child was brought to her doctor 14 days after birth because of a urinary tract infection. Treatment of a urinary tract infection at that age requires an evaluation for urinary tract abnormalities. But the referral from the pediatrician to an out-of-plan specialist was denied, again saying services are available in-plan, an in-plan urologist. OK, if she could get the right treatment in-plan, that is what HMOs are for; right?

But she could not. She could not get the help because the urologist the plan would have had her see was, once again, an adult urologist. Am I picking here? Am I just being petty? No. The problem lies in discovering and treating urinary tract abnormalities which is vital to preventing serious and permanent kidney damage, and the appropriate specialist for such a situation is a pediatric urologist.

I have working in my office, thanks to the Robert Wood Johnson Foundation, a pediatric cardiologist. A pediatric cardiologist is different from an adult cardiologist. In other words, an adult and child are different and they require different specialists with different skills. It is a basic and important fact. Simply to say you have a urologist in-house is not to say that if that urologist deals with adult urology problems, that it is sufficient for a 14-day-old baby girl.

This decision by the HMO was based on having an adult urologist, which urologist did not have speciality training in pediatric disorders and, therefore, was not capable of caring sufficiently for an infant. Why? Because keeping her within the plan's network of doctors costs less.

I understand business, and business is important, but this business of quality of health care treatment is very serious and very scary, and that is what we have to focus on when we are thinking about what we are going to do. These are our children, the most helpless and vulnerable of all of American citizens. They have no way of defending themselves. They depend on their parents, they depend on their communities to take care of them, and these people, in turn, depend on us in Congress to ensure that they are not taken advantage of, that games are not played with their health and the health of their children.

The time has come for us to pass a bill which guarantees certain commonsense protections for every single patient in America, young or old, rich or poor. This legislation—which we have the opportunity to pass, an obligation, I think, to enact this year, the Patients' Bill of Rights Act of 1998—will do exactly that.

I am interested in good health care for our people, Mr. President. I don't think it is a game, and I don't think it has anything to do with politics. I think it is a very, very serious consideration.

I thank the Presiding Officer and yield the floor.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER (Mr. SESSIONS). The Senator from Kentucky.

NATIONAL TOBACCO POLICY AND YOUTH SMOKING REDUCTION ACT

The Senate continued with the consideration of the bill.

Mr. FORD. Mr. President, I ask unanimous consent that the Senator from Montana, Mr. BAUCUS, be added as a cosponsor of the Ford amendment pending before the Senate.

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

Mr. FORD. I thank the Chair.

Mr. LUGAR addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, on behalf of the leader, I ask unanimous consent that the Senate now resume consideration of the tobacco legislation, S. 1415, for debate only until the hour of 3 p.m. today.

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

Mr. LUGAR. I thank the Chair. 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. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

PRIVILEGE OF THE FLOOR

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the following members of my staff be given the privilege of the floor for the duration of the debate on the current bill: Hunter Bates, Robin Bowen, David Hovermale, and Kyle Simmons.

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

Mr. MCCONNELL. Mr. President, we have been on the tobacco bill now for four weeks. What is abundantly clear to this Senator is that the best favor we can do for the American people and, in particular, for Kentuckians who are tobacco producers is to defeat this bill. President Clinton and the majority of the Democrats have been pushing this bill for some time, going back to the 1996 campaign. A typical American family today already pays 38.2 percent of its total income in taxes at all levels of government. This tobacco tax bill before us will increase taxes by more than $600 billion, some argue even up to $800 billion over the life of the bill, and 60 percent of that tax will fall on working people who make less than $30,000 a year.

Let me repeat: 60 percent of the taxes that we are raising will fall on Americans making $30,000 per year. Mr. President, more than anything else, what the tobacco bill is about is tax and spend.

The original cause is a noble cause around which I guess virtually all of the Senate is unified, and that is the question of confronting the problem of teenagers and smoking. We know, of course, that only 2 percent of smokers are teenagers. We wish they would not engage in this habit, and we ought to do everything we can to deter that behavior. But this bill, this $600 billion or $700 billion or $800 billion bill, this tax increase targeted at people in America making $30,000 or less is about big government and big spending and big taxes.

A good starting place would be to defeat this bill, which is not in the best interest of the American people and certainly not in the best interest of the people of Kentucky for whom this is a particularly sensitive issue. The biggest beneficiaries of the bill before us, in addition to the Government and literally legions of new agencies, are a number of lawyers who are going to make a substantial amount of money even with the Gorton amendment yesterday.

So a good starting place in discussing this issue is what ought to be done with the overall bill, and it has been the view of this Senator from Kentucky that the appropriate fate for this bill is defeat, the sooner the better.

Should the bill not be defeated, it creates a catastrophe for the Commonwealth of Kentucky. We have over 60,000 farm families who derive some or all of their income from the annual growing of a legal crop.

They are engaged in an honorable activity. They are raising their families, educating their children, obeying the law. And here comes the Federal Government with an effort to destroy this legal industry. And make no mistake about it, this bill is designed to bring the tobacco industry to its knees. And that goal and design is pretty clear, with the amendments that have been passed so far, including providing no immunity from lawsuits whatsoever for the tobacco companies, which, as we all know, was part of the original settlement agreed to last summer—no immunity is going to be provided in this bill for any kind of lawsuit of any sort.

We doubled the so-called look-back provision—clearly, in this Senator's view, an unconstitutional attempt to make the company responsible for anyone who chooses to use its product. I do not know any reputable lawyer, Mr. President, either in or out of the Senate, who thinks that provision is constitutional. And, of course, there are advertising restrictions in this bill. Nobody that I know thinks those can be imposed by the Government either.

The industry pulled out of this a long time ago—several months ago—when they saw what form it was taking. So make no mistake about it, Mr. President, this bill before the Senate, in its current form, is designed to destroy the tobacco industry.

Now, the victims of that are the 60,000 farm families in Kentucky who raise this legal crop every year. And in the wake of this effort to destroy this industry, it has produced a significant debate in our State about what to do.

Now, if El Niño hits, the Federal Government steps in and helps the victims. In this particular instance, the Federal Government itself is causing the disaster. And it seemed to this Senator appropriate, if the Government were going to create this disaster, then the government ought to provide a lifeline or assistance or help to those victims of this Government-made disaster.

And after a good deal of thought over many months, Mr. President, I concluded that if the Government were going to try to destroy this industry, the appropriate response was for the Government to provide assistance to the farm families who grow this legal commodity, and to do it as generously as possible over the shortest period of time.

So it was my conclusion, Mr. President, that the Senator from Indiana—certainly no friend of tobacco, as he himself would readily admit—was prepared to engage in what I thought was a generous act in the context of this impending disaster.

Where I differ with the Senator from Indiana is, I think the tobacco program has served us well. It has served us very well in Kentucky. It has allowed us to hold on to smaller farms a lot longer than we would otherwise have been able to hold on to them, even though, Mr. President, I must confess, in all candor, there has been consolidation even with the program.

When I came to the Senate in January of 1985, the average tobacco grower in Kentucky had about an acre—roughly 2,500 pounds, which is about an acre. Today, the average tobacco grower in Kentucky has 4.5 acres. So you can see that even with the program, consolidation is occurring. Without the program, unquestionably, consolidation would occur very rapidly. And the tragedy of the loss of the program is that the income, which has been divided up among an awful lot of medium- and low-income people, would in all likelihood consolidate into large farms. And I do not applaud that. I would rather keep the tobacco program. And we can keep the tobacco program if we can beat this bill.

So, Mr. President, let me say, the first order for this Senator is to defeat this bill. I have done nothing to promote this bill at any point along the way. I opposed it in 1997, 1998, 2 months ago, last month, a week ago, yesterday, and today. This is a terrible bill for America and a particularly bad bill for Kentucky.

But if it is to become law, the question you have to ask is, What is the best approach for the victims of this law, the tobacco growers of Kentucky? It is my view, in that context, that the Senator from Indiana has it right, that if the Government is trying to destroy this industry, the best thing the Government can do is to provide a generous transition payment to these growers on the way to the free market—not my first choice, but my choice in the context of the bill that President Clinton and the vast majority of Democrats in this body want to see become law.

Mr. President, there are two competing proposals. One proposal, sponsored by my colleague from Kentucky, seeks to hold on to the tobacco program for the next 25 years. If it were not for this bill, we would have a chance of holding on to the tobacco program without any legislation, because this bill is what creates the problem, not that instantly tobacco becomes less controversial. But any time this kind of bill is seriously contemplated in Congress, it seems to me the only solution to that is to provide as generous a compensation as possible for our growers over the shortest period of time, because the program is going to end in the context of this kind of Government pile-on designed to destroy the industry.

So, Mr. President, I stated my case as best I could and, if I may say so, I think pretty well, in a recent op-ed in the Lexington Herald-Leader at home, which I ask unanimous consent to be printed in the RECORD.

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

WE DON'T HAVE 25 YEARS FOR LEAF ACT

(By Mitch McConnell)

One of President Bill Clinton's signature political maneuvers occurred early in his administration when he and Vice President Al Gore declared war on tobacco—portraying Kentucky's leading agricultural commodity as a modern-day plague. The anti-tobacco zealots and an army of greedy plaintiffs' lawyers eager to prey on the tobacco industry created the most serious threat ever arrayed against tobacco farmers.

Disaster has loomed for Kentucky's tobacco farmers since Clinton took office and is now manifested in the form of the $850 billion McCain bill which sailed out of the Senate Commerce Committee 19–1, with Sen. Wendell Ford's support. Thus was the death knell sounded for tobacco.

Liberal Democrats in Congress have eagerly piled on, vowing to slay the tobacco industry generally and the farmers' price-support program in particular. Senator Dick Durbin (D-IL) venomously wails that tobacco is the only government-supported crop ''with a body count,'' and lambasts the tobacco program as ''. . . subsidizing the growth, production, and processing of a product which kills hundreds of thousands . . . .''

Sen. Ted Kennedy (D-MA), the most influential Democrat in the Senate, decries tobacco with characteristic hyperbole, charging the industry with ''the insidious and shameful poisoning of generations of children.'' Durbin and Kennedy sentiment, shared by nearly all their liberal Democrat colleagues, does not auger for any easing up in the war against tobacco. Quite the contrary.

Kentucky's farmers are in this anti-tobacco squad's crosshairs. Senator Ford and I, as always, are unified in our goal of fighting for Kentucky farmers. Regrettably, we disagree over the best means for achieving this protection and security.

Kentucky farmers stand at a critical crossroads, presented with two alternatives for survival. Senate Agriculture Committee Chairman Richard Lugar (R-IN) offers farmers a three-year phase-out of the tobacco program that would provide the average quota owner with meaningful annual transition payments of $26,500 and the freedom to continue to grow tobacco in a free market, forever.

The LEAF Act, proposed by retiring Senator Ford, offers farmers two very different paths: a buyout path or a gamble that the program could continue for another quarter-century. If the average quota owner chooses to go down the Ford buyout path, he would receive a 10-year buyout with annual payments of only $8,000—with the added proviso that he would be barred from growing tobacco for the next 25 years! With such an unpalatable buy-out option, farmers would likely buy into the LEAF Act's contention that the tobacco program could be preserved until the year 2023—even though the government is currently phasing out other agriculture commodity programs like corn, wheat and soybeans.

After extensive consideration and consultation with Kentucky growers, I firmly believe that the Lugar plan is the wiser course because the LEAF Act is ultimately unsustainable—a nice idea, but an unwarranted gamble in what promises to be an increasingly hostile anti-tobacco environment. In short, the Lugar plan is the best option in a bad situation, the optimal approach to ensure that our farming families and their communities are not grievously wounded in the escalating anti-tobacco war being led by Commander-in-Chief Bill Clinton, Vice President Al Gore and their eager lieutenants in the liberal Democratic congressional caucus.

This unprecedented assault on tobacco—a legal product—has permanently altered the political landscape to the extreme detriment of tobacco farmers. As difficult as it is to understand in Kentucky, where tobacco is a way-of-life, the liberals in Washington most closely associate tobacco with a cause of death.

Nevertheless, Senator Ford and I, joined by precious few colleagues, have for years been fighting a rear-guard action in defense of tobacco farmers, staving off the anti-tobacco zealots with every parliamentary maneuver we could muster. But Clinton gave the green light to punish the tobacco industry into extinction; and virtually every governmental and private-sector force—outside of Kentucky and North Carolina—has followed suit.

On the home front, politicians like Scotty Baesler and farm bureaucrats like the Burley Co-op's Rod Kuegel and Danny McKinney are exploiting the tobacco growers' terrible plight with shrill rhetoric, unproductive attacks and politics as usual. Contrary to these attacks, I firmly believe Kentucky farmers understand the political and economic ramifications of the highly-charged anti-tobacco environment. A Herald-Leader poll found that 70 percent of Kentucky farmers who expressed an opinion said that the program would be gone in less than five years. Similarly, the Tobacco Fairness Coalition has reported that 63 percent of growers in Kentucky and Tennessee favor Senator Lugar's front-loaded phase-out of the tobacco program that pays farmers $8 a pound.

The LEAF Act has been criticized from all sides on a number of different issues. Even Sen. Ford's long-time Democratic friends in the Senate have expressed serious doubt about the viability of his plan. Sen. Bob Kerrey (D-NE) recently stated that he is ''troubled by'' the cost of Senator Ford's plan and declared on the Senate floor: ''I have a very difficult time voting for something that has $28 billion for tobacco farmers . . . .''

Moreover, I am terribly troubled by the fact that LEAF discriminates against Kentucky farmers, inexplicably treating them worse than North Carolina farmers. For example, if a Kentucky farmer takes the LEAF

buyout, he is forbidden from growing tobacco for the next 25 years. Since the average age of a Kentucky tobacco farmer is 60, the LEAF buyout is effectively a lifetime ban. On the other hand, a North Carolina quota owner receives a guaranteed buyout under LEAF and is still allowed to continue growing tobacco. This is simply not fair.

Thoughtful newspapers in the heart of tobacco country have surveyed the tobacco landscape and concluded that the tobacco program is mortally wounded. In the words of the Paducah Sun: ''[The] ultimate fate [of the tobacco program] seems sealed. How can [the] program survive indefinitely when the administration, Congress, health groups and public opinion are arrayed so solidly against smoking?''

Or as the Daily News in Bowling Green concluded: ''Hating tobacco is popular. This national mood spells an end—and soon—to federal programs seen as supportive of the 'evil weed.' McConnell has stated the facts. They are hard. But they are the facts.'' The Courier-Journal also acknowledged that my decision to support the Lugar plan was ''a reasonable and defensible course.''

As much as I would like to promise farmers 25 more years of a federal tobacco program, I cannot in good conscience be complicitous in handing out such a false promise to the thousands of Kentucky families whose lives would thereafter hang in the balance and twist in hostile political winds. The combined forces of Clinton, Gore, opportunistic Democrats in Congress and the nation's liberal media, have made tobacco public enemy No. 1. In sum, I simply refuse to sell farmers on the dreamy illusion of a new 25-year tobacco program.

Contrary to the caricature of my position by the politically-motivated and woefully ill-informed former Democrat State Sen. John Berry and his poet brother, my ''sole prerogative'' is to provide certainty and protection to Kentucky's farming families. We should allow our farmers and communities to take the cash-in-hand and not force them into a high-stakes crapshoot. In the words of the Owensboro Messenger-Inquirer: ''This may be the last chance farmers have before it all goes up in smoke.'' Nostalgia for the past may be good for poets, but not for policymakers.

Mr. MCCONNELL. Mr. President, as you can imagine, this is a much discussed issue in Kentucky. Some people think the LEAF Act is the way to go; some people think the Lugar proposal is the way to go. Interestingly enough, a number of newspapers, having surveyed the landscape and having looked at the issue, have concluded that the Senator from Indiana—not, again, thought of as any friend of tobacco—and the Senator from Kentucky, who has spent most of his career fighting, along with the senior Senator from Kentucky, for tobacco, have it right, that in the context of this kind of bill, the only rational response is to try to provide as much compensation as possible.

In fact, the Owensboro Messenger-Inquirer, the daily paper in Owensboro—one of our major cities and one of our major papers—had an editorial on May 24, the headline of which was, ''McConnell may have right idea, Lugar's plan could ultimately benefit tobacco farmers more than Ford's.''

Now, reasonable people can differ about what is the appropriate thing to do in the face of impending disaster. You can go down with the ship or you can go for the lifeboats. And what the Senator from Indiana is doing here is offering a lifeboat; and, interestingly enough, after you get in the lifeboat, you are still free to row.

In other words, under the Lugar proposal, when you go on to the free market, it is indeed free; people are still entitled to grow tobacco, a legal product, if they want to. Under the competing proposal, the LEAF proposal, there is a so-called voluntary buyout, but, candidly, it is not very attractive. If you take the voluntary buyout, it takes you 10 years to get your money. In the first year, the $8 presumably would still be worth $8; in the tenth year, the ag economist on the Senate Agriculture Committee, of which I am a member, says it is worth about $5.13. So your money erodes over a 10-year period.

In addition to that, if you accept the voluntary buyout, you cannot grow tobacco. Even though you are in a free market, the Government tells you, you cannot grow tobacco. And, even more mysterious, under the same LEAF proposal, there is a mandatory buyout for flue-cured tobacco—that kind of tobacco grown in the Carolinas and Virginia—a mandatory buyout. But after it is over, you are free to grow tobacco.

So I think, clearly, the purpose of the LEAF Act was to discourage any exit from the tobacco business. The buyout is not attractive, and it is designed to sort of hitch you up to a declining market created by a Government pile-on.

So, Mr. President, I ask unanimous consent that the editorial in the Owensboro Messenger-Inquirer be printed in the RECORD.

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

[From the Messenger-Inquirer, May 24, 1998]

MCCONNELL MAY HAVE RIGHT IDEA

LUGAR'S PLAN COULD ULTIMATELY BENEFIT TOBACCO FARMERS MORE THAN FORD'S

Tobacco farmers may be upset with U.S. Sen. Mitch McConnell, but ultimately he may be doing them more good than harm.

McConnell did the once unthinkable last week—he sided with Indiana Sen. Richard Lugar on a plan to end the federal tobacco price support system.

McConnell said when he first came to the Senate in 1985, there were seven tobacco-related votes. ''Tobacco was a sleepy, regional issue to which most members of Congress did not pay much attention,'' McConnell said.

The politics of tobacco have changed. In the current Congress there have been 29 tobacco-related votes, McConnell said, including one last summer in which crop insurance for tobacco farmers barely passed.

McConnell cited a statewide poll that found 70 percent of the respondents thought the tobacco support program would be dead in less than five years.

Siding with Lugar is in direct opposition with Kentucky's senior senator Wendell Ford of Owensboro. Ford's plan would continue price supports, offer $8 per pound to cover farmers' losses and would provide $28.5 billion over 25 years to assist tobacco farmers and communities who suffer because of decline in tobacco demand and jobs.

Ford is doing what he is supposed to do—taking care of the concerns of his constituents. In a different way McConnell is doing the same, although tobacco farmers may not yet see it.

Just a few years ago, Ford's plan would have been better for Kentucky tobacco farmers. But tobacco is in trouble, and with Ford leaving Washington at the end of this year, there will be one less experienced voice in favor of the support program.

McConnell recognizes this and is trying to bridge the gap between the two sides on price supports.

McConnell is not simply cozying up to Lugar's initial plan, which we still believe was overly punitive. Lugar's initial plan was to pay those who hold quotas to grow tobacco $8 per pound to get out of the business. Those who wanted to continue to grow would do so under free market conditions, but Lugar proposed transitional payments over three years to wean farmers off the program.

At McConnell's request, the Lugar plan now allows farmers to continue growing tobacco during the phase-out program. And sharecroppers and those who lease quotas to grow tobacco—initially left out of Lugar's plan—would receive $4 per pound during the buyout.

Also new at McConnell's urging was $1 billion over five years for rural communities hit hard by the reduction in tobacco revenue. That money would be invested in education and retraining, and to assist warehouse owners and operators.

We share a legitimate conflict of opinion on this issue with, we expect, many Kentuckians. The global economy has turned to a free market on tobacco, and some would surely claim it wrong for the American government to continue artificially maintaining higher prices.

It would be easier to embrace that position if we lived in Montana, Ohio or New Hampshire. But we live in Kentucky, a farming state in which 25 percent of total farm income is from tobacco sales. Any movement that would ultimately cut prices more than in half for tobacco must be met with concern.

But McConnell obviously feels that this may be the best chance for tobacco farmers to recoup some lucrative prices. It is conceivable tobacco opponents will simply end the price support program in a few years without any sort of transitional buyout.

This makes it imperative that both alternative crops and new markets for tobacco be found for Kentucky farmers. Biosource Technologies is working on exciting research using tobacco in the development of pharmaceuticals.

McConnell is too savvy a politician to make this move without a firm belief that the majority of his constituents favor it. Tobacco is in trouble no matter what McConnell supports. This may be the last chance farmers have before it all goes up in smoke.

Mr. MCCONNELL. And the Paducah Sun, Mr. President, in the far western part of our State, in taking a look at the situation, reached the conclusion that the Senator from Indiana and the junior Senator from Kentucky probably had it right, that in the context of this kind of bill, the rational response is to provide a generous buyout as rapidly as possible on to the free market.

Mr. President, I ask unanimous consent the editorial in the Paducah Sun of May 23 of this year be printed in the RECORD.

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

[From the Paducah Sun, May 23, 1998]

SMOKING BOMB

TOBACCO BUY-OUT A REASONABLE IDEA

Mitch McConnell's tobacco bomb has exploded with stunning force throughout the state he represents. Nearly in unison, Democrats and farm groups have denounced his buyout proposal in the strongest terms, and his fellow Kentucky Republicans are keeping quiet. Conservatives from outside the tobacco belt are criticizing the Kentuckian's plan as too generous. So politically, the senator's idea looks like a loser. As a matter of policy, it is worth a cooler appraisal.

Sen. McConnell has signed onto Indiana colleague Richard Lugar's legislation to close out the federal tobacco support program over three years by buying up the production quotas at $8 a pound. Participation would be mandatory, but in the end, farmers would be free to grow as much leaf as they wished and sell it in an unregulated market.

The alternative by his Democratic counterpart, Sen. Wendell Ford, would give farmers the option of selling their quotas, also for $8 a pound, over 10 years, but those who take the money would have to quit growing the crop. For others, the price subsidies would remain in place.

Gov. Paul Patton, the three Democratic senatorial candidates, the burley tobacco organization, and the Kentucky Farm Bureau all embrace the Ford proposal. So does Republican Rep. Jim Bunning, his party's likely nominee for the U.S. Senate seat this year, which is a fair indication of the political lay of the land in Kentucky.

The competing plans are substantially different, but have at least one major goal in common. Both are designed to cushion the impending blow for tobacco growers in a social and political environment that is increasingly hostile to cigarettes and smoking.

Which proposal is superior as national policy—or better for the growers (which is not necessarily the same thing)—depends largely on the future of the tobacco program.

The Lugar-McConnell plan is premised on the belief that the tobacco subsidy is on its way out no matter what and the best deal for farmers is a short-term cash buyout.

State Democrats are far more optimistic about the leaf program. The accuse Sen. McConnell of premature surrender and seem to resent particularly his break from a previously united front among the Kentucky delegation.

We believe Sen. McConnell has reason on his side. Whether the tobacco price support program lasts another three, five or 10 years is not the main point. Its ultimate fate seems sealed. How can the program survive indefinitely when the administration, Congress, health groups and public opinion are arrayed so solidly against smoking?

Even now, lawmakers mainly are arguing about how punitive the federal legislation will be against the tobacco industry. At last report, the U.S. Senate is prepared to impose a $1.10 per pack tax hike on cigarettes, which incensed Sen. Ted Kennedy because it wasn't $1.50. The contradictory notion—manufacturers bad, growers good—will not wear well forever.

Moreover, tobacco, of all commodities, hardly would be the exception in the overall movement of agriculture away from support programs and toward a market system. Price supports for corn are not surviving; why should tobacco's?

In plain fact, the tobacco program was never defensible in a government that is trying to discourage smoking by every means. Ending it now at least would allow government to purge itself of hypocrisy.

The prospect of handing $80,000 to the typical tobacco farmer who cultivates four acres, as the Lugar-McConnell proposal would do, does not strike us as victimizing him excessively. The out-of-state conservative critics of that bill's generosity may have a point. The payoff would be $20,000 an acre, as compared to about $200 an acre for corn growers.

The relative merits of Sen. McConnell's and Sen. Ford's competing approaches are still up for debate, and much is yet to be decided. We fail to see how the Republican's proposal is so inimical to state or national interest as to justify the furor it has created.

Mr. McCONNELL. Mr. President, the State Journal in Frankfort, our State capital, on May 21 of 1998, essentially agreed, as well as did the Owensboro paper and the Paducah paper, that in this particular situation the buyout proposal offered by the chairman of the Agriculture Committee makes the most sense. I ask unanimous consent that the State Journal editorial be printed in the RECORD.

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

[From the State Journal, May 21, 1998]

MORTAL WOUNDS

U.S. Sen. Mitch McConnell ignited a firestorm in Kentucky this week when he threw his support to Indiana Sen. Richard Lugar's legislation that would end federal price supports on burley tobacco by 2002.

In doing so, McConnell deserted his fellow Kentuckian Sen. Wendell Ford, who is trying desperately to salvage the tobacco price support program as the Senate debates historic legislation targeting the tobacco industry as a whole.

It goes without saying Ford is furious. Tobacco farmers are irate. Agriculture groups are in a frenzy. And Democrats running to replace Ford are on the political warpath.

McConnell says he made the decision to desert Ford's legislation, which McConnell originally co-sponsored, because he saw the handwriting on the wall. Tobacco is so universally despised in Congress that there is no hope the price support program can survive at a time when federal agriculture price support programs are being jettisoned all over the place.

The tobacco price support program, McConnell says, is ''mortally wounded.''

If everyone will calm down and think about it, they will realize that McConnell is right. Tobacco in all its forms is anathema in Congress and much of the nation outside a handful of states where it is grown. The anti-tobacco sentiment has reached a level of zealotry rarely if ever seen involving a single issue.

Ford, McConnell and Kentucky's congressional delegation have waged the good fight, but they are going to lose on the issue of price supports. The issue now must be what they can salvage to help farmers who rely on burley tobacco for their incomes and the communities that rely on those farmers for their prosperity.

The Lugar legislation would pay the owners of tobacco quotas $8 a pound over three years. Tenants and those who lease tobacco quotas would be paid $4 per pound over three years. Tobacco states would receive $1 billion over five years to aid affected communities and to pay for job retraining and crop diversification programs.

Once the support program ends in 2002, farmers could continue growing tobacco, but the price would be subject to a free market.

In that free market, Kentucky burley undoubtedly would be worth far less and, in time, most small growers would get out of the business because it no longer would be profitable.

Whether the Lugar bill is fair compensation to burley growers is open to debate. Certainly, it will take far more than $1 billion to insulate communities and farmers from the potentially devastating economic impact of tobacco's disappearance as a major crop. But Kentuckians need to join the debate, not insist blindly that something ''mortally wounded'' can survive, especially when that something is associated with tobacco.

Mr. MCCONNELL. Mr. President, the Bowling Green Daily News in the heart of our tobacco-growing part of the State—an area of the State represented by Congressman RON LEWIS who is on the House Agriculture Committee, who also endorses the Lugar approach as the only logical thing to do in the context of this bill designed to destroy this industry. The Bowling Green paper, also says that this is a realistic and appropriate response to the kind of catastrophe we are confronting.

I ask unanimous consent that the editorial from the Daily News in Bowling Green of May 21 be printed in the RECORD at this point.

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

[From the Daily News, May 21, 1998]

TOBACCO PLAN IS MERELY REALISTIC

U.S. Sen. Wendell Ford and Democratic Senatorial candidates Scotty Baesler, Charlie Owen and Steve Henry can say it isn't so, but the support system for tobacco is doomed.

It is best to get out quickly while tobacco farmers still have some political capital to expend.

That is what U.S. Sen. Mitch McConnell, R–Ky., and Sen. Richard Lugar, R–Ind., are advocating. McConnell has joined Lugar in promoting a buyout plan that would pay tobacco farmers $18 billion and help tobacco-impacted communities adjust to cessation of the support system.

However politicians from Kentucky and other tobacco-raising states may deplore it, tobacco has become a favorite political kickball, and termination of the support system is inevitable. It is just a matter of time. Surely, Kentucky politicians now raising such a flap over McConnell's ''defection'' know this as well as does he.

No tobacco farmer has to be told that there is a rising swell of anti-tobacco sentiment. Proponents of the system may argue honestly that the program is mostly paid for by farmers, but that argument will fall on deaf ears. Tobacco is politically incorrect.

Facing up to that reality, McConnell and Lugar offer a way out. But there is scant time for debating whether this buyout plan or that buyout plan might prove best for Kentucky farmers. Tobacco has been called to judgment in the court of American public opinion and has been found guilty.

The Lugar-McConnell approach is the best of several poor choices.

It would allow Kentucky farmers to do what many want to do—get out of the frustrating business of raising tobacco with some hope of saving the farm. It would pay tobacco farmers $8 a pound over three years, pay tenants and those who lease their tobacco quotas $4 a pound over three years and provide $1 billion in community assistance for tobacco states. The support system would be eliminated by 2002.

These are not harsh terms given the reality of the nation's anti-tobacco mood. In fact, they probably represent the best conditions that Kentucky tobacco farmers can hope to get.

Few people in Kentucky, including McConnell, want the destruction of the tobacco support system. But it is foolhardy to believe that the tobacco states can muster sufficient political power to long continue the program.

Hating tobacco is popular.

This national mood spells an end—and soon—to federal programs seen as supportive of the ''evil weed.''

McConnell has stated the facts. They are hard. But they are the facts.

Mr. McCONNELL. The Louisville Courier-Journal is conflicted on this issue. David Hawpe, the editor, a twice-a-week columnist, agrees with my senior colleague that the LEAF Act is the way to go, but the editorial page in the same paper, looking at the same issue, comes to the opposite conclusion.

Just reading in part from the Louisville Courier-journal of May 20:

[T]he LEAF Act would be in trouble in any event. This, after all, is a Congress that passed the Freedom to Farm Act, which ended price support programs for such non-controversial crops as wheat, corn and soybeans. Why would lawmakers, especially now, make an exception for tobacco, which is blamed for 400,000 deaths a year?

Of course, some anti-smoking groups have formed an alliance with tobacco farm organizations who support the Tobacco Program on the grounds that cheaper tobacco would lead to more smoking. But the cost of tobacco is a tiny fraction of a pack of cigarettes, and it will get smaller as Congress piles on new taxes.

The grim fact is, the tobacco growers have a stake in people continuing to smoke, while the government, with broad public support, is determined to discourage smoking.

Sooner or later, a way of life in Kentucky [according to the Courier] is going to end, and it is going to be painful. Senator McConnell would get it over quickly. Senator Ford will stretch it out. Neither can save a rural economy based on burley.

That is from the Louisville Courier-Journal on May 20 of this year.

There have been numerous letters to the editors of various papers. I will not read them all, but I think one is interesting in particular. It appeared June 11, 1998, in the Courier-Journal, from H.H. Barlow III, Cave City, KY.

I am a 47-year-old lifelong tobacco farmer in Barren County, the largest tobacco-producing county in tobacco. The media, Senator Wendell Ford and Representative Scotty Baesler [according to this grower] are not telling the whole truth on tobacco.

That is he—the writer of the letter—not I, I say to my senior colleague from Kentucky.

Senator Mitch McConnell has taken a bold step to protect the tobacco farmers of Kentucky by proposing an $8-per-pound buyout that would allow farmers to continue to grow tobacco in the free market. For me and my neighbors who are older and have spent our life raising tobacco, McConnell's proposal gives us a retirement plan and compensation for the loss of income. Most important is that under the McConnell plan, tobacco farmers would receive payments over a 3-year period as opposed to 10 years as Ford has proposed. Payments over 3 years would be significant enough to enable farmers to reduce debt and to invest in retirement or to develop other agricultural enterprises on the farm.

There are seven tobacco states fighting 43 non-tobacco states, and tobacco votes in Congress get closer every year. Ford proposes to establish another government-run program that can be voted out by tobacco opponents at any time, leaving tobacco farmers to bleed a slow death with nothing to show for our quotas. McConnell has risked a lot to be honest about the true future of the tobacco program. You be the judge, but for me and my neighbors, having the buyout money for our quota is like having a bird in hand instead of two in the bush, as Ford and Baesler want.

Another letter appeared in that same edition of The Courier-Journal. This letter was by Ms. Megan Cobb of Henderson, Kentucky. Here are some of the thoughts offered by Ms. Cobb:

As a young, non-smoking Kentuckian, I have been reading the information and misinformation surrounding the tobacco price support issues. Being apolitical, I have no interest in the politics of the issue, but I am concerned that our political candidates . . . are using the issue for their own benefit and really have no concern for the issue itself or the people who are affected.

I will say it takes great courage for our Senator Mitch McConnell to stand up and tell the cold truth. That is, the price support system for most farm products is over for all intents and purposes. And that tobacco, and its production, is going through radical changes not caused by the political process but, rather, by the social process that causes societies to change dramatically.

It is unfortunate that some of our farmers are looking for a scapegoat rather than solutions. It is unfortunate that our Senate candidates are pandering to the issues rather than boldly charting new courses like McConnell. And to say McConnell's position is anti-farm is not only distortion but irresponsible.

So these are just a few of the thoughtful Kentuckians in the heart of tobacco country who have surveyed the landscape and agree with me on this difficult issue.

I also ask unanimous consent a letter to the editor in the Lexington Herald-Leader from Alben B. Mills in London be printed in the RECORD, and another letter in the Courier-Journal from a Larry Bond be printed in the RECORD.

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

MCCONNELL RIGHT ABOUT TOBACCO BUYOUT PLAN

(By Alben B. Mills, London)

As a tobacco farmer, I want to thank Sen. Mitch McConnell, R–Ky., for his courageous stance for a tobacco base buyout. While it may not be the most politically popular position McConnell could have taken, it was the most realistic and responsible solution to the uncertainty that Kentucky burley growers have faced since President Clinton declared war on tobacco. Like McConnell, I will be saddened to see the program go, but I have known for several years that tobacco's days in the federal government were numbered. At least, McConnell's plan will allow my colleagues and me to receive a secured payment for our quotas. I have not enjoyed security in my tobacco farming for a long time, thanks to Clinton and Vice President Al Gore.

Those who say that the program can survive the ever increasing anti-tobacco sentiment in Congress are taking a huge gamble, and they are wagering irresponsibility with the farmer's future. McConnell has made the tough call. He has told us the painful truth that the program is unsalvageable and that we should cut our losses while we still have the chance for fair compensation for our tobacco bases. His opinions have the ring of statesmanship, and the tobacco farming community will be forever indebted to him for his candor. I am grateful to McConnell for placing our interests before his own.

BACKS MCCONNELL'S PLAN

(BY LARRY O. BOND, SANDERS, KY.)

I am very displeased with the attacks made on Sen. Mitch McConnell by the Democrats regrading his stand on the tobacco buyout.

I am a farm owner and have raised tobacco for 21 years. When we went to the no-net program in 1982, we were doomed. Sen. Wendell Ford helped pass that law. By 1985, the tobacco companies had forced so much tobacco into our pool that they broke us. Ford helped negotiate a tobacco company buyout of the pool stocks. Farmers took a cut in an allotment and a cut in price. My tobacco income was reduced by 50 percent. I grew tired of being abused by the tobacco companies, and 1989 was my last crop.

It seems to me that when Ford does the negotiating, the companies get the ''gold,'' and the farmers get the ''shaft.''

The provisions of Ford's LEAF Act have changed several times over the last six months. The language is so complex that it appears to have been written to deliberately confuse the reader. Our experience since 1982 indicates that no tobacco agreement can last unchanged for 10 years.

I believe that when people want to change society it is only fair that they should pay for the change. If Sen. Richard Lugar and McConnell's buyout takes place, I will be satisfied that has happened. Farmers' lives will be radically changed, but at least they won't be completely dispossessed.

I would like to mention a critical point to my city cousins: The Lugar-McConnell buyout pays the farmer $8 a pound for his government allotment, and it goes out of existence. Ford's LEAF Act will pay those who choose to sell $8 per pound for the government allotment; however, those pounds will not cease to exist but will be redistributed to farmers who choose not to sell. Ford will spend America's money and give no benefit to American society. The Ford LEAF Act will not solve any of the problems that face tobacco farmers or society at large.

The three-year Lugar-McConnell plan is easy to understand, will solve the tobacco program problem once and for all, and relieves the government from being responsible for the tobacco farmer. It reimburses the farmer for property that society wants done away with. The farmer can pay down his debts and move on with his life.

McConnell has taken a bold and courageous stand on this issue, and I back him 100 percent. Nothing can shake me from that position.

Mr. McCONNELL. Now, Mr. President, let me just, in conclusion, sum up what the point is here.

What is proposed before the Senate is a bill designed to destroy the tobacco industry. As a matter of fact, one CEO of one of the companies said this bill in this form would put them into bankruptcy. There is no immunity provided for the companies. There is a Draconian look-back provision of certain unconstitutionality, various and assorted advertising restrictions also of dubious constitutionality, and a $1.10 cigarette tax increase over 3 years designed to net for the government some $500 to

$800 billion in revenue, depending on whose estimates you listen to. The net effect of all that is a government designed to destroy this industry.

It is in that context that I believe the appropriate thing for the government to do is to throw a lifeline to the 60,000 hard-working Kentucky tobacco growers who make their living off of this legal crop.

Now, Mr. President, I want to take a few minutes and frame this issue from a larger perspective and walk through how our farmers found themselves in the current predicament.

One of President Clinton's signature political maneuvers occurred early in his administration when he and Vice President GORE declared war on tobacco—portraying Kentucky's leading agricultural commodity as a modern-day plague. The anti-tobacco zealots and an army of greedy plaintiffs' lawyers eager to prey on the tobacco industry created the most serious threat ever arrayed against tobacco farmers. Disaster has loomed for Kentucky's tobacco farmers since Clinton took office and is now manifested in the form of this half-trillion dollar McCain bill which sailed out of the Senate Commerce Committee 19–1, with Senator WENDELL FORD's support. Thus was the death knell sounded for tobacco.

With our tobacco farmers now caught in the crossfire of this war, we are being asked to make a monumental decision. That decision is simply this: despite all we know about tobacco's desperately weakened state—

(1) do we ignore the warning signs and commit ourselves to a path that leads to uncertainty and a diminished standard of living for our farmers, or

(2) do we recognize that change is coming to the farm and there is a better way to prepare for it than by blindly pursuing the policies of the past?

Mr. President, after months of thought, countless conversations with my colleagues, and a continual dialogue with Kentucky growers, I believe there is only one road for us to travel if we decide to pass this monstrous McCain bill. Let me explain why.

The politics of tobacco have changed. Throughout most of American history, we have paid tribute to tobacco and tobacco farmers. Nowhere is this national tribute more evident than right here in our nation's capitol. As I sat in my office this morning, I glanced at the small columns on my fireplace and took note of the tobacco leaves which adorn those columns.

And, then as I left my office and walked to the Senate floor, I passed various pillars here in the Capitol and looked upward to see, once again, the sculpted tobacco leaves bursting forth at the top of these pillars.

No longer do we pay tribute to the golden leaf or the farmer whose sweat and toil produces that leaf. The leaf is now seen as dark and brown and dirty. And, it is targeted for extinction and eradication by virtually every governmental and private-sector force in America.

Although tobacco leaves still adorn the halls of Congress, the leaf is no longer sacred. What was once seen as sacred, is now looked upon with contempt and outright hostility.

When I came to the Senate in 1985, there were only 7 tobacco-related votes. But, the times have changed—dramatically—and for the worse, where our tobacco farmers are concerned.

In the 105th Congress alone, there have been 29 tobacco-related votes—notwithstanding all the votes on the woefully misguided bill currently before the Senate. Twenty-nine votes—even prior to the McCain bill—that is three times more votes than there were when I arrived here in 1985. In fact, we've had more votes on tobacco in the 105th Congress alone than we had in all the years between 1985 and 1996. And each of these votes has the effect of putting a bull's eye on the tobacco farmer's back.

No vote points up tobacco's weakened position more vividly than a vote last summer (Durbin, July 23) to end crop insurance for farmers. Can you imagine? The amendment's sponsor was saying, in effect, ''if you grow corn, wheat, soybeans, etc., you are entitled to insurance. But not if you grow tobacco. Even though you have never sold your product to a minor, or committed any of the transgressions we accuse tobacco companies of, you do not deserve basic protection from natural catastrophe.''

On an issue that blatantly unfair, the vote, shockingly, was 53–47. That's three votes shy of elimination.

Tobacco interests have been under a constant, daily barrage of scorn and derision. Tobacco has become the enemy of choice among politicians. It is the darling of the attack set. Politicians across the political spectrum believe that attacking anything ''tobacco'' pays political dividends. And attack they do.

But these are not precision strikes. These are broadsides against the entire tobacco industry that wreak devastating collateral damage on tobacco farmers.

Let me tell you what Senator FORD's colleagues on the left are saying about the tobacco program and the tobacco farmer.

Here's Senator DURBIN: ''Tobacco growers have to know the party's over.'' And again: ''Uncle Sam ought to get out of the tobacco business. We have no business subsidizing the growth, production, and processing of a product which kills hundreds of thousands of Americans each year.''

And, if the views of the left still aren't clear to you, Mr. President, let me share with you yet another quote from Senator DURBIN: ''There is only one agricultural product in America that has a body count, and it is tobacco. That is why it is different, and that is why it is treated differently.''

And what about Senator LAUTENBERG? He summed the anti-tobacco views of Bill Clinton, AL GORE and the Congressional left by offering this advice to tobacco growers: ''Grow soybeans.''

Now we have gotten to the point where, in the name of stopping teen smoking, we have created a half-trillion-plus dollar bill—more than twice the size of the Pentagon's budget—designed to stop what researchers have told us is 2 percent of all smokers.

And is addressing teen smoking really the goal? The American people don't think so. An April Wall Street Journal poll found that only 20 percent believed this tobacco bill is about stopping teen smoking. A resounding 70 percent say this effort is merely a back door way to go after tobacco and take in more money for the government to spend.

In this mad dash for cash, 124,000 tobacco farm families are caught in the crossfire of political ambition and partisan competition—60,000 of them from Kentucky. They did not start this war. And they should not be casualties. But casualties they will be if we do not act.

Senator FORD—whose work on behalf of all tobacco farmers is well known and rightly applauded—and I agree that these growers should be compensated. After all, they have done nothing wrong. Tobacco is a legal commodity. Whatever the larger arguments may be about Joe Camel, tobacco farmers are not a party to that debate.

So Senator FORD and I agree that they need to be taken care of, we disagree as to how. That disagreement arises from a fundamentally different interpretation of the political and economic terrain in which tobacco grows.

Senator FORD has surveyed the scene and concluded that the federal tobacco program is healthy and will enjoy another 25 years of support from the United States Congress. In his estimation, the best thing to do is continue the program and compensate farmers for the drop in demand that this bill is specifically designed to produce.

Let me repeat. The single greatest danger to Kentucky tobacco farmers is the passage of the McCain bill. You cannot suck more than a half-trillion dollars out of the tobacco industry without also ruining the tobacco farmer in the process.

As for me, I look at the same landscape as Senator FORD and come to the same conclusion that the farmers in my state have reached. In a statewide poll taken by the Lexington Herald-Leader in March, 70 percent of those who expressed an opinion said the program would be dead in less than five years. Let me restate that: 70 percent of farmers think the tobacco program is on its deathbed. Seventy percent of farmers think they will be forced to earn a living doing something else in just five years!

Like me, they look at the constant assault and realize a simple fact. Elected representatives in our country fundamentally reflect the prevailing view of their constituents.

Let me remind us all that the vast majority of Americans polled are against smoking tobacco. A near majority of U.S. Senators think that tobacco farmers don't even deserve our support for basic crop insurance. In the heart of tobacco country, the growers themselves are predicting the program's demise. And, finally, influential members of Congress have publicly declared that the tobacco program must die.

Mr. President, under the McCain bill or any other bill like it, the tobacco program is mortally wounded. It's struggling through the underbrush, hemorrhaging and slowing with every step. The question is not whether the tobacco program will end, it's when it will end if the McCain bill becomes law?

In the face of the deep, widespread unpopularity of tobacco, does anyone seriously think that the government that is trying to kill tobacco TODAY in this very bill will then turn around and support a taxpayer-funded program for a product widely-presumed to be carcinogenic?

Mr. President, it is clear that the vast majority view in this Congress, in tobacco country, and in America generally is that, if the McCain bill passes, the tobacco program will not survive. Knowing these facts, the challenge before us is to make sure tobacco farmers do.

Senator LUGAR's buy-out plan is tobacco growers' best hope to transition to a new farm existence with the resources necessary to make it, or to retire with sufficient funds if they so choose.

Under Chairman LUGAR's approach, quota owners will receive $8 per pound for their tobacco spread out over three years. The average grower in my state farms a little over 4 acres, yielding roughly 10,000 pounds of tobacco annually. That means that the average Kentucky quota owner will receive $80,000 over the next three years in buy-out payments.

In contrast, under the LEAF Act, the average farmer who wants to adapt to the changing world and take a buy-out, will only receive $24,000 pre-tax after three years.

The Lugar plan also invests $1 billion in rural economic assistance over 5 years for those communities hit hardest by the loss of tobacco income. This money will help invest in education, retraining, diversification, and give assistance to tobacco warehouse owners and operators.

Most importantly, under the Lugar plan tobacco growers may continue to grow and sell their product.

Let me repeat, under the Lugar plan every grower may continue to grow if they choose.

That is not the case under the LEAF Act. The LEAF Act specifically forbids Kentucky burley growers from growing tobacco for 25 years. Since the average age of a tobacco grower in my state is 60, that is effectively a lifetime ban on growing tobacco.

But that's not all. Under the LEAF Act, if you are a North Carolina flue-cured quota owner, you get a buy-out and then you get to keep on growing tobacco. That is simply unfair, and on that basis alone I cannot support a system that treats Kentucky growers worse than North Carolina growers.

As we move through this debate, there are other concerns related to the LEAF Act's buy-out funding that I will address, but for now, let me close by saying that I believe the Lugar approach is the best for our people in tobacco country. It provides a generous flow of money over a short time period that allows our growers to invest, retire, diversify, get into a new line of work, or keep on farming tobacco. It provides community investment dollars to help hard hit rural areas. And, it is the best deal I believe we can get for tobacco growers if the McCain bill becomes law.

Let me conclude by summing up the decision before us. The Titanic has come into the harbor for the moment. We have two choices. One, we can send her back into the Atlantic with more lifeboats strapped to her side—but not enough boats to save everyone aboard. Or, we can unload all passengers while she's in safe harbor. I think the choice is clear.

Mr. President, I look forward to this important debate over the best course to follow for our tobacco farmers.

I conclude by saying I sincerely hope that the Senate will find a way to put this bill out of its misery.

I want to particularly commend the senior Senator from Texas for the outstanding work he has done on this bill over the last 3½ weeks. He has been tenacious and effective in pointing out the flaws in this bill conceptually. The whole concept, I say to my friend from Texas, is fatally flawed and no one has pointed that out better than he has. I want to thank him on behalf of the 60,000 farm families in my State that, but for the leadership and tenacity of the senior Senator from Texas, would be destroyed because the ultimate threat to my people is this bill. This is what is designed to destroy their livelihood.

I think until the Senator from Texas decided to put the bit in his teeth and come over here and fight this thing, there was widespread feeling that it was just going to happen. I am hoping we may have reached a point in the Senate where it isn't going to happen. If we can find a way to put this horrible proposal out of its misery, I will always thank the Senator from Texas for his extraordinary leadership and good work in pointing out the fundamental flaws in this proposal.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, we always love it when someone has something nice to say about us, but I am especially grateful when one as thoughtful as the Senator from Kentucky has something nice to say, especially when it is about me. I have been grateful to the Senator from Kentucky for his leadership on many, many tough issues and his comments today, therefore, are doubly appreciated. I thank him for his comments.

I have a little housekeeping before I speak. This has been cleared on both sides. I ask unanimous consent that the Senate continue consideration of S. 1415 for debate only until the hour of 4 p.m. today.

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

Mr. GRAMM. Mr. President, I believe that we are reaching the final hours of the debate, and rather than try to go back and replow ground that we have now plowed over and over again—in fact, we have been on this bill since May 18. Looking at my watch with the date on it, unless I missed a month that has 30 days instead of 31, today is the 17th of June. We have, for a month, debated this issue.

Quite frankly, I would like to say as we enter the final hours of the debate, I am proud of this debate. I am very proud of the Senate. When Jefferson came home from France, where he had been minister to France, as many of my colleagues will recall, while the Constitution was being written, he went to Mount Vernon to visit with General Washington. They were discussing the Constitution and Jefferson said to Washington, ''What is the Senate for if the House of Representatives is to be the body that represents the people, if it is to be the people's House, if it is to be the legislative body?'' ''What is the Senate for?'' Jefferson asked. Washington, who, of course, was a southerner, had poured his tea out of the cup into his saucer to cool, and he explained to Jefferson that the cup would be like the House of Representatives; it would be caught up in the passions of the moment—with Members elected every 2 years—and that passions would flare and the House would justifiably respond to those passions. But the Senate would be the saucer, where the tea would cool before it was consumed. That was the purpose of the Senate, and I think the Senate's rules, which obviously have evolved from that constitutional system, have in this case, as they have on many occasions, served the public well.

I believe this bill will die today. I believe that we will see the bill sent back to committee. Now, another bill on the same subject, within the parameters of reason and responsibility and limited government and within the budget might come alive another day. But I believe that this bill will justifiably come to a legislative end today. I believe that the system has worked well.

This bill, in many ways, reminds me of another bill—the Clinton health care bill. I remember that debate vividly; I was very much involved in it. I remember the President was talking about this bill that ''the public wanted,'' that it was unstoppable. Even those who

were offering substitutes for it were adopting its basic principle. It looked as if it were 200 feet tall, and no one was willing to come forward and even say they were against it. But like the mighty Goliath of old, when someone did step forward with a few small stones and flung the first stone, the giant tumbled. Probably a better analogy would be when someone took a very small pin and just pricked its belly and it went boom; it was a lot of hot air.

The American people were never for the government taking over and running the health care system. And in reality, the American people were never for this bill. Had we been forced to vote on this bill the first day it came to the Senate, it no doubt would have passed by an overwhelming margin. Had we been forced to vote on this bill the first week it came to the Senate, at the end of that debate, it would have passed by a smaller margin. Each day, support for this bill—or fear of it, depending on your perspective—has declined dramatically. Today, it is my hope and my opinion that the bill will be taken from the floor because, in the final analysis, there never was any support for this bill.

I don't know where this bill came from. I don't know whether it was a focus group conducted by the Democratic National Committee, or whether it was a poll. But the bottom line is, the bill never had any real support from the American people. In reality, this bill was always a giant bait and switch. The bait was the tobacco companies. We have heard our colleagues justifiably try, convict, and hang or lynch—depending on your perspective—the tobacco companies, and justifiably so in many cases. But while our colleagues sought to get us to focus on these tobacco companies, the reality of their bill, if you read it, is that it does not impose a penny of taxes on the tobacco companies. In reality, it has an extraordinary provision, and that extraordinary provision is that it makes it illegal for the tobacco companies to not pass through every penny of taxes to the consumer.

So in reality, while the proponents of this bill were forever trying to divert our attention to the tobacco companies—and facts are persistent things—the reality of this bill is that it doesn't tax tobacco companies. The reality of this bill is that it basically taxes blue-collar workers, because smoking—obviously, with many exceptions when you count people, but a very small number of exceptions when you look at averages—smoking in America is basically a blue-collar phenomenon. So our colleagues have vilified the tobacco companies and they created sympathy in the country.

It must be like the old story of this tiger who comes out of the forest and eats people in the village, so they send to the provincial capital for a great warrior to come forward. He comes forth and pulls out his sword and dances around. The tiger comes out, and instead of killing the tiger, which would produce a tremendous eruption of applause, he starts beating the tiger with the side of his sword. Finally, the people become so outraged, they stone the warrior. In a very strange way, the proponents of this bill have so overdone it that they have created some sympathy, as the polls show very clearly, for the tobacco companies—one of the most incredible reversals of public opinion that I, as somewhat of a minor student of it, have observed. But the reality is that with all the talk of the tobacco companies, they pay none of the tax. The tax is borne by blue-collar Americans.

The stubborn facts are that 34 percent of the taxes that will be collected by this bill will be paid for by Americans who make less than $15,000 a year; 47.1 percent of the taxes will be paid for by Americans who make less than $22,000 a year; 59.1 percent of the taxes will be paid for by Americans who make less than $30,000 a year.

So no matter how many times the proponents of this bill vilify the tobacco companies, the cold reality which the American people, as we debated this issue for a month, came to understand was that with all of the things that the tobacco companies did, were verbally convicted of, and punished for right here on the floor of the Senate, was that they weren't being taxed; we were taxing blue-collar Americans. That is the first thing that Americans came to understand as we debated this bill for a month.

The second thing they came to understand was the incredible amount of money that was going to be raised in these taxes, and not only the burden that would impose—a massive burden—but how that money was going to be largely squandered. I remind my colleagues that, for example, in my State, we have 3.1 million Texans who smoke. Under this bill, if those 3.1 million Texans—we have 3,137,723 people in my State who smoke—would have continued to smoke a pack of cigarettes a day after the passage of this bill, given the estimate that this bill, in the end, when you figure everything in, would have driven up the price by $2.78 a pack, they would have paid an additional $1,015 a year in Federal taxes.

Now, I remind my colleagues that 34 percent of that tax would have been paid for by people that made $15,000 or less. So we were talking about a confiscatory tax on blue-collar America. The American people, over a month, despite all the efforts to confuse the subject, came to understand that point. That is a major reason why this bill is about to come to the end of its legislative life.

The second thing the American people came to understand was how money was squandered in this bill, how in this bill we were ratifying agreements where plaintiffs' attorneys were going to earn $92,000 an hour, how in this bill we were providing money for smoker cessation for Native Americans who live on or near Indian reservations. If they smoke at the same rate the general public does, we would be spending $39,000 per beneficiary, with the goal of trying to promote the cessation of smoking—$39,000 a person.

They came to realize that under the provisions of the bill related to tobacco growers, one of those provisions would have ended up paying tobacco growers an incredible $22,297.29 an acre, and they could still own the land and still grow the tobacco.

People came to realize that this program literally gave tens of billions of dollars to various advocacy groups that would be advocating many things other than just smoking.

So in the end, the American people came to see this bill as having relatively little to do with teenage smoking and everything to do with taxing and spending, but doing so at a grander scale than anything we have seen in government in a long time.

I would have to say that I know it is popular now for people who are covering the debate and discussing it to talk about ads that the tobacco companies have run. But I would like to give a dissenting view. I do not believe that this bill is going to come to a legislative end today because tobacco companies have run ads against it. I think in the end that the American people never bought into the idea that this bill was going to have any substantial impact on teenage smoking. I think the American people never bought into the idea that this was anything other than a tax-and-spend bill, and the more they knew about the bill, the more conviction they had in that basic belief.

So despite the master work of spend and manipulation, which the White House, and I say admiringly, has and can engage in, despite an effort by all of the groups who supported the bill, and those groups ultimately came down to groups that wanted the money, despite all of that effort, in the end the Dicky Flatts of the world, the people who do the work and pay the taxes and pull the wagon, listen to our President, listen to the advocates of this bill, heard its high and noble stated objectives, but in reality in the end, after a month of debate, they finally saw this bill for what it really is—an effort to take money away from blue-collar workers and to have the government spend it, and spend it in a way that is obscene. There is no other word for it than that. The level of spending in this bill and the way the money is thrown around is almost beyond imagination, and in the end the American people recognized it.

So I don't know that you can ever pat anybody on the back when you end up not doing a bad thing. I guess part of any legislative process is to try to do good things and to try to stop bad things from happening. And when you defeat a bad bill, you have done a good thing.

But I think in the end this bill failed because the American people rejected

it. And it was an amazing thing. Maybe there is a lesson for all of us in this. It was exactly like the Clinton health bill. In Washington it looked like everybody in the world was for this bill. In Washington it looked as if this bill was totally and completely irresistable. But yet when you get outside of Washington, back in America, the public either was totally disinterested in this issue or they were against it. So in the end the American people knew more than we knew, and as a result, for the good of the Nation, this bill is going to die.

Let me conclude, because I know my dear colleague from Delaware is here, and I want to maintain his friendship, which I value and treasure. I would like to make the following point.

I do believe there are things we can do to deal with teenage smoking. I think we have to start by holding teenagers accountable for what they do. I think there are ways that we can tighten up the law to penalize people who knowingly sell tobacco products to teenagers and knowingly sell alcohol to teenagers and sell illegal drugs to teenagers. I think there are many things we can do. But the focus ought to be on the problem, which is teenage smoking.

I also believe that a fundamental premise of this bill is false; that is, that people are not responsible for what they do, that somehow somebody smokes and it is the tobacco company that made them smoke.

I used to, as this debate was underway, love to tease my 85-year-old mother, that she had not smoked for 70 years because she wanted to, that it was this Joe Camel that made her smoke. She hardly knew who Joe Camel was. But she had a telling point, which was my first indication that in the end this bill probably was not going to make it. Her point was a simple question, which the proponents of this bill tried their best—and they were very talented—but they could never answer the question. Her point was: ''If I am the victim, if the tobacco companies have conspired to force me to smoke and I am still doing it at 85, how come you are raising my taxes? If I am the victim, how come I am being punished?''

In the end, that was the question that not only was not answered, but could not be answered.

I want to congratulate our colleagues who were leaders on this issue. I don't think anybody ever questioned their sincerity.

I especially want to say about Senator MCCAIN, that under very difficult circumstances with his dearest friends in opposition on an issue where there were very, very strong emotional feelings on both sides of the debate, I especially want to congratulate Senator MCCAIN for the way he was able to separate issues from personalities. He was a person who was asked to do a hard job; and that is to get the best bill he could out of committee. He did that. But when the bill got to the floor and we got a chance to look at it, the basic conclusion was the best bill that could be gotten out of committee was not good enough. So basically that is where we are.

We will see a vote on a point of order. And the point of order is not a trivial matter. The point of order that we will vote on today is a point of order that has to do with the fact that this bill circumvents the balanced budget agreement. This bill raises spending above the limits that we set out in the budget. This bill would bust the budget, bust the spending caps, and violate all of the fiscal restraints that we have imposed.

So Members of the Senate will be asked in the vote—and I assume that the minority leader will move to waive the Budget Act. There will be a point of order that makes the point of order that this bill violates the budget, violates the spending caps, and would violate the balanced budget amendment. Then I assume that the minority leader, or someone, will move to waive that point of order. In doing so, they are saying, pass the tobacco bill even if it means busting the budget agreement.

I hope and believe that enough of our colleagues will vote ''no'' on that so that we can sustain the Budget Act. The bill would then go back to the Commerce Committee.

If all of these problems can be fixed, if a consensus could be built, there would be nothing to prevent this issue in another form, with another bill, with another approach, from coming to the floor of the Senate.

But if we send the bill back by sustaining the point of order, we are saying that this approach in this bill is not good enough. I hope that is what we will do.

I thank the Senator.

Mr. BIDEN addressed the Chair.

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

Mr. BIDEN. Madam President, I was about to ask that we move into morning business to speak. My friend from Kentucky wants to speak on this matter, and I will in 10 seconds yield to him.

I say to my friend from Texas, it is always a joy to listen to him. The fairy tales he remembers always warm my heart. But I think he sometimes gets it mixed up. I think the Goliath here was the tobacco companies with their millions of dollars, and in the health care fight it was the insurance companies with their millions of dollars. I have no doubt my friend, with a small sling and a small stone, with his skill could take down Goliath, but in this case he had a few cruise missiles. The cruise missiles were the $40 million the tobacco companies are spending on advertising to kill this bill and the $14 billion that Harry and Louise spent on television to kill health care reform.

I don't doubt his prowess, but I acknowledge he probably had a little bit of help. It was a nuclear bomb in that little sling that David had, and it was worth tens of millions of dollars. It works every time in this town, and I just find it absolutely fascinating.

Mr. GRAMM. Will the Senator yield?

Mr. BIDEN. I would be delighted to yield.

Mr. GRAMM. I guess I ought to remind my colleagues that David was not alone on that battlefield either.

Mr. BIDEN. No, I know he wasn't. But I just want to point out that in that case David had several hundred—

Mr. FORD. The Senator is not suggesting he is with you.

Mr. GRAMM. Perhaps the same force is on this side on this issue. Who knows.

Mr. BIDEN. David was not alone, nor was my colleague with the sling. He had a force behind him of noble tobacco merchants who stood shoulder to shoulder making sure that their ultimate threat was, if they didn't get a bill they wanted, they were going to continue to advertise. Isn't that kind of fascinating. These no-good sons of guns talking about how they care about the health of America. Much of the criticism this bill had leveled at it I agree with. I agree with much of the criticism.

But the idea that at the end of the day—at the end of the day—we are going to have no bill and these young pages sitting here in front of me, their peer group is going to end up, every single day, being lured by specifically teenage-based advertising done by companies that lied straight out, right through their teeth, about what they have been doing. These companies are going to continue to consciously—consciously—attempt to addict them to nicotine, a conscious effort where they will spend tens of millions of dollars this year, next year, and the following years in advertising to addict them—addict them—and they are going to do it.

Notwithstanding the fact I had criticisms with some parts of this bill, at the end of the day, they win. They win big, and our children lose. Our children lose. And so David in this case had some cruise missiles. They were all paid for by big tobacco —big tobacco, period. I am not talking about tobacco farmers. They grow it. They get a small piece of this action. They don't do the advertising. I am talking about the tobacco executives.

And so it is going to be business as usual. But mark my words—let me end with this—the tobacco companies, from the advertising they have been out with now about how bad this bill is, if they are serious, I ask them in good conscience, for the health of the Nation—which they have now finally had to acknowledge has been put in peril by their action—I ask them publicly: voluntarily refrain from advertising, voluntarily refrain from advertising in any way that appeals to our children —if they have one ounce of moral fiber in them. We don't need a bill. They can

take care of this if they have any decency. Just voluntarily stop. No Government, no tax, no nothing. They know what they are doing to our children, and they are intending to do it.

So if they want to solve the problem, it is real simple. Voluntarily stop. As was said years ago in a committee by a witness to a former Senator named McCarthy—at one point the witness looked up and said, ''Have you no decency, sir?'' My question to the tobacco executives of America today is, Have you no decency? If you do, stop, stop luring our children.

I yield to my friend from Kentucky, and then later I am going to come back and ask to speak to Kosovo.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. FORD. I ask unanimous consent that I might speak for 5 minutes and that at the end of that period of time my friend from Delaware be recognized.

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

Mr. FORD. I thank the Chair.

Madam President, a few moments ago, my colleague from Kentucky inserted some editorials in the RECORD—a few, and selective letters to the editor concerning our debate over the future of tobacco farmers.

I do not want to take a lot of time on this matter, but I do not want anyone to get the mistaken impression that these articles represent the prevailing view in my State. I have 30 pages or more here, Madam President, of articles of my own, editorials with headlines like—and this is the Owensboro Messenger and Inquirer that my colleague mentioned a few moments ago. It says, ''Lugar Tobacco Bill Punishes Farmers.'' I think that tells a lot and that there are opinions at home that are somewhat different.

Rather than take a lot of time, Madam President, I will simply ask unanimous consent that some of these articles be printed in the RECORD, and anyone with any doubt can simply read them, and they will understand how average tobacco farmers feel about the Lugar proposal.

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

[From the Owensboro Messenger-Inquirer, Apr. 26, 1998]

LUGAR TOBACCO BILL PUNISHES FARMERS

Spending the long, hot summers of Kentucky in the tobacco field has been a way of life for many farm families this century, and farmers hope it continues another 100 years.

But tobacco's fate has never been as shaky as it is today, as lawmakers battle over a way to curb teenage smoking at the tobacco industry's expense.

One of those battles is in our own backyard, between Kentucky's U.S. Sen. Wendell Ford and Indiana's U.S. Sen. Richard Lugar. We believe it is a fight Ford should win.

Ford, a Democrat from Daviess County, proposes a plan that will protect tobacco families harmed financially by tougher anti-smoking legislation. Ford's plan would provide $28.5 billion over 25 years to assist tobacco farmers, communities and workers who suffer because of decline in tobacco demand and jobs. The quota holder—farmers who have an allotted amount of tobacco they can sell—along with those who sharecrop and lease those quotas would receive up to $8 a pound for their losses.

Ford's bill also calls for the continuation of the tobacco program created in the post-Depression days that sets prices and limits production.

Lugar, a Republican, thinks government price supports for tobacco are wrong and ought to end.

Those who hold quotas to grow tobacco but want to get out of the business would receive $8 per pound under Lugar's plan. Those who want to continue to grow would do so under free market conditions, but Lugar proposes transitional payment to wean farmers off the program. Grain farmers are receiving similar payments that decrease each year to ease their departure from price supports.

Lugar's bill would cost less, an estimated $15 billion, but its effect on Kentuckians would be punitive.

We agree that Lugar's argument has merit. The global economy has turned to a free market on tobacco, and much of the reasoning for protecting the U.S. system is in conflict with that fact.

We also think the length of Ford's plan is too generous. We believe supplanting lost income for 10 years is more fiscally responsible than 25 years, while still easing the burden on farmers.

But it is important not to lose the intangibles involved in tobacco production. Generations of Kentuckians have built their lives around growing a perfectly legal, and at times, revered crop. Any effort to strip the protections that farmers have grown up with could only hurt those families and the commonwealth as a whole.

While Lugar compares his phaseout plan to the grain program, the effects on tobacco would be exponentially greater. While only 1.2 percent of Kentucky farm acreage is used for growing tobacco, the crop produces 25 percent of Kentucky's farm income.

Tobacco farmers already are threatened by American companies increasing the amount of imported tobacco. Lugar's bill effectively bullies more family farmers out of business.

That would be a sad statement as we enter the next century.

[From the Lexington Herald-Leader, May 27, 1998]

RURAL AREAS MUST SURVIVE, EVEN IF TOBACCO DOESN'T

(By Wendell and John Berry)

In the midst of the Depression of the 1930's the tobacco farmers, who had experienced a long history of exploitation by the tobacco companies and who were in want as a result, asked their government for help. The result was the tobacco program. This program, run at practically no cost to the government, has kept a lot of small farmers in business for a long time. The program enacted a kind of economic justice, helping the farmers to survive by assuring them a fair price for their products.

Virtually from the beginning, the program has been under attack from proponents of the so-called free market. In more recent years, tobacco itself has come under attack because of its adverse effects on the health of smokers and other users. And so we have come to the moral dilemma of a good program protecting the producers of an unhealthy product. We have come at the same time to the need to make a political distinction between the program and the product, and this is difficult.

The defenders of the tobacco program are not arguing that tobacco is healthful. They are arguing that the program is necessary to maintain the rural economy while we make a large-scale transition from tobacco to other crops. They and their allies are arguing that to allow the rural economy of Kentucky and other tobacco states to crash will not eliminate smoking and is not a sane way to end our farmers' dependence on tobacco. On the contrary, it will do great harm in order to do no good whatsoever.

Sen. Mitch McConnell would like to claim (and he may be expected to claim when he runs for office again) that by washing his hands of his state's rural economy he has helped the farmers. In fact, as soon as it appeared expedient, he had done what he has always wanted to do, for he disagrees with the principle that the government should protect the economically weak from exploitation by the economically strong. He has demonstrated his true allegiance by consenting to Indiana Sen. Richard Lugar's estimate that the livelihoods of Kentucky farm families are worth only $80,000 apiece, and that the livelihoods of all the other participants in the rural economy are worth nothing.

The political philosophy underlying this betrayal does not concern itself with the question of what is right, but merely subordinates all issues to the crudest sort of economic determination. Lugar put it plainly: the tobacco program is not defensible, he said, because ''In many markets, U.S. tobacco is not competitive on price.''

In other words, if farmers in the United States cannot undersell farmers working at slave wages in the Third World, then they deserve to fail. This is a different kind of economic justice. Asking the farmer (like the industrial worker) to produce more for less has always been the objective of the ''free market'' politicians, because farmers and wage earners don't give as large political donations as do the interests that exploit them.

McConnell and Lugar propose to scatter several billions of government dollars among many thousands of farmers individually. This money will be taxed by government when it is paid out and again when it is spent. Obviously, nobody knows yet how it will be spent, but it will not necessarily be spent in ways that will help the farmers to keep on farming or the state's rural economy to remain intact.

It is, at any rate, hard to imagine how a farm family's prospects might be significantly improved by $80,000 paid to them in compensation for the loss of a staple crop that, with the program, would have been worth far more.

The only other available way to help our state's rural economy in this crisis would be to preserve the tobacco program as the agent of a gradual transition from dependence on tobacco to dependence on other crops—a transition which the Burley Co-op, in fact, has been working on for the past six years, in co-operation with allies both within and outside agriculture, urban as well as rural.

This rural is based on the recognition of the tobacco farmers' demonstrated and potential capacity for food production. Though this transition is still in its infancy, there is already much evidence that it can be made—and also that it cannot be made within the next three years. To pay farmers an average of $80,000 over three years for their tobacco quotas, without having in place some alternative to tobacco, is about the same as paying them to quit farmers.

Obviously, there are some who would like to see all the same farmers put out of business, specifically for the benefit of big farmers but that aim makes no agricultural sense anywhere, and the loss of the small-farm economy would be especially devastating in Kentucky. We have a lot of small farmers,

and much of our landscape, to be properly conserved, needs to be farmed in small acreages.

If the farmers fail, then other members of the rural communities whose businesses or professions depend on farm income must also fail. Where are these people to go? How are they to earn a living? What will be the impact of their failure on the economies of our cities? Do McConnell and Lugar think that failed farmers and rural merchants will be so obliging as to simply disappear?

To develop new crops and other agricultural sources of income for farmers requires that we must find the markets and solve the problems of production, transportation, storage and processing. People now involved in this effort estimate that it will take at least 15 years. Tobacco farmers have always assumed that even their worst enemies in Washington would not pull the rug from under them, and that any plan to eliminate the program would be gradual, allowing time for the development of alternatives. After all, ending the tobacco program will not end tobacco production any more than it will end smoking.

What it will do is enable the tobacco companies to buy their tobacco at a much lower price, and thus shift a significant part of the cost of the ''tobacco settlement'' onto the growers. This, not help to farmers, will be the certain result—and we suspect it was the motive—of McConnell's sudden alliance with Lugar.

There are many people in Kentucky and the nation who believe that our rural people and places are worth saving, and that our small farmers are better producers and stewards than the industrialized agribusiness firms that are trying to replace them.

The wishes of those people are reflected in Sen. Wendell Ford's LEAF Act—which McConnell, for reasons now unclear, once cosponsored. To put an end to the hopes of so many and to jeopardize the economy of an entire region ought not to be the sole prerogative of McConnell.

[From the Lexington Herald-Leader, May 20, 1998]

THE BEST DEAL?—PLAN MCCONNELL BACKS BRINGS IN QUICK CASH, BUT WOULD ULTIMATELY KILL OFF SMALL FARMS

In purely pecuniary terms, Sen. Mitch McConnell might be right. Maybe the best deal Kentucky can get is a quick cash buyout of tobacco quotas. We know many landowners are salivating at the prospect of collecting $8 a pound over three years under the proposal McConnell endorsed Monday.

But McConnell's dollars-and-cents calculation ignores the inevitable losses. The greatest of these losses would be farming as we know it in Kentucky.

Cigarette makers would benefit from cheaper tobacco grown on fewer but larger farms, while rural communities up and down both sides of the Appalachians would be torn by the upheaval.

Without the government's tobacco price support program, thousands of small family farms from Maryland to Georgia, would cease to be. some would be paved over and subdivided. Banks would take some. Cedar trees and marijuana patches would take some, too.

The communities these farms support also would cease to be, replaced by commuters and pensioners.

As the Senate debates the tobacco bill this week, the spotlight's glare will be on teen smoking and how much relief from lawsuits the cigarette companies should get. The fate of hand-tended hill farms is likely to get lost in the glare, or subsumed buy a Republican ideology that insists on a pure free market in agriculture.

It seems to us, though, the fate of tobacco farms has more to do with issues of land stewardship and national agricultural policy than with smoking and product liability.

Do we want American agriculture to be nothing but industrial-scale operations and corporate contractors? Are we ready to do all our shopping at the Supermarket to the World? Or should we save a place for family farms that pasture cattle, sell produce at the farmers market, grow a few acres of tobacco and depend on government planning to smooth out the ups and downs of the invisible hand?

It's a vital question, and one that shouldn't wait until the tobacco program, like the rest of America's farm programs, is dismantled.

For 60 years, the government has kept tobacco production in line with demand and guaranteed growers a good minimum price. Growers bear all but a little of the program's cost; there is no tobacco subsidy, contrary to popular belief.

As a result, Kentucky has more farms than all but three states. The tobacco program has immunized tobacco-growing regions against the consolidation of land and the loss of farmers that is fast remaking the rest of rural America.

The plan that McConnell endorsed, introduced by Senate Agriculture Chairman Richard Lugar, R–Indiana, should be viewed in its proper context—as the logical extension of the Freedom to Farm Act that ended the federal role in agricultural planning. In this new free market, farms on the Northern Plains already are going under, according to the Wall Street Journal, because the climate there is too cold for farmers to play the global market by growing anything but wheat. U.S. Agriculture Secretary Dan Glickman says Freedom to Farm should be revisited.

Until Monday, McConnell was co-sponsor of Sen. Wendell Ford's LEAF Act, which would preserve the price support program and provide tobacco communities with a much softer landing than the Lugar-McConnell plan.

That Kentucky's two senators have split on this most important tobacco question shows how very difficult it is.

Neither the Ford nor McConnell approach is perfect. Some hybrid of the two would be a better alternative. But if it comes to an either-or-choice, we're for the conservative approach, which oddly enough, is the one espoused by Democrat Ford.

[From the Lexington Herald-Leader, May 21, 1998]

UNTIMELY DEMISE—MCCONNELL PLAN KILLS TOBACCO PROGRAM TOO FAST

Some see Republican Sen. Mitch McConnell's shift to supporting an abrupt end to the tobacco price-support program as a political ploy aimed at sinking Arizona Sen. John McCain's anti-smoking bill.

Whether or not that's McConnell's strategy, he is putting rural Kentucky at too much risk. At the very least, the Republican from Louisville should demand tobacco farmers get as much time as grain farmers to make the transition to a free market.

Under the timeline McConnell endorsed just this week, tobacco-dependent communities would have way too little time to prepare for the economic upheaval. Likewise, farmers and farm cooperatives wouldn't have time to build up markets for other crops and products.

McConnell says the 68-year-old system of production controls and guaranteed minimum prices for tobacco is doomed. He says a mandatory buyout at $8 a pound is the best deal Kentucky farmers can get. If that's so, give farmers a certain date when the program will end. But make it a reasonable date.

What McConnell and Senate Agriculture Chairman Richard Lugar propose is not reasonable. Their three-year phaseout of the program is too quick. Payments to grain farmers under the Freedom to Farm Act, by contrast, are lasting seven years. And some people think Freedom to Farm will be overhauled when the payments end in 2002.

We're not necessarily saying spread out the tobacco payments, since there are advantages to getting the money in a lump. We are saying give farmers more time to grow tobacco under production controls before jerking the safety net from under them.

The McConnell-Lugar plan is just as stingy with financial aid to tobacco communities. The competing proposal by Sen. Wendell Ford would pump $8.3 billion over 25 years into educational grants and economic assistance to tobacco-growing areas. The Lugar-McConnell plan provides $1 billion, which is not enough to have much impact. Ford's proposal also continues the price support program.

We doubt the tobacco program's prognosis is as dire as McConnell claims. The politics of tobacco have changed drastically in the last few months. Anti-smoking forces have come out in support of keeping some form of a tobacco program. So has President Clinton. They realize that in an uncontrolled environment, the cigarette makers get a projected $1 billion a year windfall from cheaper and more plentiful American tobacco, while many rural communities get the shaft.

That McConnell has embraced such an unbending approach reinforces the notion that he's really out to kill the tobacco bill. By staking out an extreme position, he lessens the chance of compromise with Southern Democrats defending the program.

We can't forget McConnell heads political fund-raising for Senate Republicans. The death of the McCain bill would make the cigarette companies happy, and happy cigarette companies would pump even more millions into Republican campaign coffers. A lot of Kentucky farmers would love to see the anti-smoking legislation disappear, too.

But that seems unlikely, given the public's revulsion at the cigarette companies' shameless efforts through the years to hook kids.

When it becomes clear he can't stop the inevitable, we trust McConnell will use his clout as a member of the Senate's majority to undo the Lugar plan, and give rural Kentucky a fighting chance. We hope it won't be too late.

[From the Kentucky Post, May 22, 1998]

MCCONNELL'S ABOUT-FACE MIGHT MARK END OF TOBACCO QUOTAS

(By Bill Straub)

MAYFIELD, KY.—Over the past decade, Sen Mitch McConnell has proved himself to be the most astute politician in Kentucky and certainly one of the smartest in the nation.

Under his guidance, the state Republican Party, once a laughing stock, has emerged to not only dominate the Bluegrass congressional delegation but challenge the Democratic Party's traditional hold on Frankfort. Were it not for McConnell's touch and tactics, folks like Rep. Ron Lewis would be back selling Bibles in Salvisa.

Even when it seemed like McConnell tripped up there was a method to his madness.

He has, for instance, earned the enmity of do-gooders everywhere for his no-holds-barred opposition to campaign finance reform. Yet, as he delights in pointing out, no one has ever won or lost an election based on electoral process issues, and the GOP is reaping the benefits of his recalcitrance by pulling in contributions as if it were printing money.

The time, however, it just seems like madness.

On Monday, the Louisville Republican announced he was abandoning his support for the tobacco program and siding with Sen. Richard Lugar, R-Ind., chairman of the Senate Agriculture Committee, in seeking to have it abolished.

It could be the biggest political story of the decade. Imagine a Texas lawmaker suggesting that vehicles propelled by fossil fuel cause too much pollution and embracing a proposal to convert to cars that run on electricity. That's what McConnell has done—in spades.

Burley is Kentucky's number one cash crop, pulling in $1 billion per year. But it's more than that. It's grown on 60,000 farms, permitting uncounted numbers of men and women to retain their beloved rural way of life.

This is not Nebraska or Kansas, where thousands of acres of wheat and soybeans are grown as far as the eye can see on huge spreads. Kentucky's farms are small, family owned and operated, and the hilly and rocky terrain prohibits a lot of row crops.

That's why tobacco has proved invaluable over the decades. Folks on these small farms take city jobs but tend to a tobacco crop that brings in enough money to permit them to stay on the land. It is, in every sense, Kentucky's cultural legacy.

That heritage has been protected by the tobacco program. The amount of burley produced every year is limited by a quota system. It elevates the price and stops farmers from other states from planting their own tobacco crop from fence row to fence row.

Without the tobacco program, which operates at no net cost to the federal government, its's hard to imagine small family farms surviving for very long in Kentucky. It's that simple. There's no crop that pays enough to take its place. Folks don't earn enough in the factory to maintain their small plot of heaven without it.

McConnell insists he is acting in the interest of these farmers by killing the program. Its demise is inevitable, he says, noting that support programs for wheat, corn and other commodities have already been eliminated. Considering the anti-tobacco fervor that seems to be overwhelming Washington these days, he maintains that the responsible political position is to join in the slaughter and broker the best deal possible.

The rationale makes absolutely no sense.

For one thing, there remain some commodities, such as peanuts, that continue to operate under a support system. Many anti-tobacco activists support the tobacco program because it limits production and keeps prices higher than they otherwise might be—working as deterrent to smoking.

President Clinton, who has hopped on the anti-tobacco band wagon with both feet, has expressed support for keeping the price-support program.

The tobacco bill that passed out of committee contained a provision offered by Senate Minority Whip Wendell Ford, the Democrat from Owensboro, Ky., that offers a voluntary buyout while keeping the price-support program.

There is absolutely no detectable groundswell to kill the program despite the continuing animus for the tobacco industry itself.

McConnell, suddenly, is leading the charge against what is arguably the most important federal program in the entire state when there is no army to lead.

But consider it politically. The Lugar plan calls for a three-year phase out at a cost of $18 billion. Each farmer, under the proposal, will receive $8 per quota pound.

What exactly has McConnell gained for Kentucky's small farmers by colluding with the senator from Indiana?

Prior to what some are portraying as McConnell's betrayal, the worst-case scenario for Kentucky farmers had the Senate killing the price support program over objections from Ford, McConnell and other tobacco state lawmakers—under the terms of the Lugar bill, which hasn't changed significantly in recent months.

McConnell's defection hasn't changed the terms of the abolition debate, only provided cover to those who may have been on the fence.

McConnell is a power in Washington these days and he generally has served in the state's best interest.

But this move is inexplicable and the Republican Party he has built and served with distinction could ultimately suffer.

Mr. FORD. Madam President, let me just pick out a couple of headlines here. ''The best deal? Plan McConnell backs brings in quick cash, but would ultimately kill off small farms.'' ''Untimely demise. McConnell plan kills tobacco program too fast.''

These are in the RECORD.

My colleague, Senator MCCONNELL, referred to Congressman RON LEWIS who is for his position. Well, let me just say this, that Congressman RON LEWIS said that blood would run through Congress before he would give up the fight for the quota system. Then all of a sudden he now is for selling out. The Republican nominee to replace me for the U.S. Senate is for the LEAF program, not for the side that Senator MCCONNELL is on. So it raises a lot of suspicion in the minds of my folks back home. Are Senator MCCONNELL and Senator LUGAR supporting the manufacturers or are they supporting the farmer? Because if the Lugar plan would go into effect, it would save the tobacco manufacturers a minimum of $1 billion a year over the next 25 years.

And so when you have one major statewide official in Kentucky, elected official, representing the tobacco farmers in Kentucky for one position, the others the other way—our Governor supports the LEAF plan—I just do not understand. Maybe it is the big bucks for the Republican Senatorial Campaign Committee to kill this bill and, in fact, killing the bill, then can say that the farmers continue to grow as they are. But then everybody is worried about their demise. And if you have a demise of the tobacco program, then we are in mighty bad shape without funding.

I was criticized for supporting Senator MCCAIN and $1.10, but then we find the Lugar-McConnell plan is using that money to pay the farmers. If we didn't have the money, we would not be able to pay the farmers.

So, this thing gets awful mixed up. I will be very hopeful about those who read this and those who understand what is happening.

I have a lot here I could talk about, but we have ENACT, that supports the Ford-Hollings plan; an open letter from the tobacco States, from all of the health groups and the tobacco groups supporting our plan. It just seems some way, somehow, there is something more than trying to do something for farmers here and those who are trying to defeat the program.

I might just say in closing, here is the Chicago Tribune today: ''Health Funds Lose In Tobacco Talks: Everybody else gets their project on and youth are forgotten.'' If we are going to forget youth in this bill, maybe it is time we send it back to the Commerce Committee and try to write a bill that will be on target, that will save the youth from smoking.

I think these young pages, after they hear the debate here, will never want to smoke, and I hope that is true. But when they become 21, they can do basically whatever they want to do. At that point, if they have not started smoking, they probably will not. But at the same time, we have a lot of folks who depend on this program. What we have done is help phase it out rather than cut it off at the knees.

One of the things my friends on the other side, Senator LUGAR and Senator MCCONNELL, fail to say is when they do away with the program and the farmers get some money, they lose the value of their land. By some $7 billion in Kentucky alone, the value of farmland will be reduced, because the farmland is based on the tobacco quota. When you advertise a farm for sale, you put what the tobacco quota is in that farm sale.

So, if we lose the farm program, as they would try to do, then we lose $7 billion in farmland value almost immediately. Some farmers could go to bed at night with their farm at one price, get up in the next morning and their farmland is at a lower price and it doesn't cover the mortgage, and the bank will foreclose on those farmers.

People have not thought this through: ''Pay them some money, and get out of the business.'' Pay them a little bit of money, help them through the transition period here so we might be able to save their way of life.

If my 5 minutes is up, I thank the Chair. I thank my friend from Delaware. He is always gracious, and I appreciate him as a friend very much.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Madam President, I ask to proceed as in morning business.

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

RESOLUTION OF THE KOSOVO PROBLEM

Mr. BIDEN. Madam President, I rise at this moment to deplore the ongoing, brutal Serbian repression of the people of Kosovo and to lay out principles for American policy to deal with the crisis.

Analysts have known for years that the Serbian province of Kosovo is a potential tinderbox for the entire southern Balkans. Approximately ninety percent of Kosovo's population is ethnic Albanian, known as Kosovars. Because of emigration to—not from—to other parts of Serbia and because of a