. LOTT. Mr. President, I further ask unanimous consent that following the cloture vote scheduled for Tuesday at 6 p.m., regardless of the outcome, the Senate then proceed to executive session for the consideration of Calendar No. 622. I further ask unanimous consent that the nomination be confirmed, the motion to reconsider be laid upon the table, and the Senate then return to legislative session.

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

Mr. LOTT. Calendar No. 622 will be considered tomorrow, which would be Rosemary Pooler to be U.S. Circuit Judge for the Second Circuit in New York.

LEGISLATIVE SESSION

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

AUTHORITY FOR DOCUMENT PRODUCTION AND REPRESENTATION

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 239, submitted earlier today by Senators LOTT and DASCHLE.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 239) to authorize testimony and document production and representation of Senate employees in Pointe

Properties, Inc., et al. v. Michael J. Bevenour, et al.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. Mr. President, the case of Pointe Properties, Inc., et al. versus Michael J. Bevenour, et al., is a civil case pending in the Superior Court for the District of Columbia.

This defamation action by a land development company and two of its officers and directors arises out of two 1996 letters prepared and distributed by the defendants, members of a citizens group opposed to the development of certain land in Maryland's Anne Arundel County. A few months prior to mailing these letters, some of the defendants met with Mike Morrill of Senator MIKULSKI's staff to discuss plaintiffs' land-development proposal. Counsel for these defendants have asked Mr. Morrill to testify about that meeting, and Senator MIKULSKI would like Mr. Morrill to be authorized to do so.

This resolution would authorize Senator MIKULSKI's staff to testify and produce relevant documents, with representation from the Senate Legal Counsel.

Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and that the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 239) was agreed to.

The preamble was agreed to.

The resolution (S. Res. 239), with its preamble, reads as follows:

S. RES. 239

A Resolution (S. Res. 239) to authorize testimony and document production and representation of Senate employees in *Pointe Properties, Inc., et al.* v. *Michael J. Bevenour, et al:*

Whereas, in the case of *Pointe Properties, Inc., et al.* v. *Michael J. Bevenour, et al.*, No. 96–CA–009720, pending in the Superior Court for the District of Columbia, testimony has been requested from Mike Morrill, an employee on the staff of Senator Barbara A. Mikulski;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena, order, or request for testimony or the production of documents relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate: Now, therefore, be it

Resolved, That Mike Morrill, and any other employee from whom testimony or document production may be required, are authorized to testify and produce documents in the case of *Pointe Properties, Inc., et al.* v. *Michael J. Bevenour, et al.*, except concerning matters for which a privilege should be asserted.

Sec. 2. The Senate Legal Counsel is authorized to represent Mike Morrill, and any other employee from whom testimony or document production may be required, in connection with *Pointe Properties, Inc., et al.* v. *Michael J. Bevenour, et al.*

UNANIMOUS-CONSENT AGREEMENT—NUCLEAR WASTE POLICY ACT

Mr. LOTT. Mr. President, I ask unanimous consent that at 4 p.m. on Tuesday, June 2nd, there be 2 hours of debate equally divided between the opponents and proponents of the nuclear waste legislation. I further ask unanimous consent that the vote occur on the motion to invoke cloture on the motion to proceed to that bill at 6 p.m. on Tuesday.

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

ORDERS FOR TUESDAY, JUNE 2, 1998

Mr. LOTT. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Tuesday, June 2d. I further ask that on Tuesday immediately following the prayer, the routine requests through the morning hour be granted and the Senate then begin a period of morning business until 10 a.m. with Senators permitted to speak for up to 5 minutes each with the following exceptions:

Senator HAGEL for 10 minutes; Senator DORGAN for 10 minutes; and Senator AKAKA for 5 minutes.

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

Mr. LOTT. I further ask that following morning business the Senate resume consideration of the Durbin amendment, No. 2438, pending to the tobacco legislation.

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

Mr. LOTT. I further ask that the Senate stand in recess from 12:30 p.m. until 2:15 p.m. to allow for the weekly party caucuses to meet.

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

PROGRAM

Mr. LOTT. For the information of all Senators, the Senate will reconvene at 9:30. There will be 30 minutes of morning business. Following that business, we will return to the consideration of the tobacco legislation with several amendments pending. It is hoped that those amendments can be disposed of in a timely fashion so that the remaining amendments to this important bill may be offered and debated. I do expect at this time that there could be a vote or two on amendments on this bill tomorrow afternoon, although that has not been locked in at this point.

At 4 p.m. we will return to 2 hours of debate equally divided on the nuclear waste bill. Following that, there would be a vote to invoke cloture.

Also, any votes ordered in respect to the tobacco bill will occur in a stacked sequence at that time. That could involve anywhere from one, two, or three votes at the 6 o'clock hour.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. LOTT. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under previous order.

There being no objection, the Senate, at 6:23 p.m., adjourned until Tuesday, June 2, 1998, at 9:30 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate June 1, 1998:

THE JUDICIARY

CHESTER J. STRAUB, OF NEW YORK, TO BE UNITED STATES CIRCUIT JUDGE FOR THE SECOND CIRCUIT.