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

Mr. ALLARD. I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

TOBACCO AMENDMENT NOT SUBJECT TO A POINT OF ORDER

Mr. LAUTENBERG. Mr. President, it has been inquired all around the country, by many people, as to whether or not the tobacco industry won its fight here in the Capitol. Did they bowl us over? Did they get the Congress to knuckle under? Are they so powerful that, over the will of the American people, the tobacco industry prevailed?

And we say no. There is an amendment that has been offered by the Democratic leader, Senator DASCHLE, that would give us a chance in the Senate to choose between the tobacco industry, the tobacco lobby, their friends, and our Nation's children.

This amendment would put a real dent in a public health catastrophe that has touched nearly every American family. There are few of us who have not heard about the ravages of tobacco on a friend or relative, or seen people we know weakened from respiratory conditions caused by the use of tobacco—smoking, and how it changed the structure of their lives, how they are unable to do the things that they used to do: participate in sports, play actively with their children or their grandchildren—or how they suffered premature death.

Too often, on the Senate floor, we have heard opponents of the tobacco bill parrot the propaganda of the tobacco industry. I would like to take a moment to review the real issues in this debate.

The tobacco industry still lives in a privileged regulatory environment set up by its backers throughout decades. We have now learned something about what they discussed in the privacy of their boardrooms, in the privacy of their records, in the privacy of their marketing schemes, knowing full well that if they manipulated their product, if they introduced more nicotine, if they changed the advertising, that they could capture the market replacements that they needed to maintain their profits and their revenues. They knew if they tweaked their ads in a certain way, they could get young people to pick up smoking. Joe Camel became better known, it was said, than Mickey Mouse.

The reason the industry targets our children and engages in other corporate misbehavior is that, aside from the courts, the industry does not face any real oversight of their actions, despite their devious actions to fool the public. The tobacco amendment that we have before us would put oversight in place. That is the primary reason that the industry's friends killed the bill last month. They killed it because they didn't want to have their market opportunities reduced. They didn't want to let the children, the young people in our society, get by, live normal lives, without their life expectancies being impaired. They didn't want to protect the families and the well-being of our citizens, because it meant cash to these folks. It meant that their market might shrink a little bit, that their stock prices might go down, that their salaries might be decreased. They didn't care about the damage they wrought—not at all. We see it in testimony, some of which was given under oath, which has some questions surrounding it.

This amendment would establish unfettered FDA jurisdiction over tobacco products, so people would know what is there, so people would know that smoking can really do a job on you. I know many people have talked about the importance of FDA jurisdiction, but I want to describe what it really means. It means that the Federal Drug Administration has the capacity to enforce their anti-teen-smoking efforts. It means that they will have clear statutory authority to enact the appropriate constitutional advertising restrictions to protect children.

FDA authority also means that smokers will know what chemicals and additives are put into the cigarettes they smoke. We did some research in my office on this subject and found out there are some 500 ingredients that are in a pack of cigarettes and some of these things are really toxic. We restrict their use in normal functioning in our society because we know how dangerous they are. When our constituents enter their local grocery or drug stores, cigarettes and other tobacco products are the only products meant for human consumption that do not disclose their ingredients. We ask it of food products. We are getting stricter all the time about what you have to worry about with meat and how you have to cook it and treat it. So, too, with vegetables. We see advertisements: ''Organically grown.'' But when it comes to tobacco, they put up, to use the expression, a pretty heavy smokescreen.

Last year I introduced a bill to inform consumers about the ingredients and chemicals in tobacco products. Although we know that most smokers are aware that cigarettes are ''bad for you,'' I don't think the vast majority of smokers, or citizens, realize that there is arsenic and benzene and lead in the smoke they consume. These are things we prohibit. We prohibit the use of lead in paint today. We prohibit the use of benzene in products where it used to be routine. And arsenic—everybody knows that arsenic is a poison. Not only will the FDA require, under this amendment, the tobacco companies to disclose the presence of these chemicals, but it will also make sure the tobacco industry takes appropriate steps to decrease these poisons in their products.

For years, the tobacco companies hid health secrets and secretly manipulated the ads as to the nature of their products. Under strong FDA jurisdiction, the tobacco industry will have to play by the rules. And, like other industries that produce drugs, they are going to be subject to the appropriate oversight to protect the consumers, to protect our citizens. It is long overdue.

One thing we have to remember in the argument with the tobacco companies, the arguments that we have with them, is that this is not just another business, this is a business whose products are going to kill you if you use them, and there is no denying that. This is a business that is designed to make an addict out of you—addicts, over 45 million in America today. If this business was conducted in a less auspicious place than a boardroom of a tobacco company, and if it was a group of individuals who said, ''We have a way to weaken America and here is the plot: We can kill over 400,000 Americans every year, and no one is going to say anything to us. Further, we cannot only encourage people to use the product, but we can start with them when they are children.''

Do you know what? They will be more addicted to this product than many of them are addicted to illegal drugs. If we do this, we can cost America $100 billion in lost productivity and in health care costs; we can attack the American Nation, killing 400,000 people in a year, more than eight times the number that we lost in Vietnam in all the years of that war, a period of time when almost all America went into mourning about the loss of these young lives, these brave people; 58,000 died there—and here we lose 400,000 people a year, more than all of the wars that this country fought in this century. In one year, we kill more Americans with tobacco than those lost in combat in the 20th century.

Mr. President, this amendment is going to require the tobacco products and advertisements to have large, clear warning labels that will send a strong message to kids about the real consequences of smoking. We are not just going to say ''could be dangerous to your health.'' And we are not going to permit it to be in colorful ads to make the young people feel like this is the macho image, this is the cool image that they want to portray. These warning labels will not be hidden in small type on the side of a pack of cigarettes. These labels will be prominently displayed in large type on each side of the pack of cigarettes.

They will contain simple, truthful messages about the dangers of the product: Cigarettes are addictive; cigarettes cause cancer; and smoking can kill you. All true. All to the point. These new warning labels will add a strong dose of truth to the industry's deceitful billboards and other ads. They are not going to continue to see the guy on horseback roping the cattle or the champion swimmer or the champion athlete. No, those are bogus claims. We don't believe those anymore. But the problem is there has

been an impression created in the minds of America that goes back decades, and smoking appeared to be cool. Every movie actor and every movie actress not too many years ago would have a cigarette hanging out of their mouth.

When I was a soldier in the Army and I was in the war zone, they made sure we had in our rations little packs of cigarettes, little sleeves with three or four cigarettes, as I remember, in each of them, free, to make sure you felt good about what you were doing. At the same time, they were creating addictions that we now wrestle with in our veterans population.

What we want to see is the Surgeon General's warning clear and concise, clear and perceptible, instead of the industry lies like ''Alive with Pleasure.'' We have seen that on billboards. It ought to read: ''Dying with pain,'' ''Dying too early,'' ''Unable to compete,'' ''Unable to function,'' ''Unable to take care of your family,'' ''Unable to stay with your children as they grow,'' because tobacco is dragging you down all the way.

This amendment will require a truthful health warning to be printed on 20 percent of the billboard service. See it: ''Cigarettes kill''; ''Dying with pain.'' That is the message that has to be out there, not this deceitful message that says, ''You are going to feel good.''

There was a time, I remember, when they used to say doctors smoke one brand more than any other, because it had the real taste, it was good, it made you feel good.

The tobacco industry and their friends don't want us to deliver this message to the public.

This amendment, Mr. President, contains strong look-back provisions that were improved by an amendment approved overwhelmingly by this body 66 votes to 29. I want to explain this look-back provision.

It says that if you haven't gained the objective—and that is to reduce the number of teenagers who are picking up smoking—you and your company are going to have to pay and pay substantially. It is going to put teeth in our effort to dramatically reduce teen smoking.

The real experts on marketing cigarettes to children are the tobacco companies themselves. So let them work to reduce that number. They have done a masterful job, and now they have to undo it.

Mr. President, we know that the most efficient and effective way to dramatically reduce teen smoking is to raise the price, and this amendment will do that. A variety of factors contribute to a teenager's decision to try that first cigarette or to chew that first bit of spit tobacco. I know, because I smoked for 25 years. I took up smoking when I was a teenager, and I sure reinforced the image when I served 3 years in the U.S. Army.

But we know that once you begin—tobacco companies know—most citizens don't realize that the first cigarette or the 15th or the 20th cigarette that you smoke is the reaction that says you are going to do this for the rest of your life whether you like it or not. How many people have we ever met in our lives—I know I have met, I will say, thousands who said to me, ''Boy, I quit once for 3 months, but then something happened, and I started again.'' Or ''I tried 100 times to stop smoking, and every time I have it licked, I come back to it.''

We know that addiction is the tobacco industry's game. That is what they want to do: Get you addicted, and then the marketing is easy.

Mr. President, another issue I have long been involved with is secondhand smoke. As many of my colleagues know, I, with the help of then-Congressman DURBIN, now Senator DURBIN, authored the legislation that prohibited smoking on airplanes. It is now 11 years ago.

It was the first real dent in the tobacco industry lobbying armor, and it was the first step toward the eventual goal of an overall national standard on secondhand smoke. We know, and I see it all the time when I talk to people, if I tell them that I was the author of the smoking ban in airplanes, boy, they love it —''That is the greatest thing you have done.'' When I am searching for applause, speaking to an audience, I always tell them that and they all applause. These are people who remember how unpleasant it was to be in an airplane filled with tobacco smoke. The result is that secondhand smoke is very dangerous to the health and well-being of people.

A Harvard study said that there are 50,000 fatal heart attacks a year that result from secondhand smoke—fatal heart attacks, secondhand smoke, other people's smoke. This amendment makes serious headway in protecting the public from the dangers of secondhand smoke.

The tobacco industry has spent millions on propaganda and fake science reports to the contrary of the belief that breathing other people's smoke is not merely an inconvenience, it is a deadly poison.

Mr. President, although the disease caused by secondhand smoke often takes years to manifest itself in most adults, that is not the case for young children. Secondhand smoke creates immediate health risks for children. Exposure to smoking increases a child's risk for respiratory illnesses and infections, impaired development of their lungs and middle-ear infections. Further, about half of all the childhood cases of asthma, chronic bronchitis and wheezing are attributable to exposure to secondhand smoke.

It was really ironic when we were writing laws here that would prohibit smoking in places around the country, public buildings, et cetera, schools, places that children inhabit, and yet, smoking was allowed until very recently in the Capitol Buildings, on the Senate side absolutely.

I thought to myself, how can I ask my people to work in an environment where they have to breathe someone else's secondhand smoke and know that I am doing the right thing, when smoking was allowed in the halls in other areas. It used to bother me that a pregnant woman working in my office would have to walk through the halls, and it would be like walking through a smoker's lounge.

I know that she did not want to do it. And I did not want her to have to do it.

So we have a chance, Mr. President, to say to the tobacco industry, ''Listen, lay off our kids. Stop it. We want you to be as concerned about this as the public health community is.'' I hope that my colleagues will support this, the Daschle amendment, to provide our children with a fighting chance against the seductions offered by the tobacco industry.

Its time will come. The game isn't over. What happens when the game is delayed in sports is, there is always a penalty that gets offered. That is the same thing that is going to happen here.

Mr. President, with that, I yield the floor.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands in adjournment until 9:30 a.m. tomorrow.

Thereupon, the Senate, at 7:30 p.m., adjourned until Tuesday, July 14, 1998, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate July 13, 1998:

DEPARTMENT OF STATE

CHRISTOPHER W. S. ROSS, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, FOR THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE AS COORDINATOR FOR COUNTERTERRORISM.

FEDERAL ELECTION COMMISSION

KARL J. SANDSTROM, OF WASHINGTON, TO BE A MEMBER OF THE FEDERAL ELECTION COMMISSION FOR A TERM EXPIRING APRIL 30, 2001, VICE JOHN WARREN MCGARRY, TERM EXPIRED.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. PHILLIP J. FORD, 0000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. RONALD C. MARCOTTE, 0000.

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

LT. GEN. THOMAS A. SCHWARTZ, 0000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624(C):

To be brigadier general, Judge Advocate General's Corps

COL. THOMAS J. ROMIG, 0000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS CHIEF, NATIONAL GUARD BUREAU, AND FOR APPOINTMENT TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 10502:

To be lieutenant general, National Guard Bureau

MAJ. GEN. RUSSELL C. DAVIS, 0000.