

to Washington is not a novice suggestion. It is not radical. It is what happens by normal course. That is what has happened in the past.

But there have been some who have argued that when it comes to the tobacco settlement we should suspend that and say that the moneys recovered by the States against the tobacco companies for Medicaid expenditures should belong entirely to the States and not come back to the Federal Government at all. I have a problem with that inasmuch as I am concerned about how the money will be spent by the States.

Some Senators have come to the floor and said it is really none of our business. The States filed the lawsuit; let them spend the money the way they want. I think that is the wrong way to approach this. The lawsuits were filed because of a public health problem with tobacco. The money that was recovered—at least a portion of it—is Federal in nature. I think it is reasonable for us to say that the money recouped from these tobacco companies should at least be spent for the public health purposes of the lawsuit. That is what the Specter-Harkin, and now Durbin, amendment seeks to achieve.

I am also concerned, because, as part of their settlement, many of the States relinquished their right to file claims in the future against tobacco companies for Medicaid expenditures. In other words, they said they would give up the right of the Federal Government to recover funds under Medicaid against tobacco companies in the future. They have, in fact, surrendered a right of the Federal Government. I think that is noteworthy, because it means that, basically having settled these future claims, we have no opportunity to pursue them if we wanted to. The Federal Government has paid, and will continue to pay, one-half or more of Medicaid costs associated with treating tobacco-caused diseases, even though the States have now waived the Federal Government's right to any further tobacco-related Medicaid recovery. This further underscores the Federal right to have, if not a share of the settlement proceeds, at least a voice in how they are spent.

Let me say that the States routinely follow the requirements of the Medicaid statutes when it comes to money that they collect.

For those who argue that the tobacco suits should be treated somewhat differently, let me give them some evidence to consider.

In March 1996, five States—Florida, Louisiana, Massachusetts, Michigan, and West Virginia—settled a lawsuit with the Liggett tobacco company. In fiscal year 1996 and fiscal year 1997, the total reported to HCFA, the Federal agency, as the Federal share, was \$465,359. This is the precedent for a Federal claim for the tobacco proceeds.

It is important to keep in mind that if we don't recoup this money from the State in some form, we also create a budget problem on our own.

The Congressional Budget Office estimates, for scoring purposes, that we would recover from State tobacco suits \$2.9 billion over 5 years and \$6.8 billion over 10 years. Any legislation that allows the States to keep all the funds is going to require some more on our part to offset this budget priority, this budget assumption.

Having said that, let me try to address my point of view on what I believe the Specter-Harkin amendment will achieve.

It is less important to me who spends the money from the Tobacco companies than how it is spent. It is not as important to me that a Federal agency achieve the results so much as the results are achieved. And the results I am seeking are several.

First, it reduces the number of young people who are taking up tobacco and becoming addicted to it. Ultimately, one out of three die. If we can bring that percentage down by innovative, creative, and forceful State programs, that is all the better as far as I am concerned.

But I worry about suggestions in the underlying Hutchison amendment that we not be specific in terms of what we ask of the States. I am happy to see that the amendment that has been proposed by Senators SPECTER and HARKIN will try to address this by putting 20 percent of the proceeds into tobacco control to reduce the number of young people who are addicted to the product. I think that is sensible.

Second, I think it is reasonable to ask that a portion of the money recovered go toward public health purposes, particularly children's health programs. And it is my understanding that the Specter-Harkin amendment does that. It says that another 30 percent will go for those purposes.

This is consistent with the National Governors' Association, which I already identified, as their priorities at their 1999 winter meeting for the tobacco settlement money. Let me quote from the statement that they released:

The Nation's Governors are committed to spending a significant portion of the settlement funds on smoking cessation programs, health care education and programs benefiting children.

The Specter-Harkin-Durbin amendment seeks to follow the recommendations of the National Governors' Association—to say the Federal Government will not claim a share of these proceeds so long as they are spent for this purpose, and then to make certain that we are doing something with the money that is consistent with the goals of the initial litigation.

It would be troubling to me, and to many others who have been involved in this battle for a long time, if the net

result of the tobacco lawsuits by the States should result in a windfall to the State treasuries and are spent on other things that really forget these important elements, important priorities of smoking cessation, as well as children's health care.

So I will be supporting the amendment being offered by Senators SPECTER and HARKIN.

I can tell you that when the American people were asked through a poll conducted by the American Heart Association last November, that 74 percent of the voters supported at least half of the Medicaid dollars to go to tobacco addiction treatment and to efforts to educate teens about the dangers of tobacco.

I am hoping that Members on both sides of the aisle will join us in this bipartisan amendment to the supplemental appropriations bill.

At this point, I yield my time on this issue.

#### MORNING BUSINESS

Mr. BROWBACK. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

I believe the Senator from Illinois has a resolution and a discussion that he wants to put forward about St. Patrick, of all things, if you can imagine that. Of course, that is a very worthy cause.

I yield the floor.

Mr. DURBIN. Mr. President, I thank the Senator from Kansas.

#### THE GOOD FRIDAY PEACE AGREEMENT

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 64, introduced earlier today by myself.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

A resolution (S. Res. 64) recognizing the historic significance of the first anniversary of the Good Friday Peace Agreement.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. DURBIN. Mr. President, as the Senator from Kansas has noted—and, Mr. President, your tie notes—today is St. Patrick's Day, and it is a fitting time to remember not only the Irish heritage, which so many Americans—over 40 million—claim, but also as equally important is the significant progress that has been made in this island nation over the last several months to finally bring peace. Tributes, of course, could be given to so many different people.

Today, we were meeting with Taoiseach Bertie Ahern, as well as

President Clinton, and the leaders from Northern Ireland, as well as the Republic of Ireland, celebrating their courage and the fact that they have received the Nobel Peace Prize for their endeavors, and really making certain that we double our resolve so that peace can come to that land.

The Good Friday Peace Agreement that was entered into and initiated about a year ago outlined the political settlement to three decades of political and sectarian violence in Northern Ireland. It also reminds us, too, that there is a lot of hard work to be done to complete this agreement.

Over the last 30 years, more than 3,200 people have died in Northern Ireland and thousands more were injured. In 1997, the British and Irish Governments sponsored peace talks, chaired by our former colleague, Senator George Mitchell, and attended by eight political parties.

Senator Mitchell will be receiving an award this evening at the White House from the President and representatives of Ireland for his amazing role in bringing about this peace process. It is a much-deserved accolade.

An agreement was reached on April 10, 1998, that includes the formation of a Northern Ireland Assembly, a North/South Ministerial Council, and a British-Irish Council. The agreement also contains provisions on human rights, decommissioning of weapons, policing, and prisoners. Voters in both Northern Ireland and the Republic of Ireland approved the agreement on May 22. Elections to the new assembly were held on June 25. Enabling legislation has been passed by the Irish and British Parliaments, the necessary international agreements have been signed, and many prisoners have been released.

However, some contentious issues still remain before the agreement is implemented. In addition to former Senator George Mitchell, the Clinton administration and many Members of Congress and Senators have played a positive role in the peace process. Again, the parties have turned to the United States for leadership and mediation. Many party leaders from Northern Ireland will be at the White House this evening. Let me also say I attended last night a special tribute to one of our colleagues, Senator TED KENNEDY. The American-Ireland Fund presented him with their Man of the Year Award for his extraordinary contribution toward this peace process throughout his career in the U.S. Senate.

This resolution which we are considering today is cosponsored by 34 of my colleagues. It recognizes the historic first anniversary of the Good Friday peace agreement, encourages the parties to move forward to implement it, and congratulates the people of the Republic of Ireland and Northern Ireland for their courageous commitment to

work together for peace. I appreciate my colleagues' support of this resolution, and I hope it will add another constructive measure of support for the meetings going on at the White House today.

I am glad the Senate, when it enacts this resolution, will be on record this year to not only celebrate the legacy of Ireland and the legacy of St. Patrick, but to look to the future of that great country, a future in peace, a future as one people.

Mr. KENNEDY. Mr. President, I strongly support this timely resolution and its tribute to the courage and vision of the political leaders of Northern Ireland who have given that land an extraordinary opportunity for peace.

By signing the historic Good Friday Peace Agreement last April, leaders such as John Hume, David Trimble, Gerry Adams, and others launched a new era of peace and reconciliation for all the people of Northern Ireland. And I commend as well the indispensable contributions to the peace process by President Clinton, our former Senate colleague George Mitchell, Prime Minister Bertie Ahern of Ireland and Prime Minister Tony Blair of Great Britain.

The goal of the peace process is to end thirty years of violence and bloodshed in Northern Ireland, reduce divisions between Unionists and Nationalists, and build new bridges of opportunity between the two communities. Through this process, they have committed themselves to finding the needle of peace in the haystack of violence—and they are finding it. When those of lesser vision urged a lesser course, the leaders in Northern Ireland acted boldly. They tirelessly dedicated themselves to the pursuit of peace, and they made difficult political choices to bring their noble vision of a peace agreement to reality.

As we all know, there are still miles to go before the victory of lasting peace is finally won. But because of what they accomplished, there is better hope for the future. They have made an enormous difference, perhaps all the difference, for peace. Their achievement in the Good Friday Peace Agreement has changed the course of history for all the people in Northern Ireland.

The task now facing all of us who care about this process is to build greater momentum for full implementation of the Agreement. There has been welcome recent progress. Last month, the Northern Ireland Assembly approved the designation of the Northern Ireland Departments and the group of cross-border bodies. Last week, Britain and Ireland signed historic treaties for closer ties. Prisoners have been released. The British have reduced their troop levels to the lowest point in twenty years. We are also heartened by the establishment of the Human Rights Commissions.

Full implementation of the Agreement offers the best way forward and the best yardstick to judge the policies and actions of all involved. The goal of peace is best served by prompt action on the Agreement. Those who take risks for peace can be assured of timely support by President Clinton, Congress, and the American people.

Mr. DURBIN. Mr. President, at this point I ask unanimous consent the resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

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

The resolution (S. Res. 64) was agreed to.

The preamble was agreed to. The resolution, with its preamble, reads as follows:

S. RES. 64

Whereas Ireland has a long and tragic history of civil conflict that has left a deep and profound legacy of suffering;

Whereas since 1969 more than 3,200 people have died and thousands more have been injured as a result of political violence in Northern Ireland;

Whereas a series of efforts by the Governments of the Republic of Ireland and the United Kingdom to facilitate peace and an announced cessation of hostilities created an historic opportunity for a negotiated peace;

Whereas in June 1996, for the first time since the partition of Ireland in 1922, representatives elected from political parties in Northern Ireland pledged to adhere to the principles of nonviolence and commenced talks regarding the future of Northern Ireland;

Whereas the talks greatly intensified in the spring of 1998 under the chairmanship of former United States Senator George Mitchell;

Whereas the active participation of British Prime Minister Tony Blair and Irish Taoiseach Bertie Ahern was critical to the success of the talks;

Whereas on Good Friday, April 10, 1998, the parties to the negotiations each made honorable compromises to conclude a peace agreement for Northern Ireland, which has become known as the Good Friday Peace Agreement;

Whereas on Friday, May 22, 1998, an overwhelming majority of voters in both Northern Ireland and the Republic of Ireland approved by referendum the Good Friday Peace Agreement;

Whereas the United States must remain involved politically and economically to ensure the long-term success of the Good Friday Peace Agreement; and

Whereas April 10, 1999, marks the first anniversary of the Good Friday Peace Agreement: Now, therefore, be it

*Resolved*, That the Senate—  
(1) recognizes the historic significance of the first anniversary of the Good Friday Peace Agreement;

(2) salutes British Prime Minister Tony Blair and Irish Taoiseach Bertie Ahern and the elected representatives of the political parties in Northern Ireland for creating the opportunity for a negotiated peace;

(3) commends former Senator George Mitchell for his leadership on behalf of the United States in guiding the parties toward peace;

(4) congratulates the people of the Republic of Ireland and Northern Ireland for their courageous commitment to work together in peace;

(5) reaffirms the bonds of friendship and cooperation that exist between the United States and the Governments of the Republic of Ireland and the United Kingdom, which ensure that the United States and those Governments will continue as partners in peace; and

(6) encourages all parties to move forward to implement the Good Friday Peace Agreement.

Mr. BROWBACK. Mr. President, I have a series of items I need to go through and a discussion I want to have, but I understand the Senator from Michigan has some comments to make, so I yield the floor to the Senator from Michigan.

#### TOBACCO RECOUPMENT

Mr. ABRAHAM. Mr. President, I thank the Senator from Kansas. I wanted to just briefly speak in relationship to the Harkin-Specter amendment with regard to the tobacco recoupment issue and the issue of exactly what should happen to the funds that the States are now entitled to receive as a result of the legal settlement that was achieved between 46 States and the tobacco companies.

Mr. President, this, to me, should be a pretty clear-cut result. The States entered into this litigation. They did all the work. They made the case persuasively. They were finally able to prevail on the merits, in terms of convincing the other side to engage in a settlement. So, for those reasons, it does not seem to me to be particularly difficult to conclude that the benefits, the proceeds, the settlement moneys ought to go to the States. I believe, since the States did this on their own and since the States are certainly quite knowledgeable about the needs of their constituents, that we should allow them not only to be the recipients of those funds but we should give them the discretion to make the decisions that are necessary as to what priorities to set in spending those dollars.

Let me just begin briefly with the basic case itself. The States joined together. The Federal Government did not play a role in the technical sense, or as a party to the proceedings. Indeed, in his State of the Union Address the President even indicated he was directing the Department of Justice and the Attorney General to bring a separate litigation on behalf of the people of the United States against the tobacco companies. Presumably, one would not bring that case if one did not think that the States' decisions were separate from any kind of Federal component.

Once the States won, of course, money became available. Unfortunately, at that point the Federal Government, through the Health Care Fi-

nance Administration, is attempting to intercede in the President's budget to a very substantial degree, trying to wrest control of a substantial portion of those dollars. As I recall, roughly 60 percent of the first 5 years' revenues to the States which, under the President's budget, would, instead, be diverted to Washington. The basis for their claim is, in my judgment, a weak one, predicated on the argument that Medicaid overpayments are to be returned to the States. This is not a Medicaid overpayment from the Federal Government. This is a settlement between the States and these tobacco companies, a settlement fairly reached and a settlement based on the States' belief that their citizens had been in some ways the victims of the illnesses relating to tobacco.

That said, we have now moved to a slightly different stage. In the content of this supplemental appropriation bill is language which would make it absolutely and explicitly clear that the States will receive these dollars. Now, we have before us an amendment that says: OK, if the States are going to get the money they still have to spend it on the priorities set by bureaucrats in Washington. Indeed, it is my understanding that the proposed amendment would essentially place the Secretary of Health and Human Services in a position to determine what programs qualify for, and whether States are in compliance with, these Federal mandates for 25 years. Basically, what this amendment says is approximately 50 percent, 50 percent of the settlement moneys have to be spent the way Washington dictates, and that the Secretary of Health and Human Services will decide not only what that dictation means but whether the States have done it. The States will be required to engage in extensive recordkeeping and an annual process of appealing for approval, the same kind of bureaucratic redtape that costs money and complicates, in my judgment, far too many things we do already.

If the Secretary of Health and Human Services, and it's not just this Secretary but any Secretary over the next quarter of a century, doesn't agree with the States, they can then veto, in effect, the States' expenditures costing the States as much as approximately \$123 billion during that time.

The bottom line is, I think, a fairly simple one. Who knows best what the needs of the States are, the States themselves or bureaucrats in the Department of Health and Human Services? I believe the States do. I think we can trust the States to make the right decisions as to how to spend the moneys derived from the tobacco settlements. That is assuming, of course, that we have any right to tell them in the first place. I do not even acknowledge that. But assuming there even was a right of the Federal Government

in some respect, I just cannot imagine why anybody here in Washington is going to do a better job than people at the State level in making these judgments.

The priorities that have been set which relate to such things as counteradvertising or youth awareness or public health priorities, are priorities virtually every State has already set for themselves. Many of the States, including I believe my own, have done great things along the way to try to discourage smoking by young people and to address public health needs. If they have done that well, the notion that they now have to spend new moneys recouped through this settlement on these programs at least in my judgment would be a grievous error.

So it comes back to something we talk about a lot around here: Who should set priorities and who knows best? In my view, the people at the local and State level, on issues and problems like this, do know best. They ought to make the decisions as to how the money, which was rightfully won by them in these lawsuits, ought to be spent. And we in Washington ought to be happy that there is going to be an abundance of resources going to the States to address the top priorities of those States.

The notion that we have to dictate how 50 percent or even 30 percent or 10 percent of these dollars have to be spent, I think both, A, incorrectly presumes that somehow we had a stake in the lawsuit and, B, that, somehow we know better. I believe it has been proven time after time that we do not know better, particularly in these types of matters which obviously have peculiarities that differ from State to State.

So, for those reasons I rise in opposition to the amendment. I look forward to working with the Senator from Texas and with a variety of other Senators who have been working together as cosponsors of the legislation that is included in the supplemental appropriation bill, to make sure that first and foremost the States get access to all the money won in the settlements and that, second, the States have the right to make the decisions as to how to spend those dollars.

So, Mr. President, I hope we will be successful in preventing agreement to this amendment. I look forward to working on this until it is completed.

I yield the floor.

#### REPORT OF THE CONGRESSIONAL COMMISSION ON MILITARY TRAINING AND GENDER-RELATED ISSUES

Mr. BROWBACK. Mr. President, I want to make note of a report that came out today that is one, I think, we are going to be seeing and hearing